



# Goods Vehicles (Licensing of Operators) Act 1995

## 1995 CHAPTER 23

### *Determination of applications*

#### **[<sup>F1</sup>13 Determination of applications for operators' licences**

- [<sup>F1</sup>(1) On an application for a standard licence a traffic commissioner must consider—
- (a) whether the requirements of sections 13A and 13C are satisfied, and
  - (b) if the commissioner thinks fit, whether the requirement of section 13D is satisfied.
- (2) On an application for a restricted licence a traffic commissioner must consider—
- (a) whether the requirements of sections 13B and 13C are satisfied, and
  - (b) if the commissioner thinks fit, whether the requirement of section 13D is satisfied.
- (3) Subsections (1) and (2) are subject to sections 11 (publication of application) and 45(2) (payment of application fee).
- (4) In considering whether any of the requirements of sections 13A to 13D are satisfied, the traffic commissioner must have regard to any objection duly made under section 12(1)(a) in respect of the application.
- (5) If the traffic commissioner determines that any of the requirements that the commissioner has taken into consideration in accordance with subsection (1) or (2) are not satisfied, the commissioner must refuse the application.
- (6) In any other case the commissioner must grant the application, unless either of the following provisions applies—
- (a) section 14(2) (power to refuse application on environmental grounds);
  - (b) section 45(2) (power to refuse to proceed until fee is paid).]

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**Changes to legislation:** Goods Vehicles (Licensing of Operators) Act 1995, Cross Heading: Determination of applications is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

#### Textual Amendments

**F1** Ss. 13-13D substituted (E.W.S.) for s. 13 (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 5** (with Sch. 3 Pt. 2)

#### Marginal Citations

**M1** 1968 c. 73.

### [<sup>F2</sup>13A. Requirements for standard licences

- (1) The requirements of this section are set out in subsections (2) and (3).
- (2) The first requirement is that the traffic commissioner is satisfied that the applicant—
  - (a) has an effective and stable establishment in Great Britain (as determined in accordance with Article 5 of the 2009 Regulation ),
  - (b) is of good repute (as determined in accordance with paragraphs 1 to 5 of Schedule 3),
  - (c) has appropriate financial standing (as determined in accordance with Article 7 of the 2009 Regulation ), and
  - (d) is professionally competent (as determined in accordance with paragraphs 8 to 13 of Schedule 3).
- (3) The second requirement is that the traffic commissioner is satisfied that the applicant has designated a transport manager in accordance with Article 4 of the 2009 Regulation who—
  - (a) is of good repute (as determined in accordance with paragraphs 1 to 5 of Schedule 3),
  - (b) is professionally competent (as determined in accordance with paragraph 13 of Schedule 3), and
  - (c) in the case of a transport manager designated under Article 4.2 of the 2009 Regulation —
    - (i) is not prohibited from being so designated by the traffic commissioner, and
    - (ii) is not designated to act as transport manager for a greater number of road transport undertakings or in respect of a greater number of vehicles than the traffic commissioner considers appropriate, having regard to the upper limits in Article 4.2(c) of the 2009 Regulation , or such smaller number as the commissioner considers appropriate (see Article 4.3 of the Regulation). ]

#### Textual Amendments

**F2** Ss. 13-13D substituted (E.W.S.) for s. 13 (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), Sch. 2 para. 5 (with Sch. 3 Pt. 2)

### [<sup>F2</sup>13B. Requirements for restricted licences

The requirement of this section is that the applicant is not unfit to hold an operator's licence by reason of—

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- (a) any activities or convictions of which particulars may be required to be given under section 8(4) by virtue of paragraph 1(e) or (f) of Schedule 2;
- (b) any conviction required to be notified in accordance with section 9(1) (convictions etc required to be notified subsequent to the making of an application).

#### Textual Amendments

**F2** Ss. 13-13D substituted (E.W.S.) for s. 13 (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), Sch. 2 para. 5 (with Sch. 3 Pt. 2)

### **13C.** Requirements for standard and restricted licences

- (1) The requirements of this section are that it must be possible (taking into account the traffic commissioner's powers under section 15(3) to issue a licence in terms that differ from those applied for) to issue a licence in relation to which subsections (2) to (6) will apply.
- (2) There must be satisfactory arrangements for securing that the following are complied with in the case of vehicles used under the licence—
  - (a) Part 6 of the Transport Act 1968 (drivers' hours);
  - (b) the applicable Community rules, within the meaning of that Part.
- (3) There must be satisfactory arrangements for securing that vehicles used under the licence are not overloaded.
- (4) There must be satisfactory facilities and arrangements for maintaining the vehicles used under the licence in a fit and serviceable condition.
- (5) The licence must specify at least one place in the traffic commissioner's area as an operating centre of the licence-holder, and each place so specified must be available and suitable for use as an operating centre of the licence-holder (disregarding any respect in which it may be unsuitable on environmental grounds).
- (6) The capacity of the place specified as an operating centre (if there is only one) or both or all of the places so specified taken together (if there are more than one) must be sufficient to provide an operating centre for all the vehicles used under the licence.
- (7) In considering whether the requirements of subsections (2) to (6) are satisfied, the traffic commissioner may take into account any undertakings given by the applicant (or procured by the applicant to be given) for the purposes of the application, and may assume that those undertakings will be fulfilled.
- (8) In considering whether subsection (5) will apply in relation to a licence, the traffic commissioner may take into account any conditions that could be attached to the licence under section 21 (conditions for securing road safety) and may assume that any conditions so attached will not be contravened.
- (9) In considering whether subsection (5) or (6) will apply in relation to a licence, the traffic commissioner may take into account (if this is the case) that any proposed operating centre of the applicant would be used—
  - (a) as an operating centre of the holders of other operators' licences as well as an operating centre of the applicant; or

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- (b) by the applicant or by other persons for purposes other than keeping vehicles used under the licence.]

#### Textual Amendments

- F2** Ss. 13-13D substituted (E.W.S.) for s. 13 (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), Sch. 2 para. 5 (with Sch. 3 Pt. 2)

### **[<sup>F2</sup>13D. Further requirement for standard and restricted licences**

The requirement of this section is that the provision of the facilities and arrangements for maintaining the vehicles in a fit and serviceable condition (see section 13C(4)) is not prejudiced by reason of the applicant's having insufficient financial resources for that purpose.

#### Textual Amendments

- F2** Ss. 13-13D substituted (E.W.S.) for s. 13 (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), Sch. 2 para. 5 (with Sch. 3 Pt. 2)

## **14 Determinations where objections etc are made on environmental grounds.**

- (1) This section applies to any application for an operator's licence in respect of which—
- any objection is duly made under section 12(1)(b), or
  - any representations are duly made under section 12(4).
- (2) A traffic commissioner may refuse an application to which this section applies on the ground that, as respects any place in his area which, if the licence were issued, would be an operating centre of the holder of the licence—
- the parking of vehicles used under the licence at or in the vicinity of the place in question would cause adverse effects on environmental conditions in the vicinity of that place; or
  - the place in question would be unsuitable for use as an operating centre of the holder of the licence on other environmental grounds.
- (3) The traffic commissioner may not refuse an application for an operator's licence on the ground that any place would be unsuitable as mentioned in subsection (2)(b) if—
- on the date the application was made, that place was already specified in an operator's licence issued by the commissioner as an operating centre of the holder of that licence, or
  - the applicant has produced to the commissioner a certificate in force in respect of that place under—
    - section 191 or 192 of the <sup>M2</sup>Town and Country Planning Act 1990, or  
[ section 150 or 151 of the Town and Country Planning (Scotland) Act <sup>F3</sup>(ii) 1997;]
 stating that its use as an operating centre for vehicles used under any operator's licence is or would be lawful.

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- (4) Subsection (3) does not apply in relation to any place that, at the time the application is determined by the traffic commissioner, is specified in an operator's licence as an operating centre of the holder of that licence.
- (5) A place is not to be regarded for the purposes of paragraph (a) of subsection (3) as being specified in an operator's licence by reason only that it forms part of a place so specified; and a place that was, on the date mentioned in that paragraph, a place specified in an operator's licence as mentioned in that paragraph shall be disregarded for the purposes of that paragraph if, on that date—
- (a) the operator's licence in which that place was specified was an interim licence issued under section 24; or
  - (b) that place was so specified by virtue of an interim direction such as is mentioned in section 25; or
  - (c) such conditions relating to—
    - (i) the exercise of the right of any person to appeal against a place being specified in an operator's licence, or
    - (ii) the review under section 36 of any decision so to specify a place, as may be prescribed were not satisfied in relation to that place.
- (6) Where in the case of any application for an operator's licence—
- (a) the traffic commissioner has power to refuse the application under subsection (2), and
  - (b) any place other than a place that will be unsuitable for use as an operating centre is mentioned in the statement given by the applicant under section 8(3) as a proposed operating centre of his,
- the commissioner may, instead of refusing the application, issue the licence but specify in it only such place or such places mentioned in that statement as will not be unsuitable for use as an operating centre.
- (7) For the purposes of subsection (6), a place will be unsuitable for use as an operating centre if the traffic commissioner has power to refuse the application under subsection (2) in consequence of the proposed use of that place as an operating centre.

#### Textual Amendments

- F2** Ss. 13-13D substituted (E.W.S.) for s. 13 (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), Sch. 2 para. 5 (with Sch. 3 Pt. 2)
- F3** S. 14(3)(b)(ii) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\), Sch. 2 para. 59\(2\)](#)

#### Marginal Citations

- M2** [1990 c. 8.](#)

## 15 Issue of operators' licences.

- (1) Subject to subsection (2) and to sections 14(6), 21, 22, 23 and 45(2), on granting an application for an operator's licence a traffic commissioner shall issue that licence in the terms applied for.
- (2) If a traffic commissioner has determined that any of the requirements of [<sup>F4</sup>section 13C or 13D] that he has taken into consideration in accordance with subsection (1) or (as the

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- case may be) (2) of [<sup>F5</sup>section 13] would not be satisfied unless he were to exercise any of his powers under subsection (3) below, he shall exercise those powers accordingly.
- (3) A traffic commissioner may issue the licence in terms that differ from the terms applied for in any of the following respects—
- (a) more or fewer motor vehicles are specified in the licence;
  - (b) different motor vehicles are specified in it;
  - (c) it includes a provision such as is mentioned in section 5(2);
  - (d) it includes a provision such as is mentioned in section 6(1)(b) or (2)(b);
  - (e) higher or lower maximum numbers are specified in it under section 6;
  - (f) fewer places are specified in it as operating centres of the licence-holder.
- (4) Any undertakings taken into account by the traffic commissioner under [<sup>F6</sup>section 13C(7)] that he considers to be material to the granting of the application shall be recorded in the licence issued.
- (5) A statement shall appear on the face of every operator's licence indicating whether it is a standard licence or a restricted licence.
- (6) A statement shall appear on the face of every standard licence indicating whether it covers both national and international transport operations or national transport operations only.

#### Textual Amendments

- F2** Ss. 13-13D substituted (E.W.S.) for s. 13 (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), Sch. 2 para. 5 (with Sch. 3 Pt. 2)
- F4** Words in s. 15(2) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 6(2)(a)** (with Sch. 3 Pt. 2)
- F5** Words in s. 15(2) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 6(2)(b)** (with Sch. 3 Pt. 2)
- F6** Words in s. 15(4) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 6(3)** (with Sch. 3 Pt. 2)

## 16 Duration of operators' licences.

- (1) The date on which an operator's licence is to come into force shall be specified in the licence.
- (2) Subject to its revocation or other termination under any provision of this Act or any other statutory provision, an operator's licence (other than an interim licence issued under section 24) shall continue in force indefinitely.
- (3) If the holder of an operator's licence requests the traffic commissioner by whom it was issued to terminate it at any time, the commissioner shall, subject to subsection (4), comply with the request.
- (4) The traffic commissioner may refuse to comply with the request if he is considering giving a direction in respect of the licence under section 26 or 27.
- (5) An operator's licence held by an individual terminates if he dies, if [<sup>F7</sup>he becomes a person who lacks capacity (within the meaning of the Mental Capacity Act 2005) to use a vehicle under the licence], or if (in Scotland) a curator bonis is appointed in

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respect of him on the ground that he is incapable, by reason of mental disorder, of adequately managing and administering his property and affairs.]]

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**Textual Amendments**

- F2** Ss. 13-13D substituted (E.W.S.) for s. 13 (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), Sch. 2 para. 5 (with Sch. 3 Pt. 2)
- F7** Words in s. 16(5) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), s. 68(1), **Sch. 6 para. 40(2)** (with [ss. 27-29, 62](#)); [S.I. 2007/1897](#), art. 2(1)(d)
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**Modifications etc. (not altering text)**

- C1** S. 16(2) restricted (1.1.1996) by [S.I. 1995/2181](#), art. 3, Sch. paras. 2(4), **3(4)**

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