

SCHEDULE 1

Article 3

Amendments extending to England and Wales and Scotland – Primary Legislation

The Transport Act 1968(1)

| <i>Provision</i> | <i>Amendment</i> |
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| section 96(2) (permitted driving time and periods of duty), | In subsection (10)(b), for “the traffic commissioner for any area”, substitute “a traffic commissioner”. |
| section 98(3) (written records), | In subsection (3), for “the traffic commissioner for any area”, substitute “a traffic commissioner”. |
| section 99(4) (inspection of records and other documents), | In subsection (8), for “the traffic commissioner for any area”, substitute “a traffic commissioner”. |
| section 103(5) (interpretation, supplementary provisions, etc. for Part VI). | In subsection (5), for “The traffic commissioner for any area”, substitute “A traffic commissioner”. |

The Public Passenger Vehicles Act 1981(6)

| <i>Provision</i> | <i>Amendment</i> |
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| section 3(7) (traffic areas), | For subsection (3), substitute— <p>“(3) An order under this section for varying the number or limits of traffic areas may contain such consequential and incidental provisions as appear to the Secretary of State to be necessary or expedient in consequence of the variations of areas to be affected by the order, including provisions—</p> <p>(a) as to the effect of licences previously issued, and consents previously given, by a traffic commissioner;</p> <p>(b) as to the effect of applications for licences or consents previously made to a traffic commissioner;</p> <p>(c) as to the continuance of appeals pending against decisions of a traffic commissioner; and</p> <p>(d) as to the recovery of any sums due to a traffic commissioner,</p> |

- (1) **1968 c.73.**
- (2) Section 96(10) was amended by the Transport Act 1985 (c.67), section 3 and Schedule 2, Part 2. There are other amendments to section 96 which are not relevant to this Order.
- (3) Section 98(3) was amended by the Transport Act 1985, section 3 and Schedule 2, Part 2. There are other amendments to section 98 which are not relevant to this Order.
- (4) Section 99(8) was amended by the Transport Act 1985, section 3 and Schedule 2, Part 2; the Road Traffic Act 1991 (c.40), section 48 and Schedule 4, paragraph 2 and S.I. 2005/1904, regulation 5(1) and (5)(a) and (b). There are other amendments to section 99 which are not relevant to this Order.
- (5) Section 103(5) was amended by the Transport Act 1985, section 3 and Schedule 2, Part 2 and S.I. 1986/1458, regulation 3. There are other amendments to section 103 which are not relevant to this Order.
- (6) **1981 c.14.**
- (7) Section 3 was amended by the Local Transport Act 2008 (c.26), section 1 and the Transport Act 1985 (c.67), section 3(5) and Schedule 2, Part 2, paragraph 4(1) and (2).

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| <i>Provision</i> | <i>Amendment</i> |
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| | in relation to any traffic area abolished or changed.” |
| section 5(8) (publication of information by traffic commissioners), | In subsection (2), for the words from “Where the” to “Transport for London;”, substitute— “(2) Where a traffic commissioner publishes information under this section he shall— (a) send a copy of the publication— (i) to every chief officer of police, Passenger Transport Executive and local authority whose area the traffic commissioner considers may be affected by the information; and (ii) if the traffic commissioner considers that the information may affect Greater London, to Transport for London;”. |
| section 12(9) (PSV operators’ licences), | For subsections (2) and (3), substitute— “(2) The authority having power to grant a PSV operator’s licence is a traffic commissioner. (3) A person may hold two or more PSV operator’s licences but shall not at the same time hold more than one such licence in relation to the same traffic area. (3A) Subject to the provisions of this Part of this Act, a PSV operator’s licence authorises the holder to use anywhere in Great Britain a vehicle which has as its operating centre an operating centre specified in the licence.” In subsection (4)— (a) for “the traffic commissioner” substitute “a traffic commissioner”; and (b) for “the commissioner such information as he” substitute “the traffic commissioner dealing with the application such information as he or another traffic commissioner”. |
| section 14A(10) (objections to application for PSV operator’s licence), | In subsection (2A), for “the traffic commissioner”, substitute “a traffic commissioner”. |
| section 15(11) (duration of licences), | In subsection (3), for the words from “requests” to “shall,” substitute “requests a traffic commissioner to terminate it at any time, he or another traffic commissioner must,”. |

- (8) Section 5 was substituted by the Transport Act 1985, section 3(2) and amended by [S.I. 2003/1615](#), article 2 and Schedule 1, Part 1, paragraph 8. There are other amendments to section 5 which are not relevant to this Order.
- (9) Section 12(3) was amended by the Transport Act 1985 ([c.67](#)), section 3 and Schedule 2, Part 2. There are other amendments to section 12 which are not relevant to this Order. Subsection (3) is also modified in its application to persons in partnership by the Operation of Public Service Vehicles (Partnership) Regulations 1986, [S.I. 1986/1628](#), regulation 5(1) and the Schedule, Part 1 (see the relevant entry in Schedule 2 to this Order). The Public Passenger Vehicles Act 1981 ([c.14](#)) has effect, in relation to a vehicle being used for the purposes of UK cabotage transport operations, as if section 12 was omitted, by virtue of the Public Service Vehicles (Community Licences) Regulations 2011, [S.I. 2011/2634](#), regulation 18.
- (10) Section 14A was inserted by the Transport Act 1985, section 25. Subsection (2A) was inserted by the Deregulation and Contracting Out Act 1994 ([c.40](#)), section 60. There are other amendments which are not relevant to this Order.
- (11) Section 15 was amended by the Deregulation and Contracting Out Act 1994, section 61.

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| <i>Provision</i> | <i>Amendment</i> |
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| | In subsection (4), for the words from “The traffic commissioner” to “he”, substitute “A traffic commissioner may refuse to comply with such a request if he or another traffic commissioner”. |
| section 16(12) (conditions attached to licences), | <p>In subsection (1), for “area of that commissioner”, substitute “traffic area to which that licence relates”.</p> <p>In subsection (3), for the words from “A traffic commissioner” to “granted by him”, substitute “A traffic commissioner may attach to a PSV operator’s licence (whether at the time when the licence is granted or at any later time)”.</p> <p>In subsection (5), for the words from “The traffic commissioner” to “in force”, substitute “At any time while a PSV operator’s licence is in force, a traffic commissioner may”.</p> <p>In subsection (6)—</p> <p>(a) for “the traffic commissioner by whom the licence was granted”, substitute “a traffic commissioner”; and</p> <p>(b) in the words following paragraph (c), for the words from “the traffic commissioner” to “duties”, substitute “the traffic commissioner dealing with the application such information as he or another traffic commissioner may reasonably require for the discharge of duties of a traffic commissioner”.</p> <p>In subsections (6A) and (6B), for “the traffic commissioner”, substitute “a traffic commissioner”.</p> <p>In subsection (8), for “the traffic commissioner by whom the licence was granted”, substitute “a traffic commissioner”.</p> <p>In subsection (9)—</p> <p>(a) for “by the traffic commissioner for any area” substitute “in relation to a traffic area”; and</p> <p>(b) for paragraph (a) substitute—</p> <p style="padding-left: 40px;">“(a) under a PSV operator’s licence granted to the holder of that licence in relation to any other traffic area.”</p> |
| section 16A(13) (conditions as to matters required to be notified), | In subsection (1)(a) and (b), for “the commissioner”, substitute “a traffic commissioner”. |
| section 17(14) (revocation, suspension etc. of licences), | <p>In subsection (1), for the words from “The traffic” to “revoke the”, substitute “A traffic commissioner must revoke a standard”.</p> <p>In subsection (2)—</p> |

(12) Section 16 was amended by the Transport Act 1985, sections 3, 24(1) and 139(2) and (3) and Schedule 2, Part 2, paragraph 4(7) (a), (b), (c), (d), (e) and (f), Schedule 7, paragraph 21(4) and Schedule 8. Subsection (6) was also amended by the Deregulation and Contracting Out Act 1994, sections 59(4), 68 and 81 and Schedule 14, paragraph 4 and Schedule 17. Subsections (6A) and (6B) were inserted by section 59(5) of that Act. There are other amendments which are not relevant to this Order.

(13) Section 16A was inserted by S.I. 1999/2431, regulation 5 and was amended by S.I. 2011/2632, regulation 7(1) and Schedule 1, paragraph 5.

(14) Section 17 was amended by the Transport Act 1985 (c.67), sections 3 and 139(2) and Schedule 2, part 2, paragraph 4(8)(a), (b), (c) and (d) and Schedule 7, paragraph 21(5) and (6), by the Deregulation and Contracting Out Act 1994 (c.40), sections 59(6), 62(2) and (3), 68 and 81, Schedule 14, paragraph 5(1) and (2) and Schedule 17 and by S.I. 2011/1632, regulation 7(1) and Schedule 1, paragraph 6. Subsection (1) is also modified in its application to persons in partnership by S.I. 1986/1628, regulation 5(1) and the Schedule, Part 1 (see the relevant entry in Schedule 2 to this Order).

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| <i>Provision</i> | <i>Amendment</i> |
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| | <p>(a) for the words from “the traffic commissioner” to “was granted”, substitute “a traffic commissioner”;</p> <p>(b) in paragraph (a), for “the licence”, substitute “a PSV operator’s licence”;</p> <p>(c) in paragraph (b), for “the licence”, substitute “such a licence”; and</p> <p>(d) in paragraph (d), for “the licence” in both places where those words occur, substitute “such a licence”.</p> <p>In subsection (4), for “him to do so”, substitute “that an inquiry be held”.</p> <p>In subsection (5B), for the words from “A traffic commissioner” to “this section”, substitute “Where a licence is suspended under this section, a traffic commissioner”.</p> |
| section 18(15) (duty to exhibit operator’s disc), | In subsections (2B) and (2C), for “the traffic commissioner by whom the licence was granted”, substitute “a traffic commissioner”. |
| section 19(16) (duty to inform traffic commissioners of relevant convictions etc.), | <p>In subsection (1), for “to whom the application was made”, substitute “dealing with the application”.</p> <p>In subsections (2) and (3), for “the traffic commissioner by whom the licence was granted”, substitute “a traffic commissioner”.</p> <p>For subsection (4), substitute—</p> <p>“(4) On granting or varying a PSV operator’s licence, or at any time after the grant or variation of such a licence, a traffic commissioner may require the holder of the licence to inform a traffic commissioner forthwith, or within a specified period, of any specified material change in any of the holder’s circumstances which were relevant to the grant or variation of the licence.</p> <p>(4A) In subsection (4) “specified” means specified by the traffic commissioner imposing the requirement to inform.”</p> |
| section 20(17) (duty to give traffic commissioners information about vehicles), | <p>In subsection (3)—</p> <p>(a) for “The traffic commissioner by whom a PSV operator’s licence was granted”, substitute “A traffic commissioner”;</p> <p>and</p> <p>(b) in paragraphs (a) and (b)—</p> <p>(i) for “the licence to supply him” substitute “a PSV operator’s licence to supply him or another traffic commissioner”; and</p> |

(15) Section 18(2B) and (2C) were inserted by the Deregulation and Contracting Out Act 1994 (c.40), section 63(2). There are other amendments to section 18 which are not relevant to this Order. The Public Passenger Vehicles Act 1981 has effect, in relation to a vehicle being used for the purposes of UK cabotage transport operations, as if section 18 was omitted, by virtue of the Public Service Vehicles (Community Licences) Regulations 2011, S.I. 2011/2634, regulation 18. There is another modification to section 18 which is not relevant to this Order.

(16) Section 19 was amended by the Transport Act 1985 (c.67), section 3 and Schedule 2, Part 2, paragraph 4(10); the Insolvency Act 1985 (c.65), section 235 and Schedule 8, paragraph 34; and S.I. 2003/2096, article 4 and the Schedule, Part 1, paragraph 4. There are other amendments which are not relevant to this Order. Subsections (1) to (3) are also modified in their application to persons in partnership by S.I. 1986/1628, regulation 5(1) and the Schedule, Part 1 (see the relevant entry in Schedule 2 to this Order).

(17) Section 20(3) was amended by the Transport Act 1985, section 3 and Schedule 2, Part 2. There are other amendments to section 20 which are not relevant to this Order.

| <i>Provision</i> | <i>Amendment</i> |
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| | (ii) for “the area of that commissioner” substitute “the traffic area to which the licence relates”. |
| section 21(18) (certificates of qualification), | <p>In subsection (1), for the words from “may apply” to “as to his repute”, substitute “may apply to a traffic commissioner for a certificate as to the applicant’s repute”.</p> <p>In subsection (2), for the words from “the traffic commissioner” to “of his duties”, substitute “the traffic commissioner dealing with the application such information as he or another traffic commissioner may reasonably require for the discharge of duties of a traffic commissioner”.</p> <p>In subsection (3), for the words from “The traffic commissioner” to “shall certify”, substitute “The traffic commissioner dealing with an application under subsection (1) above shall certify”.</p> |
| section 49A(19) (review of decisions), | <p>In subsection (1), after “any decision of his”, insert “, or of another traffic commissioner”.</p> <p>In subsection (2)(a)—</p> <p>(a) for “taking the decision”, substitute “the taking of the decision”;</p> <p>(b) for “he has given notice”, substitute “he or another traffic commissioner has given”; and</p> <p>(c) for “that he intends”, substitute “notice of intention”.</p> <p>In subsection (2)(b), for “him to review it”, substitute “that the decision be reviewed by a traffic commissioner”.</p> |
| section 50(20) (appeals to the Upper Tribunal), | <p>In subsections (1), (4), (4A) and (8), for “the traffic commissioner”, substitute “a traffic commissioner”.</p> <p>In subsection (6), for “The traffic commissioner”, substitute “A traffic commissioner”.</p> <p>In subsection (7), after “he”, insert “or another traffic commissioner”.</p> |
| section 52(21) (fees for grant of licences etc.), | <p>In subsection (1)(a)—</p> <p>(a) for “the traffic commissioner for each traffic area”, substitute “a traffic commissioner”; and</p> <p>(b) in the sub-paragraph (ii) which has effect, or is to have effect, by virtue of paragraph 22 of Schedule 5 to the Transport Act 1982(22), for “the commissioner”, substitute “a traffic commissioner”.</p> <p>In subsection (2E), for the words from “The traffic commissioner” to “granted”, substitute “A traffic commissioner”.</p> |

(18) Section 21 was amended by the Transport Act 1985 (c.67), section 3 and Schedule 2, Part 2.

(19) Section 49A was inserted by the Deregulation and Contracting Out Act 1994 (c.40), section 65(1).

(20) Section 50 was amended by the Transport Act 1985 (c.67), section 31; and the Deregulation and Contracting Out Act 1994 (c.40), sections 65(2), 68 and 81 and Schedule 14, paragraph 7(1) and (2) and Schedule 17. It was also amended by S.I. 2009/1885, article 4(1) and Schedule 1, paragraphs 1 and 2(a) and (b).

(21) Section 52 was amended by the Transport Act 1985, sections 1, 3 and 139(3) and Schedule 1, paragraph 7, Schedule 2, Part 2, paragraph 4(14) and Schedule 8; the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22), section 16 and Schedule 6; the Deregulation and Contracting Out Act 1994, section 66; and by S.I. 1984/31.

(22) 1982 c.49.

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| <i>Provision</i> | <i>Amendment</i> |
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| | In subsection (2F), for “the traffic commissioner”, substitute “a traffic commissioner”. |
| section 54(23) (inquiries held by traffic commissioners), | In subsection (2), for “he may hold a single inquiry”, substitute “a single inquiry may be held”. |
| section 55(24) (annual report of traffic commissioners), | For “The traffic commissioner for each traffic area” substitute “Each traffic commissioner”. |
| section 56(25) (records of licences), | In subsection (1), for “The traffic commissioner for each traffic area”, substitute “Each traffic commissioner”. |
| section 56A(26) (correction of errors), | For section 56A substitute— “Correction of errors 56A.—(1) This section applies in any case where it appears to a traffic commissioner that there is a clerical error in a document purporting to record, or which is issued in consequence of, a decision taken by any traffic commissioner in the exercise of his functions. (2) In any such case, the traffic commissioner may issue a corrected document or a notice in writing that the document is to have effect with such corrections as are stated in the notice.” |
| section 57(27) (death, bankruptcy etc. of licence holder), | In subsection (4)— (a) for the words from “The traffic commissioner” to “was granted”, substitute “A traffic commissioner”; and (b) in paragraph (a), for “the licence”, substitute “a PSV operator’s licence”. |
| section 82(28) (general interpretation provisions), | In subsection (1), for the definition of “traffic commissioner”, substitute— ““traffic commissioner” means a commissioner appointed under section 4;”. |
| Schedule 2A(29) (detention of certain PSVs used without PSV operators’ licences), | In paragraph 9— (a) in sub-paragraph (1), for the words from “the traffic commissioner” to “detained”, substitute “a traffic commissioner”; and (b) in sub-paragraph (2)(a), for “the traffic commissioner”, substitute “a traffic commissioner”. |
| | In paragraph 10— |

- (23) Section 54 was substituted by the Transport Act 1985, section 4. There are amendments which are not relevant to this Order.
- (24) Section 55 was amended by the Transport Act 1985 (c.67), section 3 and Schedule 2, Part 2, paragraph 4(15); and by S.I. 1984/31.
- (25) Section 56 was amended by the Transport Act 1985, sections 3 and 139(2) and (3) and Schedule 2, Part 2, paragraph 4(16), Schedule 7, paragraph 21(8) and Schedule 8; and by S.I. 1984/31.
- (26) Section 56A was inserted by the Deregulation and Contracting Out Act 1994 (c.40), section 65(3).
- (27) Section 57 was amended by the Transport Act 1985, sections 1, 3 and 139(3), and Schedule 1, paragraph 9, Schedule 2, Part 2, paragraph 4(17) and Schedule 8; by the Mental Capacity Act 2005 (c.9), section 67(1) and Schedule 6, paragraph 26 and by S.I. 2011/2632, regulation 7(1) and Schedule 1, paragraph 9.
- (28) The definition of “traffic commissioner” was inserted by the Transport Act 1985, section 3(5) and Schedule 2, Part 2, paragraph 4(1) and (20). There are other amendments to section 82 which are not relevant to this Order.
- (29) Schedule 2A was inserted by the Local Transport Act 2008 (c.26), section 47(2) and Schedule 3 and amended by S.I. 2009/1885, article 4(1) and Schedule 1.

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| <i>Provision</i> | <i>Amendment</i> |
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| | <p>(a) in sub-paragraphs (1)(a) and (b), for “the traffic commissioner”, substitute “a traffic commissioner”; and</p> <p>(b) in sub-paragraph (2), for the words from “the traffic commissioner” to “notice of the application”, substitute “the application must be determined by a traffic commissioner within a prescribed time after notice of the application is received”.</p> <p>In paragraph 11—</p> <p>(a) in sub-paragraph (a), for “the traffic commissioner” in the first place where those words occur, substitute “a traffic commissioner”; and</p> <p>(b) in sub-paragraph (b), for “the traffic commissioner”, substitute “a traffic commissioner”.</p> <p>In paragraph 13, for “the traffic commissioner”, substitute “a traffic commissioner”.</p> |
| Schedule 3(30) (supplementary provisions as to qualifications for PSV operator’s licence). | <p>In paragraph 7A, in sub-paragraph (2)(a), for “to hold an inquiry” substitute “an inquiry should be held”.</p> <p>In paragraph 7C—</p> <p>(a) in sub-paragraph (1), for the words from “The traffic commissioner” to “cancel the order”, substitute “A traffic commissioner may, subject to sub-paragraph (2), at any time cancel a disqualification order made under paragraph 7B(2)”;</p> <p>(b) in sub-paragraph (3)—</p> <p>(i) after “the traffic commissioner” in the first place where those words occur, insert “who made the order or another traffic commissioner”; and</p> <p>(ii) for paragraph (b) substitute—</p> <p style="padding-left: 40px;">“(b) at the instigation of the traffic commissioner.”;</p> <p>(c) in sub-paragraph (4)—</p> <p>(i) for the words from “making a variation” to “serve a notice”, substitute “a variation is made under sub-paragraph (3)(b), a notice must be served”; and</p> <p>(ii) in paragraph (a), for “the traffic commissioner’s intention” substitute “an intention”; and</p> <p>(d) in sub-paragraph (5), after “the traffic commissioner”, insert “dealing with the matter”.</p> |

The Transport Act 1982(31)

| <i>Provision</i> | <i>Amendment</i> |
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| Schedule 5(32) (minor and consequential amendments). | Paragraph 22. See the entry for section 52(1)(a)(ii) of the Public Passenger Vehicles Act 1981(33). |

(30) Paragraphs 7A, 7B and 7C were inserted by [S.I. 2011/2632](#), regulation 7(1) and Schedule 1, paragraph 11. There are other amendments to Schedule 3 which are not relevant to this Order.

(31) [1982 c.49](#).

(32) There are amendments to Schedule 5 but none are relevant to paragraph 22.

(33) [1981 c.14](#).

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The Transport Act 1985(34)

| <i>Provision</i> | <i>Amendment</i> |
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| section 12(35) (use of taxis or hire cars in providing local services), | In subsection (1)(a), for “the appropriate”, substitute “a”. In subsection (11) omit the words “by traffic commissioners”. In subsection (12), for “granted by the traffic commissioner for”, substitute “in relation to”. |
| section 19(36) (permits in relation to use of public service vehicles by educational and other bodies), | In subsection (4) omit the words “in his area”. In subsection (5) omit the words “within his area”. |
| section 20(37) (further provision with respect to permits under section 19), | For subsection (5) substitute— “(5) Subject to subsection (6) below— (a) a permit issued by a traffic commissioner may be varied or revoked by a traffic commissioner; (b) a permit issued by a body designated under section 19(7) may be varied or revoked— (i) by that body, or (ii) by a traffic commissioner after consultation with that body.” |
| section 22(38) (community bus permits), | In subsection (2), for the words from “the traffic commissioner” to “will be”, substitute “a traffic commissioner”. |
| section 23(39) (further provision with respect to community bus permits), | In subsection (3) omit the words “granted by him”. In subsection (4), for the words from “The traffic commissioner” to “while the permit”, substitute “A traffic commissioner may at any time while a community bus permit”. In subsection (6)— (a) for the words from “The traffic commissioner” to “revoke the permit”, substitute “A traffic commissioner may at any time revoke a community bus permit”; (b) in paragraph (a), for “no longer satisfied”, substitute “not satisfied”; and (c) in paragraph (c) omit the words “which has its operating centre in his area”. |

(34)

1985 c.67.

(35) Section 12 was amended by the Local Transport Act 2008 (c.26), section 53. Subsection (12) is also modified by the Operation of Public Service Vehicles (Partnership) Regulations 1986 (S.I. 1986/1628), regulation 5(1) and the Schedule, Part 2 (see the relevant entry in Schedule 2 to this Order). There are other amendments to section 12 which are not relevant to this Order.

(36) Section 19 was amended by the Local Transport Act 2008, section 57.

(37) Section 20 was amended by the Local Transport Act 2008, section 58.

(38) To which there are amendments which are not relevant to this Order.

(39) To which there are amendments which are not relevant to this Order.

| <i>Provision</i> | <i>Amendment</i> |
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| section 26(40) (conditions attached to PSV operator's licence), | <p>In subsection (1), for “to whom he has granted or is proposing to grant”, substitute “who has been granted or to whom it is proposed to grant”.</p> <p>In subsection (3), for the words from “the traffic commissioner” to the end of the subsection, substitute “a traffic commissioner may cancel the registration”.</p> <p>Omit subsection (4).</p> <p>In subsection (5), for “the commissioner”, substitute “a traffic commissioner”.</p> <p>In subsection (6)(a), for the words from “for which” to “acts”, substitute “to which the licence relates”.</p> |
| section 27 (supplementary provisions with respect to conditions attached to PSV operator's licence under section 26), | <p>In subsection (1), for the words from “if he has” to “request for an inquiry”, substitute “if a request for an inquiry has been received by a traffic commissioner (within the prescribed period)”.</p> <p>In subsection (3)—</p> <p>(a) for “he”, substitute “he or another traffic commissioner”; and</p> <p>(b) for the words from “if the holder” to “asked him to do so”, substitute “if a request for a traffic commissioner to do so is made to a traffic commissioner, before the end of such period as may be prescribed, by the holder of the licence”.</p> |
| section 28(41) (power to disqualify PSV operators), | <p>In subsection (1), for “the traffic commissioner for any traffic area”, substitute “a traffic commissioner”.</p> <p>In subsection (3), for “the area of one or more specified traffic commissioners”, substitute “one or more specified traffic areas”.</p> <p>In subsection (4), for “the traffic commissioner by whom it was granted”, substitute “a traffic commissioner”.</p> <p>In subsection (6A), for the words from “The traffic commissioner” to “subsection (1) above”, substitute “Where an order disqualifying a person has been made under subsection (1) above, a traffic commissioner”.</p> |
| Schedule 4(42) (constitution, powers and proceedings of the transport tribunal). | <p>In paragraph 13(2), for “the determination of a traffic commissioner for a traffic area in Scotland”, substitute “a determination of any traffic commissioner in relation to a traffic area in Scotland.”</p> <p>In paragraph 17(43) (powers of First-tier Tribunal and Upper Tribunal in relation to transport appeals), in sub-paragraph (2), for paragraph (b) substitute—</p> <p>“(b) to remit the matter to—</p> |

(40) Section 26 was amended, in relation to England and Wales, by the Local Transport Act 2008 (c.26), sections 44(2) and 62. Subsection (1) was also amended, in relation to England and Wales, by the Transport Act 2000 (c.38), section 161 and Schedule 11, paragraphs 9 and 10; and further amended by S.I. 2001/2748, article 3.

(41) Section 28 was amended by the Deregulation and Contracting Out Act 1994 (c.40), section 67.

(42) To which there are amendments which are not relevant to this Order.

(43) Paragraph 17 was inserted by S.I. 2009/1885, article 4(1) and Schedule 1, paragraphs 5 and 9(d).

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| <i>Provision</i> | <i>Amendment</i> |
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| | (i) the traffic commissioner who made the decision against which the appeal is brought; or |
| | (ii) as the case may be, such other traffic commissioner as may be required by the senior traffic commissioner to deal with the appeal, for rehearing and determination by the commissioner in any case where the tribunal considers it appropriate;”. |

The Road Traffic Act 1988(44)

| <i>Provision</i> | <i>Amendment</i> |
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| section 73(45) (provisions supplementary to sections 69 to 72), | In subsection (1), for paragraph (a), substitute— “(a) a traffic commissioner, and”. In subsection (1ZA) omit paragraph (a). In subsection (1A), for paragraph (a), substitute— “(a) a traffic commissioner, and”. In subsection (1C), in paragraph (b), for “were brought”, substitute “were required to be brought”. |
| section 111(46) (functions of traffic commissioners), | In subsection (1), for the words from “The traffic commissioner” to “1981”, substitute “A traffic commissioner”. |
| section 113(47) (grant of licences: referral of matters of conduct to traffic commissioners), | In subsection (1), for the words from “the traffic commissioner” to “resides”, substitute “a traffic commissioner”. In subsection (2), for “the traffic commissioner”, substitute “a traffic commissioner”. In subsection (3), for “to whom a reference has been made”, substitute “dealing with a reference”. In subsection (4), for “the commissioner may”, substitute “the commissioner dealing with the application may”. In subsection (5), for “The traffic commissioner to whom a reference has been made”, substitute “A traffic commissioner dealing with a reference”. |
| section 116(48) (revocation or suspension of licences: referral of matters of conduct to traffic commissioners), | In subsection (1), for the words from “the traffic commissioner” to “resides”, substitute “a traffic commissioner”. In subsections (2) and (2A), for “the traffic commissioner”, substitute “a traffic commissioner”. |

(44)

1988 c.52.

(45) Section 73 was amended by the Road Traffic Act 1991 (c.40), section 48 and Schedule 4, paragraph 56(2); and the Goods Vehicles (Licensing of Operators) Act 1995 (c.23), section 60(1) and Schedule 7, paragraph 12. There are other amendments which are not relevant to this Order.

(46) Section 111 was inserted by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22), sections 1, 2 and 16 and Schedules 2 and 6; and subsection (1) was amended by S.I. 1996/1974, regulation 2 and Schedule 1, paragraph 21.

(47) Section 113 was inserted by the Road Traffic (Driver Licensing and Information Systems) Act 1989, sections 1, 2 and 16 and Schedules 2 and 6.

(48) Section 116 was inserted by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22), sections 1, 2 and 16 and Schedules 2 and 6; and amended by S.I. 1996/1974, regulation 2 and Schedule 1, paragraph 25(2), (3), (4) and (5).

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| <i>Provision</i> | <i>Amendment</i> |
|---|---|
| | In subsection (3), for “to whom a reference has been made”, substitute “dealing with a reference”. |
| | In subsection (4), for “the commissioner may”, substitute “the commissioner dealing with the reference may”. |
| | In subsection (5), for “the traffic commissioner to whom a reference has been made”, substitute “a traffic commissioner dealing with a reference”. |
| | In subsection (6), for the words from “the traffic commissioner” to “resides”, substitute “a traffic commissioner”. |
| section 118(49) (revoked or suspended licences: surrender, return and endorsement), | In subsection (2) (if its substitution by virtue of paragraph 20(3) of Schedule 3 to the Road Safety Act 2006(50) does not come into force on or before the date on which this Order comes into force) — <ul style="list-style-type: none"> (a) in paragraph (a), for the words from “the traffic commissioner” to “resides”, substitute “a traffic commissioner”; and (b) in paragraph (b)— <ul style="list-style-type: none"> (i) for “the traffic commissioner” substitute “a traffic commissioner”; (ii) for “delivered to him” substitute “delivered to a traffic commissioner”; and (iii) for “the commissioner” substitute “a traffic commissioner”. <p>In subsection (2B) (as it has effect, or is to have effect, by virtue of paragraph 20(3) of Schedule 3 to the Road Safety Act 2006), for “the traffic commissioner”, substitute “a traffic commissioner”.</p> <p>In subsection (5) (if its omission by virtue of paragraph 20(5) of the Road Safety Act 2006 does not come into force on or before the date on which this Order comes into force), for “the traffic commissioner”, substitute “he or another traffic commissioner”.</p> |
| section 119(51) (appeals to magistrates’ court or sheriff), | In subsection (1), for “and any traffic commissioner to whom the matter was referred”, substitute “and, if the matter was referred to a traffic commissioner, to the traffic commissioner dealing with the matter”. |
| | In subsection (2), for “the commissioner shall”, substitute “the commissioner dealing with the matter shall”. |
| section 122(52) (provisions as to Northern Ireland licences), | In subsection (2) omit the words from “subject to the modification” to the end of the subsection. |

(49) Section 118 was inserted by the Road Traffic (Driver Licensing and Information Systems) Act 1989, section 2(1) and Schedule 2. Subsection (2) is prospectively amended by the Road Safety Act 2006 (c.49), section 10(12) and Schedule 3, paragraphs 2 and 20(1), (3) and (5). There are other amendments to section 118 which are not relevant to this Order.

(50) 2006 c.49.

(51) Section 119 was inserted by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22), section 2(1) and Schedule 2. It was amended by the Courts Act 2003 (c.39), section 109(1) and (3), Schedule 8, paragraph 308 and Schedule 10; and by S.I. 1996/1974, regulation 2 and Schedule 1, paragraph 27.

(52) Section 122 was inserted by the Road Traffic (Driver Licensing and Information Systems) Act 1989, section 2(1) and Schedule 2. There are other amendments and prospective amendments to section 122 which are not relevant to this Order.

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| <i>Provision</i> | <i>Amendment</i> |
|---|--|
| section 164(53) (power of constables to require production of driving licence and in certain cases statement of date of birth). | In subsection (3)(b), for “the traffic commissioner”, substitute “a traffic commissioner”. |

The Tribunals and Inquiries Act 1992(54)

| <i>Provision</i> | <i>Amendment</i> |
|---|---|
| Schedule 1, Part 1(55) (tribunals under direct supervision of council). | In the second column (tribunal and statutory authority), in paragraph 40, for sub-paragraph (a) substitute— “(a) A traffic commissioner;”. |

The Deregulation and Contracting Out Act 1994(56)

| <i>Provision</i> | <i>Amendment</i> |
|--|---|
| section 74(57) (powers of certain office-holders). | In subsection (4), for paragraph (e), substitute— “(e) a traffic commissioner;”. |

The Goods Vehicles (Licensing of Operators) Act 1995(58)

| <i>Provision</i> | <i>Amendment</i> |
|--|---|
| section 1(59) (functions of traffic commissioners), | In subsection (1), for the words from “The traffic commissioner” to “Vehicles Act 1981”, substitute “A traffic commissioner”. |
| section 5(60) (vehicles authorised to be used under operator’s licence), | In subsection (4)(a), for “the area of the traffic commissioner by whom”, substitute “a traffic area in respect of which”. In subsection (6) (if its substitution by virtue of section 263 of the Transport Act 2000(61) does not come into force on or before the date on which this Order comes into force), in the words following paragraph (b)— (a) for “the traffic commissioner by whom the licence was issued” substitute “a traffic commissioner”; (b) for “the commissioner may require” substitute “is required by a traffic commissioner”; and |

(53) Section 164(3)(b) was amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989, section 7 and Schedule 3, paragraph 18. There are other amendments which are not relevant to this Order.

(54) There are amendments to Part 1 which are not relevant to this order. [1992 c.53.](#)

(55) There are amendments to Part 1 which are not relevant to this order. [1994 c.40.](#)

(56) There are amendments to Part 1 which are not relevant to this order. [1994 c.40.](#)

(57) Section 74 was amended by S.I. 2009/1941, article 2(1) and Schedule 1, paragraph 148(1) and (2).

(58) [1995 c.23. Sections 5, 7 to 34, 40, 44 and 49 are modified in relation to foreign goods vehicles by the Goods Vehicles \(Licensing of Operators\) \(Temporary Use in Great Britain\) Regulations 1996, S.I. 1996/2186, Schedule 6.](#)

(59) Section 1(2) was amended by the Local Transport Act 2008, section 3(2)(b).

(60) Section 5(6) was amended by the Local Transport Act 2008 (c.26), section 125(1)(a) and is prospectively amended by the Transport Act 2000 (c.38), section 263, which has itself been amended by the Local Transport Act 2008, section 125(2) to (4). There is another amendment and a modification to section 5 which are not relevant to this Order.

(61) [2000 c.38.](#)

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| <i>Provision</i> | <i>Amendment</i> |
|--|--|
| | <p>(c) for “has paid to him the prescribed fee (if any)” substitute “has paid the prescribed fee (if any) to a traffic commissioner”.</p> <p>In the subsection (6) which has effect, or is to have effect, by virtue of section 263 of the Transport Act 2000—</p> <p>(a) in paragraph (a)—</p> <p style="padding-left: 20px;">(i) for “the traffic commissioner by whom the licence was issued” substitute “a traffic commissioner”; and</p> <p style="padding-left: 20px;">(ii) for “the commissioner may require” substitute “is required by a traffic commissioner”; and</p> <p>(b) for paragraph (b) substitute—</p> <p style="padding-left: 40px;">“(b) has paid the prescribed fee (if any) to a traffic commissioner.”</p> <p>In subsection (7), for “the traffic commissioner”, substitute “a traffic commissioner”.</p> <p>In subsection (9), for the words from “the traffic commissioner” to “in that licence”, substitute “a traffic commissioner that a vehicle specified in an operator’s licence (“the first licence”)”.</p> |
| section 7 (operating centres to be specified in operators’ licences), | <p>For subsection (1), substitute—</p> <p style="padding-left: 20px;">“(1) A person may not use a place in a traffic area as an operating centre for vehicles authorised to be used under an operator’s licence issued to him in respect of that traffic area unless that place is specified as an operating centre of his in that licence.”</p> |
| section 8(62) (applications for operators’ licences), | <p>For subsection (1), substitute—</p> <p style="padding-left: 20px;">“(1) An application for an operator’s licence—</p> <p style="padding-left: 40px;">(a) shall be made to a traffic commissioner, and</p> <p style="padding-left: 40px;">(b) shall be in respect of a single traffic area in which, if the licence is issued, the applicant will have an operating centre or operating centres,</p> <p style="padding-left: 20px;">but a person may make separate applications in respect of different traffic areas.”</p> <p>In subsection (3)(b), for “in the area of the commissioner”, substitute “in the traffic area concerned”.</p> <p>In subsection (6), for “a traffic commissioner”, substitute “the traffic commissioner”.</p> <p>After subsection (6), add—</p> <p style="padding-left: 20px;">“(7) In subsections (3) to (6), “the traffic commissioner” means the traffic commissioner dealing with the application in question.”</p> |
| section 9(63) (convictions etc. subsequent to the making of an application), | <p>In subsection (1), for “to whom it was made”, substitute “dealing with the application”.</p> |

(62) Section 8(1) is modified by way of substitution in relation to foreign goods vehicles by the Goods Vehicles (Licensing of Operators) (Temporary Use in Great Britain) Regulations 1996, S.I. 1996/2186, Schedule 6, Part 1, paragraph (c).

(63) Section 9 was amended by the Road Safety Act 2006 (c.49), section 6.

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| <i>Provision</i> | <i>Amendment</i> |
|--|--|
| | In subsection (2), for “to whom the application was made”, substitute “dealing with the application”. |
| | In subsection (4)(a) and (b), for “the traffic commissioner”, substitute “a traffic commissioner”. |
| section 10(64) (publication by traffic commissioner of notice of application for licence), | In subsection (1), for “made to him”, substitute “which is received”. |
| section 11(65) (publication in locality affected of notice of application for licence), | In subsection (1), for the words from “the traffic commissioner” to “is made”, substitute “a traffic commissioner who is dealing with an application for an operator’s licence”. |
| | In subsection (3), for “The traffic commissioner”, substitute “A traffic commissioner”. |
| | In subsection (4), for “in the area of the traffic commissioner”, substitute “in the traffic area concerned”. |
| section 12(66) (objections to, and representations against, issue of operators’ licences), | In subsections (1)(b) and (4), for “in the traffic commissioner’s area”, substitute “in the traffic area concerned”. |
| | In subsection (8), for “the traffic commissioner”, substitute “a traffic commissioner”. |
| | In subsection (12), omit the words from “and, in relation to” to “has been made”, which follow the definition of “trade union”. |
| section 13A(67) (requirements for standard licences), | In subsection (3)(c)(i), for “the traffic commissioner” substitute “a traffic commissioner”. |
| section 13C (requirements for standard and restricted licences), | In subsection (5), for “the traffic commissioner’s area” substitute “the traffic area concerned”. |
| section 14(68) (determinations where objections etc. are made on environmental grounds), | In subsection (2), for “in his area”, substitute “in the traffic area concerned”. |
| | In subsection (3)— |
| | (a) for “The traffic commissioner”, substitute “A traffic commissioner”; |
| | (b) in paragraph (a), omit the words “issued by the commissioner”; and |
| | (c) in paragraph (b), for “the commissioner”, substitute “a traffic commissioner”. |
| | In subsection (6)(a), for “the traffic commissioner”, substitute “a traffic commissioner”. |

(64) Section 10(1) is modified by the Goods Vehicles (Licensing of Operators) Regulations 1995, S.I. 1995/2869, regulation 30(3) and (5) and Schedule 2, paragraph 2(h). (See the entry in Schedule 2 to this Order).

(65) To which there is a further modification which is not relevant to this Order.

(66) To which there are amendments which are not relevant to this Order.

(67) Section 13 was substituted and sections 13A, 13B, 13C and 13D inserted by S.I. 2011/2632, regulation 8(1) and Schedule 2, paragraph 5.

(68) To which there is an amendment which is not relevant to this Order.

| <i>Provision</i> | <i>Amendment</i> |
|---|---|
| section 16(69) (duration of operators' licences), | <p>In subsection (3), for the words from "requests" to "shall," substitute "requests a traffic commissioner to terminate it at any time, he or another traffic commissioner must,".</p> <p>In subsection (4), for the words from "The traffic commissioner" to "he", substitute "A traffic commissioner may refuse to comply with such a request if he or another traffic commissioner".</p> |
| section 17(70) (variation of operators' licences), | <p>In subsection (1), for "the traffic commissioner by whom the licence was issued", substitute "a traffic commissioner".</p> <p>In subsection (1)(g), for "traffic commissioner's", substitute "same traffic".</p> <p>In subsection (2), for the words from "the traffic commissioner" to "information as he", substitute "the traffic commissioner dealing with the application, in such form as he or another traffic commissioner may require, such information as he or another traffic commissioner".</p> <p>In subsection (3), for "the traffic commissioner", substitute "a traffic commissioner".</p> |
| section 18(71) (publication of notice of applications for variation in any locality affected), | <p>In subsection (1), for the words from "the traffic commissioner" to "refuse the application", substitute "a traffic commissioner who is dealing with an application for an operator's licence shall refuse the application for any of the directions mentioned in subsection (2)".</p> <p>In subsection (2)(d), for "in the traffic commissioner's area", substitute "in the traffic area concerned".</p> <p>In subsection (4), for "The traffic commissioner", substitute "A traffic commissioner".</p> <p>In subsection (5)(a), for "in the area of the traffic commissioner", substitute "in the traffic area concerned".</p> <p>In subsection (5)(b), for "in the area of the commissioner", substitute "in the traffic area concerned".</p> |
| section 19(72) (objection to, and refusal of, applications to vary operators' licences on environmental grounds), | <p>In subsections (2), (4) and (6), for "in the traffic commissioner's area", substitute "in the traffic area concerned".</p> <p>In subsections 2(c) and (6), for "the commissioner", substitute "a traffic commissioner".</p> <p>In subsection (7)—</p> <p>(a) for "The traffic commissioner may not refuse the application", substitute "A traffic commissioner may not refuse an application";</p> |

(69) To which there is an amendment which is not relevant to this Order.

(70) Section 17(1) is modified by way of substitution in relation to foreign goods vehicles by S.I. 1996/2186, Schedule 6, Part 1, paragraph (k). (See the entry in Schedule 2 to this Order). Subsection (3) is also modified in relation to holding companies by the Goods Vehicles (Licensing of Operators) Regulations 1995, S.I. 1995/2869, regulation 30(3) and Schedule 2, paragraph 2(j). (See also the entry in Schedule 2 to this Order). There is another modification and an amendment to section 17 which are not relevant to this Order.

(71) To which there is a further modification which is not relevant to this Order.

(72) To which there is an amendment which is not relevant to this Order.

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| <i>Provision</i> | <i>Amendment</i> |
|--|---|
| | <p>(b) in paragraph (a), omit the words “issued by the commissioner”; and</p> <p>(c) in paragraph (b), for “the commissioner”, substitute “a traffic commissioner”.</p> <p>In subsection (11), for “the traffic commissioner”, substitute “a traffic commissioner”.</p> |
| section 20 (variation of licences: further provisions), | <p>In subsection (1), for the words from “to the traffic commissioner” to “that it be converted”, substitute “for a direction that the licence be varied by converting it”.</p> <p>In subsection (2) omit the words “to the traffic commissioner by whom the licence was issued”.</p> <p>In subsection (2)(b), for “the traffic commissioner”, substitute “a traffic commissioner”.</p> |
| section 21 (conditions for securing road safety), | <p>In subsection (3)—</p> <p>(a) for “The traffic commissioner”, substitute “A traffic commissioner”, and</p> <p>(b) for the words from “without first giving” to “the commissioner”, substitute “unless the applicant for the licence or (as the case may be) the licence-holder has first been given an opportunity to make representations to a traffic commissioner”.</p> |
| section 22(73) (conditions as to matters required to be notified to traffic commissioner), | <p>In subsection (1), for “to inform him”, substitute “to inform a traffic commissioner”.</p> <p>In subsections (1)(c) and (4), for “the traffic commissioner”, substitute “a traffic commissioner”.</p> <p>In subsection (2)(a) and (b), for “the commissioner”, substitute “a traffic commissioner”.</p> |
| section 23(74) (conditions as to use of operating centres), | <p>In subsection (1), for “in his area”, substitute “in the traffic area to which the licence relates”.</p> <p>In subsection (2)(a) omit the words “in the area of the traffic commissioner”.</p> <p>In subsection (4)—</p> <p>(a) for “The traffic commissioner”, substitute “A traffic commissioner”, and</p> <p>(b) for the words from “without first giving” to “the commissioner”, substitute “unless the applicant for the licence or (as the case may be) the licence-holder has first been given an opportunity to make representations to a traffic commissioner”.</p> |

(73) Section 22(1) is modified by way of substitution in relation to foreign goods vehicles by the Goods Vehicles (Licensing of Operators) (Temporary Use in Great Britain) Regulations 1996, S.I. 1996/2186, Schedule 6, Part 1, paragraph (m). (See the entry in Schedule 2 to this Order). Subsection (2) was amended by S.I. 2011/2632, regulation 8(1) and Schedule 2, paragraph 8. There is another modification and amendments to section 22 which are not relevant to this Order.

(74) See section 16E of the London Olympic Games and Paralympic Games Act 2006 (c.12).

| <i>Provision</i> | <i>Amendment</i> |
|---|---|
| section 24(75) (interim operators' licences), | In subsection (3), for "The traffic commissioner", substitute "A traffic commissioner". In subsections (4), (5) and (6), for "the traffic commissioner", substitute "a traffic commissioner". |
| section 25 (interim variations), | In subsection (1), for the words from "the traffic commissioner" to "the application," substitute "a traffic commissioner may, before the application has been determined,". In subsections (3), (4) and (5), for "the traffic commissioner", substitute "a traffic commissioner". |
| section 26(76) (revocation, suspension and curtailment of operators' licences), | In subsection (1), for the words from "the traffic commissioner" to "direct that it", substitute "a traffic commissioner may direct that an operator's licence". In subsection (1)(a), for "commissioner's area", substitute "traffic area to which the licence relates". In subsection (2), for "the traffic commissioner", substitute "a traffic commissioner". In subsection (4), for the words from "the traffic commissioner" to "him", substitute "a traffic commissioner in the case of the holder of any operator's licence". In subsection (6), for "the traffic commissioner directs", substitute "a traffic commissioner gives a direction under subsection (1)". In subsection (8), for the words from "The traffic commissioner" to "was given", substitute "Where a direction suspending or curtailing a licence has been given under subsection (1), a traffic commissioner". |
| section 27(77) (revocation of standard licences), | In subsection (1), for "The traffic commissioner by whom a standard licence was issued shall direct that it", substitute "A traffic commissioner shall direct that a standard licence". In subsection (2), for "the traffic commissioner", substitute "a traffic commissioner". In subsection (3)— (a) omit the words "shall also state"; (b) in paragraph (a)— (i) for "that" substitute "shall invite the licence-holder to make", and (ii) omit the words "may be made to the commissioner by the licence-holder"; (c) in paragraph (b)— (i) for "that" substitute "shall state that", and |

(75) Section 24 was amended by S.I. 2009/1885, article 4(1) and Schedule 1, paragraphs 18 and 19. Subsection (7A) was inserted and subsection (8) amended by S.I. 2011/2632, regulation 8(1) and Schedule 2, paragraph 9.

(76) Section 26(1) was amended by the Road Safety Act 2006 (c.49), section 6(1), (4) and (5). It is also modified by way of substitution in relation to foreign goods vehicles by S.I. 1996/2186, Schedule 6, Part 1, paragraph (o). (See the entry in Schedule 2 to this Order). There are other modifications to section 26 which are not relevant to this Order.

(77) Section 27(1) and (4) were amended, and subsections (3A) and (3B) inserted, by S.I. 2011/2632, regulation 8(1) and Schedule 2, paragraph 10.

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| <i>Provision</i> | <i>Amendment</i> |
|---|---|
| | (ii) after “the commissioner” insert “dealing with the matter”; and |
| | (d) for the words following paragraph (b) substitute— “and a traffic commissioner may not give a direction under subsection (1) without considering any representations duly made under this subsection”. |
| section 28(78) (disqualification), | In subsection (4), for “the traffic commissioner”, substitute “a traffic commissioner”. In subsection (6), for the words from “The traffic commissioner” to “subsection (1)”, substitute “Where an order has been made under subsection (1) disqualifying any person, a traffic commissioner”. |
| section 29(79) (revocation and disqualification etc: supplementary provisions), | In subsection (1), for “him to do so”, substitute “that an inquiry be held”. In subsection (2), for “The traffic commissioner”, substitute “A traffic commissioner”. In subsection (3), for “the traffic commissioner”, substitute “a traffic commissioner”. |
| section 30(80) (periods of review for operating centres), | In subsection (1)— (a) for “the traffic commissioner by whom an operator’s licence was issued”, substitute “a traffic commissioner”, and (b) for “the licence-holder”, where those words first occur, substitute “the holder of an operator’s licence”. |
| section 31(81) (power to remove operating centres on review), | In subsection (1), for “having served notice”, substitute “after a notice has been served”. In subsections (1) and (5), for “the traffic commissioner”, substitute “a traffic commissioner”. In subsection (3), after “to him”, insert “or another traffic commissioner”. |
| section 32(82) (power to attach conditions on review), | In subsection (1)— (a) for “having served notice”, substitute “after a notice has been served”; and (b) for the words from “the traffic commissioner” to “section 31, he”, substitute “no direction is given in respect of the place under section 31, a traffic commissioner”. In subsection (2), for “the traffic commissioner”, substitute “a traffic commissioner”. In subsection (2)(b), for “the commissioner”, substitute “the traffic commissioner giving the direction”. |

(78) Section 28(1) is modified by way of substitution in relation to foreign goods vehicles by the Goods Vehicles (Licensing of Operators) (Temporary Use in Great Britain) Regulations 1996, S.I. 1996/2186, Schedule 6, paragraph (q). There is also an amendment and several modifications which are not relevant to this Order.

(79) Section 29 was amended by S.I. 2009/1885, article 4(1) and Schedule 1, paragraphs 18 and 20.

(80) To which there is a further modification which is not relevant to this Order.

(81) To which there is a further modification which is not relevant to this Order.

(82) To which there is a further modification which is not relevant to this Order.

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| <i>Provision</i> | <i>Amendment</i> |
|---|--|
| | In subsection (3)(b), for “the commissioner”, substitute “the traffic commissioner giving the direction”. |
| | In subsection (4), for “the traffic commissioner”, substitute “a traffic commissioner”. |
| section 34 (determinations as to environmental matters), | In subsection (5)(b), for “having served notice”, substitute “after a notice has been served”. |
| section 35(83) (power of traffic commissioners to hold inquiries), | In subsection (2), for “he”, substitute “he or another traffic commissioner”. |
| section 36 (review of decisions), | In subsection (1), after “of his”, insert “, or of another traffic commissioner.”. In subsection (2)— (a) for “The traffic commissioner”, substitute “A traffic commissioner”; (b) for paragraph (a), substitute— “(a) if, within such period after the taking of the decision as may be prescribed, he or another traffic commissioner has given to the applicant or (as the case may be) the licence-holder notice of intention to review the decision;”; (c) in paragraph (b), for “him to review it”, substitute “that the decision be reviewed by a traffic commissioner”. |
| section 37(84) (rights of appeal in connection with operators’ licences), | In subsection (6)(b), for “the traffic commissioner”, substitute “a traffic commissioner”. |
| section 42(85) (meaning of “officer” and powers of police constables), | In subsection (1)(b), for “the traffic commissioner for any area”, substitute “a traffic commissioner”. |
| section 43(86) (evidence by certificate), | In subsection (2), for “the commissioner” in each place where those words occur, substitute “a traffic commissioner”. |
| section 44(87) (assessors), | In subsection (1), for “the traffic commissioner”, substitute “a traffic commissioner”. |
| section 45 (fees), | In subsection (5), for “The traffic commissioner”, substitute “A traffic commissioner”. |
| section 48(88) (operators’ licences not to be transferable etc.), | In subsections (2) and (3) omit the words “issued by him”. In subsection (4)— (a) after “by him”, insert “or another traffic commissioner”; and |

(83) Section 35(2) was amended by [S.I. 2011/2632](#), regulation 8(1) and Schedule 2, paragraph 11. There is another amendment which is not relevant to this Order.

(84) Section 37 was amended by [S.I. 2009/1885](#), article 4(1) and Schedule 1, paragraphs 18 and 22.

(85) Section 42 is prospectively amended by the Goods Vehicles (Licensing of Operators) Act [1995 \(c.23\)](#), section 50 and Schedule 5, paragraph 5(1).

(86) Section 43(2) was amended by [S.I. 2011/2632](#), regulation 8(1) and Schedule 2, paragraph 14.

(87) Section 44(1) was amended by [S.I. 2011/2632](#), regulation 8(1) and Schedule 2, paragraph 15.

(88) Section 48 was amended by the Mental Capacity Act [2005 \(c.9\)](#), section 67(1) and Schedule 6, paragraph 40(1) and (3). There is also a further modification which is not relevant to this Order.

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| <i>Provision</i> | <i>Amendment</i> |
|--|---|
| | (b) for “the commissioner”, substitute “a traffic commissioner”. |
| section 49(89) (certificates of qualification), | In subsection (5), for paragraphs (a), (b) and (c), substitute— “(a) in relation to an applicant who holds an operator’s licence, means a traffic commissioner, and (b) in relation to an applicant who does not hold an operator’s licence, means the Secretary of State,”. |
| section 58(90) (general interpretation), | In subsection (1) omit the definition of “area”. Omit subsection (5). |
| Schedule 1A(91) (detention of vehicles used without operator’s licence), | In paragraph 9— (a) in sub-paragraph (1), for the words from “the traffic commissioner” to “detained”, substitute “a traffic commissioner”; and (b) in sub-paragraph (2)(a), for “the traffic commissioner”, substitute “a traffic commissioner”. In paragraph 10— (a) in sub-paragraph (1)(a), for “the traffic commissioner”, substitute “a traffic commissioner”; (b) in sub-paragraph (1)(b), for “him”, substitute “a traffic commissioner”; (c) in sub-paragraph (2), for the words from “the traffic commissioner” to “notice of the application”, substitute “the application must be determined by a traffic commissioner within a prescribed time after notice of the application is received”; and (d) in sub-paragraph (3)(a) and (b), for “the traffic commissioner”, substitute “a traffic commissioner”. In paragraph 12, for “the traffic commissioner”, substitute “a traffic commissioner”. |
| Schedule 2(92) (information about, and convictions of, applicants for and holders of operators’ licences), | In paragraph 1, in sub-paragraph (a), after “the traffic commissioner”, insert “dealing with the application”. |
| Schedule 3(93) (qualifications for standard licence), | In paragraph 15— (a) in sub-paragraph (2)(a), for “whether or not to hold an inquiry”, substitute “whether or not an inquiry should be held”; and (b) in sub-paragraph (2A), for “The traffic commissioner” substitute “A traffic commissioner”. |

(89) Section 49(5) was amended by [S.I. 2011/2632](#), regulation 8(1) and Schedule 2, paragraph 17. There are other amendments which are not relevant to this Order.

(90) To which there are amendments which are not relevant to this Order.

(91) Schedule 1A was inserted by the Transport Act 2000 (c.38), section 262 and Schedule 30. There are amendments which are not relevant to this Order.

(92) Schedule 2 was amended by the Road Safety Act 2006 (c.49), section 6(1), (6) and (7); and, in relation to England and Wales, by [S.I. 2007/3538](#), regulation 73 and Schedule 21, Part 1, paragraph 24. There is another amendment which is not relevant to this Order.

(93) Paragraph 15 was amended, and paragraph 17 inserted, by [S.I. 2011/2632](#), regulation 8(1) and Schedule 2, paragraph 20. There are other amendments and modifications to Schedule 3 which are not relevant to this Order.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| <i>Provision</i> | <i>Amendment</i> |
|---|---|
| | In paragraph 17— |
| | (a) in sub-paragraph (1), for the words from “The traffic commissioner” to “cancel the order”, substitute “A traffic commissioner may, subject to sub-paragraph (2), at any time cancel a disqualification order made under paragraph 16(2)”; |
| | (b) in sub-paragraph (3)— |
| | (i) after “the traffic commissioner” in the first place where those words occur, insert “who made the order or another traffic commissioner”; and |
| | (ii) for paragraph (b) substitute— “ (b) at the instigation of the traffic commissioner.”; |
| | (c) in sub-paragraph (4)— |
| | (i) for the words from “making a variation” to “serve a notice”, substitute “a variation is made under sub-paragraph (3)(b), a notice must be served”; and |
| | (ii) in paragraph (a), for “the traffic commissioner’s intention” substitute “an intention”; and |
| | (d) in sub-paragraph (5), after “the traffic commissioner”, insert “dealing with the matter”. |
| Schedule 4(94) (transfer of operating centres), | After paragraph 4, add— “5. In this Schedule “the traffic commissioner”, in the case of any application, means the traffic commissioner dealing with the application.” |
| Schedule 5(95) (large goods vehicles). | In paragraph 2, in sub-paragraph (3), omit the words “issued by him”. In paragraph 3, in sub-paragraph (1), for “at the office of the traffic commissioner”, substitute “to a traffic commissioner at an office”. |

The Freedom of Information Act 2000(96)

| <i>Provision</i> | <i>Amendment</i> |
|--|---|
| Schedule 1, Part 6(97) (other public bodies and offices: general). | For the entry relating to “The Traffic Commissioners” substitute “A traffic commissioner, in respect of information held by the commissioner otherwise than as a tribunal”. |

(94) Schedule 4 was amended by S.I. 2011/2632, regulation 8(1) and Schedule 2, paragraph 21.

(95) To which there is an amendment which is not relevant to this Order.

(96) 2000 c.36.

(97) There are amendments to Part 6 which are not relevant to this Order.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The Transport Act 2000(98)

| <i>Provision</i> | <i>Amendment</i> |
|---|---|
| section 263 (addition of specified vehicles to operator’s licence). | See the entries for section 5(6) of the Goods Vehicles (Licensing of Operators) Act 1995(99). |

The Road Safety Act 2000(100)

| <i>Provision</i> | <i>Amendment</i> |
|--|--|
| Schedule 3 (endorsement: all drivers). | Paragraph 20(3). See the entry for section 118(2) of the Road Traffic Act 1988(101). |

(98) **2000 c.38.** The subsection (6) that is set out in section 263 and is to be substituted for section 5(6) of the Goods Vehicles (Licensing of Operator’s) Act 1995 (c.23) was amended by the Local Transport Act 2008 (c.26), section 125(2) and (3).

(99) 1995 c.23.

(100) 2006 c.49.

(101) 1988 c.52.