



Goods Vehicles (Licensing of Operators) Act 1995

1995 CHAPTER 23

Applications for licences

12 Objections to, and representations against, issue of operators' licences

- (1) Any of the persons mentioned in subsection (2) may make an objection to the grant of an application for an operator's licence on the ground—
 - (a) that any of the requirements of section 13 are not satisfied in the case of the application; or
 - (b) that any place in the traffic commissioner's area which, if the licence is issued, will be an operating centre of the holder of the licence will be unsuitable on environmental grounds for use as such.
- (2) The persons who may make such an objection are—
 - (a) a prescribed trade union or association;
 - (b) a chief officer of police;
 - (c) a local authority; and
 - (d) a planning authority.
- (3) The trade unions and associations which may be prescribed for the purposes of subsection (2)(a) are trade unions or associations whose membership consists of or includes—
 - (a) persons holding operators' licences, or
 - (b) employees of any such persons.
- (4) Where an application for an operator's licence is made, any person who is the owner or occupier of land in the vicinity of any place in the traffic commissioner's area which, if the licence is issued, will be an operating centre of the holder of the licence may make representations against the grant of the application on the ground that that place will be unsuitable on environmental grounds for use as such.

Status: This is the original version (as it was originally enacted).

- (5) A person may not make representations under subsection (4) unless any adverse effects on environmental conditions arising from the use of the place in question as an operating centre of the holder of the licence would be capable of prejudicially affecting the use or enjoyment of the land mentioned in that subsection.
- (6) Any objection under subsection (1)(a) shall be made—
- (a) within the prescribed time; and
 - (b) in the prescribed manner.
- (7) Any objection under subsection (1)(b) or representations under subsection (4) shall be made—
- (a) within the prescribed time after the making of the application to which they relate; and
 - (b) in the prescribed manner.
- (8) Where the traffic commissioner considers there to be exceptional circumstances that justify his doing so, he may direct that an objection or representations be treated for the purposes of this Act as duly made under this section, notwithstanding that the objection was not, or the representations were not, made within the prescribed time or in the prescribed manner.
- (9) Any objection under subsection (1) shall contain—
- (a) in the case of an objection under paragraph (a), particulars of the ground on which it is made, and
 - (b) in the case of an objection under paragraph (b), particulars of any matters alleged by the person making the objection to be relevant to the issue to which it relates.
- (10) Any representations under subsection (4) shall contain particulars of any matters alleged by the person making the representations to be relevant to the issue to which they relate.
- (11) In subsection (1) the reference to “the requirements of section 13” is a reference—
- (a) in the case of an application for a standard licence, to the requirements of subsections (3), (5) and (6) of that section; and
 - (b) in the case of an application for a restricted licence, to the requirements of subsections (4), (5) and (6) of that section.
- (12) In this section—
- “local authority” means—
- (a) as respects England, the council of a county, district or London borough and the Common Council of the City of London;
 - (b) as respects Wales, the council of a county or county borough; and
 - (c) as respects Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
- “planning authority” means any body other than a local authority which by virtue of any statutory provision for the time being in force is—
- (a) in England and Wales, the local planning authority for any area for the purpose of determining applications for planning permission under Part III of the Town and Country Planning Act 1990 (general planning control); and

(b) in Scotland, the planning authority for any area for the purpose of determining applications for planning permission under Part III of the Town and Country Planning (Scotland) Act 1972 (general planning control); and

“trade union” has the same meaning as in the Trade Union and Labour Relations (Consolidation) Act 1992;

and, in relation to any application for an operator’s licence, references to the traffic commissioner are references to the traffic commissioner to whom the application has been made.