



# Road Traffic Act 1960

## 1960 CHAPTER 16

### PART IV

#### REGULATION OF CARRIAGE OF GOODS BY ROAD

##### *Variation, Revocation, Suspension and Curtailment of Carriers' Licences*

#### **176 Variation of carrier's licence at instance of holder**

- (1) On the application of the holder of a carrier's licence, the licensing authority by whom the licence was granted may at any time while it is in force vary the licence by directing—
  - (a) that additional vehicles be specified therein, or
  - (b) that vehicles specified therein be removed therefrom, or
  - (c) that the maximum number of motor vehicles or of trailers specified therein under paragraph (b) or paragraph (c) of subsection (1) of section one hundred and sixty-seven of this Act be increased or reduced, or
  - (d) in the case of an application by the holder of a B licence, that any condition attached to the licence under subsection (2) of section one hundred and sixty-eight of this Act be cancelled or varied.
- (2) The following provisions of this Act, namely, subsection (2) of section one hundred and sixty-eight, section one hundred and seventy-two and section one hundred and seventy-four shall, so far as applicable and with any necessary modifications, apply to an application under this section for the variation of a carrier's licence of any class as they apply to an application for the grant of a licence of that class, subject, however, in the case of the said section one hundred and seventy-four, to the restriction that the licensing authority shall be bound to grant an application for a variation consisting only of—
  - (a) the removal of a specified vehicle from the licence; or
  - (b) a reduction in the maximum number of motor vehicles or of trailers specified in the licence in pursuance of paragraphs (b) and (c) respectively of subsection (1) of section one hundred and sixty-seven of this Act; or

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- (c) the specification in the licence in substitution for a specified vehicle of a vehicle of the same or of a less weight unladen.
- (3) In the case of an application under this section for—
- (a) the variation of an A licence or a B licence by a direction—
    - (i) that additional vehicles shall be specified therein ; or
    - (ii) that the maximum number of motor vehicles or of trailers specified therein in pursuance of paragraphs (b) and (c) respectively of subsection (1) of section one hundred and sixty-seven of this Act shall be increased; or
  - (b) the variation of a B licence by a direction that the district specified in the licence within which, or the places so specified between which, the vehicles can be used for the carriage of goods for hire or reward shall be varied or extended;

the licensing authority (unless satisfied that the application is of so trivial a nature that it is not necessary that an opportunity should be given for objection to it) shall publish, in the manner prescribed for the publication of notices of applications to which section one hundred and seventy-three of this Act applies, notice of the application specifying the time within which, and the manner in which, objections may be made to the grant of the application, and where notice of the application is published in pursuance of this subsection, subsections (3) to (6) of that section shall apply to the application as they apply to an application under that section for the grant of a licence of the same class as that to which the application relates.

- (4) A person who—
- (a) being an applicant for the variation of a carrier's licence, is aggrieved by the decision of the licensing authority on the application or, in the case of a B licence, by a condition attached to the licence by the licensing authority, or
  - (b) having duly made an objection to an application for the variation of a carrier's licence, being an objection which the licensing authority is bound to take into consideration, is aggrieved by the decision of the licensing authority thereon,
- may appeal to the Transport Tribunal; and on an appeal under this subsection the Transport Tribunal shall have power to make such order as it thinks fit, and its decision shall be binding on the licensing authority.
- (5) Where a condition attached to a carrier's licence is varied under this section by a licensing authority, the variation shall not have effect until the expiration of the time within which an appeal may be made to the Transport Tribunal against the variation nor, if such an appeal is made, until the appeal has been disposed of.

## **177 Variation of carrier's licence in other cases**

- (1) Where it comes to the knowledge of the licensing authority by whom a carrier's licence was granted that a vehicle specified therein has ceased to be used under the licence for any reason other than a fluctuation in business, or is specified in another carrier's licence, he may vary the licence by directing that the vehicle be removed therefrom.
- (2) Where the licensing authority by whom a C licence was granted receives a notice under subsection (2) of section one hundred and sixty-seven of this Act to the effect that the holder of the licence has acquired, or come into possession of, a vehicle as mentioned in that subsection, he shall vary the licence by directing that the vehicle be specified therein.

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## **178 Revocation, suspension and curtailment of carriers' licences**

- (1) Subject to the provisions of this section, the licensing authority by whom a carrier's licence was granted may direct that it be revoked, suspended or curtailed on any one or more of the following grounds, that is to say—
  - (a) that any of the conditions of the licence have not been complied with;
  - (b) that in relation to the licence there has been any such conviction or prohibition as is mentioned in the Fourteenth Schedule to this Act;
  - (c) that the holder of the licence has, since the licence was granted, been convicted of an offence under section seven of the Road Haulage Wages Act, 1938 (which makes failure to pay the statutory remuneration under that Act an offence);
  - (d) in the case of an A licence or a B licence, that the holder of the licence made or procured to be made for the purposes of his application for the licence, or for the purposes of an application for any such variation thereof as is mentioned in subsection (3) of section one hundred and seventy-six of this Act a statement of fact which (whether to his knowledge or not) was false, or a statement of intention or expectation which has not been fulfilled;
  - (e) in the case of an A licence or a B licence, that the holder of the licence has been persistently charging, for services which consist of or include the carriage of goods by road in any of the authorised vehicles, sums insufficient to meet the cost of rendering those services, and has thereby placed other holders of carriers' licences at an undue or unfair disadvantage in competing with him as respects the carriage of goods by road.
- (2) The licensing authority shall not give a direction under this section without first holding a public inquiry if the holder of the licence requests him to hold such an inquiry.
- (3) The licensing authority shall not give a direction under this section on a ground such as is referred to in paragraph (a) or paragraph (c) of subsection (1) thereof unless he is satisfied that owing to the frequency of the breach of conditions of the licence, or to the breach in question having been committed wilfully, or, as the case may be, that owing to the frequency with which the offence was committed or to the offence in question having been committed wilfully, such a direction should be given.
- (4) The licensing authority shall not give a direction under this section on a ground such as is referred to in paragraph (b) of subsection (1) thereof unless he is satisfied that owing to the frequency of such convictions or prohibitions as are referred to in that paragraph, or the wilfulness of the act or omission leading to the conviction or prohibition in question, or the danger to the public involved in that act or omission, such a direction should be given.
- (5) In a case in which the licensing authority gives a direction under this section with respect to a licence he shall, if so requested by the holder of the licence, state in writing the grounds on which the direction is given.
- (6) A person who, being the holder of a carrier's licence, is aggrieved by a direction given under this section in respect thereof, may appeal to the Transport Tribunal; and on an appeal under this subsection the Transport Tribunal shall have power to make such order as it thinks fit, and its decision shall be binding on the licensing authority.
- (7) References in this Part of this Act to the curtailment of a licence are references—

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- (a) to the removal from the licence of any one or more of the vehicles specified therein, or
- (b) to the reduction of the maximum number of motor vehicles or of trailers specified therein in pursuance of paragraphs (b) and (c) respectively of subsection (1) of section one hundred and sixty-seven of this Act.