

SCHEDULE 1

AMENDMENTS TO THE ROAD TRAFFIC ACT 1988

25.—(1) Section 116 (revocation or suspension of licences etc.) shall be amended as follows.

(2) For subsection (1) there shall be substituted—

“(1) Any question arising—

- (a) under section 115(1)(b) of this Act as to whether a person is or is not, by reason of his conduct, fit to hold a large goods vehicle or passenger-carrying vehicle driver’s licence, as the case may be, or
- (b) under section 115A(1)(b) of this Act as to whether the holder of a LGV Community licence or PCV Community licence is or is not, by reason of his conduct, fit to be authorised by virtue of section 99A(1) of this Act to drive in Great Britain a large goods vehicle or passenger-carrying vehicle (as the case may be),

may be referred by the Secretary of State to the traffic commissioner for the area in which the holder of the licence resides.”

(3) In subsection (2), for “subsection (1)” there shall be substituted “subsection (1)(a)”.

(4) After that subsection there shall be inserted—

“(2A) Where, on any reference under subsection (1)(b) above, the traffic commissioner determines that a Community licence holder is not fit to be authorised by virtue of section 99A(1) of this Act to drive in Great Britain a large goods vehicle or passenger-carrying vehicle (as the case may be), he shall also determine whether the Community licence holder—

- (a) should be disqualified under section 117A(2)(a) of this Act (and, if so, for what period) or under section 117A(2)(b) of this Act, or
- (b) should be granted, free of charge, a large goods vehicle or passenger-carrying vehicle driver’s licence (and, if so, from what date it shall take effect).”

(5) In subsection (4), for the words from “the Secretary of State may” onwards there shall be substituted—

“(a) in a case where the licence in question is a LGV Community licence or a PCV Community licence, the holder shall cease to be authorised by virtue of section 99A(1) of this Act to drive in Great Britain a large goods or passenger-carrying vehicle (as the case may be) from such date as is specified in a notice served on the holder by the Secretary of State; and

(b) in any other case, revoke the licence or suspend it for such period as he thinks fit.”