



Goods Vehicles (Licensing of Operators) Act 1995

1995 CHAPTER 23

Revocation etc. of operators' licences

26 Revocation, suspension and curtailment of operators' licences.

- (1) Subject to the following provisions of this section and the provisions of section 29, the traffic commissioner by whom an operator's licence was issued may direct that it be revoked, suspended or curtailed (within the meaning given in subsection (11)) on any of the following grounds—
- (a) that a place in the commissioner's area has, at a time when it was not specified in the licence as an operating centre of the licence-holder, been used as an operating centre for vehicles authorised to be used under the licence;
 - (b) that the licence-holder has contravened any condition attached to the licence;
 - (c) that during the five years ending with the date on which the direction is given there has been—
 - (i) a conviction of the licence-holder of an offence such as is mentioned in any of sub-paragraphs (a) to (i) of paragraph 5 of Schedule 2;
 - (ii) a conviction of a servant or agent of the licence-holder of any such offence, other than an offence such as is mentioned in sub-paragraph (c), (e) or (h) of that paragraph; or
 - (iii) a prohibition under section 69 or 70 of the ^{M1}Road Traffic Act 1988 (power to prohibit driving of unfit or overloaded vehicles) of the driving of a vehicle of which the licence-holder was the owner when the prohibition was imposed;
 - [^{F1}(ca) that during those five years a fixed penalty notice or conditional offer has been issued under Part 3 of the Road Traffic Offenders Act 1988 to the licence-holder in respect of an offence within sub-paragraph (i) of paragraph (c) or to a servant or agent of the licence-holder in respect of an offence within sub-paragraph (ii) of that paragraph;]
 - (d) that during those five years, on occasions appearing to the commissioner to be sufficiently numerous to justify the giving of a direction under this subsection,

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there has been a conviction of the licence-holder or a servant or agent of his of an offence such as is mentioned in paragraph 5(j) of Schedule 2 [^{F2} or an issue of a fixed penalty notice or conditional offer under Part 3 of the Road Traffic Offenders Act 1988 to the licence-holder or a servant or agent of his in respect of such an offence];

- (e) that the licence-holder made, or procured to be made, for the purposes of—
 - (i) his application for the licence,
 - (ii) an application for the variation of the licence, or
 - (iii) a request for a direction under paragraph 1 or 3 of Schedule 4,
 a statement of fact that, whether to his knowledge or not, was false, or a statement of expectation that has not been fulfilled;
 - (f) that any undertaking recorded in the licence has not been fulfilled;
 - (g) that the licence-holder, being an individual, has been adjudged bankrupt or, being a company, has gone into liquidation, other than voluntary liquidation for the purpose of reconstruction;
 - (h) that since the licence was issued or varied there has been a material change in any of the circumstances of the licence-holder that were relevant to the issue or variation of the licence;
 - (i) that the licence is liable to revocation, suspension or curtailment by virtue of a direction under section 28(4).
- (2) Where the traffic commissioner has power to give a direction in respect of a licence under subsection (1), the commissioner also has power to direct that a condition, or additional condition, such as is mentioned in section 22(1) be attached to the licence.
- (3) In this Act any reference, in relation to an operator's licence, to a condition attached to the licence under section 22(1) includes any condition attached to the licence under subsection (2) above.
- (4) Where the existence of any of the grounds mentioned in subsection (1) is brought to the notice of the traffic commissioner in the case of the holder of any licence issued by him, the commissioner shall consider whether or not to give a direction under this section in respect of that licence.
- (5) Where, in a case falling within subsection (1)(c)(i)—
- (a) the conviction in question is a conviction of the licence-holder of an offence under section 3(6) or of the corresponding offence under regulation 33(2) of the ^{M2}Goods Vehicles (Operators' Licences, Qualifications and Fees) Regulations 1984, and
 - (b) there has been, within the 5 years preceding that conviction, a previous conviction of the licence-holder of an offence under either of those provisions,
- the traffic commissioner shall give a direction under subsection (1) to revoke the licence.
- (6) Where the traffic commissioner directs that an operator's licence be suspended or curtailed, the commissioner may order—
- (a) in the case of a suspension, that any motor vehicle specified in the licence may not be used under any other operator's licence (notwithstanding anything in section 5(1)(a)), or
 - (b) in the case of a curtailment having the effect of removing any motor vehicle from the licence, that the motor vehicle may not be used as mentioned in

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paragraph (a) and shall not be capable of being effectively specified in any other operator's licence.

- (7) An order made under subsection (6) shall cease to have effect—
- (a) on such date, not being more than 6 months after the order is made, as may be specified in the order, or
 - (b) if, before that date, the licence which is directed to be suspended or curtailed ceases to be in force, on the date on which it ceases to be in force.
- (8) The traffic commissioner by whom any direction suspending or curtailing a licence under subsection (1) was given may at any time—
- (a) cancel the direction together with any order under subsection (6) that was made when the direction was given;
 - (b) cancel any such order; or
 - (c) with the consent of the licence-holder, vary the direction or any such order (or both the direction and any such order).
- (9) Where an operator's licence is suspended under this section, the licence remains in force during the time of its suspension subject to the limitation that no vehicles are authorised to be used under it.
- (10) In subsection (1)(g) the reference to an individual having been adjudged bankrupt shall, as respects Scotland, be construed as a reference to an award of sequestration having been made of his estate.
- (11) In this Act references to directing that an operator's licence be curtailed are references to directing (with effect for the remainder of the duration of the licence or for any shorter period) all or any of the following, that is to say—
- (a) that one or more of the vehicles specified in the licence be removed from it;
 - (b) that a provision such as is mentioned in section 5(2) or 6(1)(b) or (2)(b) be included in the licence;
 - (c) that any maximum number specified in the licence under section 6 be reduced;
 - (d) that any one or more of the places specified in the licence as operating centres be removed from it.

Textual Amendments

- F1** S. 26(1)(ca) inserted (31.3.2009) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 6(4), 61(1), (10)** (with s. 61(3)); [S.I. 2008/3164](#), art. 3(c)
- F2** Words in s. 26(1)(d) inserted (31.3.2009) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 6(5), 61(1), (10)** (with s. 61(3)); [S.I. 2008/3164](#), art. 3(c)

Modifications etc. (not altering text)

- C1** S. 26 modified (1.1.1996) by [S.I. 1995/2181](#), art. 3, **Sch. para. 11**

Marginal Citations

- M1** [1988 c. 52](#).
- M2** [S.I. 1984/176](#).

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27 Revocation of standard licences.

- (1) The traffic commissioner by whom a standard licence was issued shall direct that it be revoked if at any time it appears to him that
- [^{F3}(a) the licence-holder no longer satisfies the requirements of section 13A(2), or
 - (b) the transport manager designated in accordance with Article 4 of the 2009 Regulation no longer satisfies the requirements of section 13A(3)]
- (2) Before giving a direction under subsection (1) in respect of a licence, the traffic commissioner shall give to its holder notice in writing that he is considering giving such a direction.
- (3) A notice under subsection (2) shall state the grounds on which the traffic commissioner is considering giving a direction under subsection (1) and shall also state—
- (a) that written representations with respect to those grounds may be made to the commissioner by the licence-holder, and
 - (b) that any such representations must be received by the commissioner within 21 days of the date of the notice;
- and the traffic commissioner shall consider any representations duly made under this subsection.
- [^{F4}(3A) A notice under subsection (2) may set a time limit, in accordance with Article 13.1 of the 2009 Regulation , for the licence-holder to rectify the situation.
- (3B) If the licence-holder rectifies the situation within the time limit set under subsection (3A), the traffic commissioner must not make the direction under subsection (1).]
- (4) This section has effect subject to section 29 (and, in particular, nothing in [^{F5}subsections (3) to (3B)] above shall be taken to affect a person's right under section 29(1) to require the holding of an inquiry).

Textual Amendments

- F3** Words in s. 27(1) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#) , reg. 1(1) , [Sch. 2 para. 10\(2\)](#) (with Sch. 3 Pt. 2)
- F4** S. 27(3A)(3B) inserted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#) , reg. 1(1) , [Sch. 2 para. 10\(3\)](#) (with Sch. 3 Pt. 2)
- F5** Words in s. 27(4) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#) , reg. 1(1) , [Sch. 2 para. 10\(4\)](#) (with Sch. 3 Pt. 2)

28 Disqualification.

- (1) Where, under section 26(1) or 27(1), a traffic commissioner directs that an operator's licence be revoked, the commissioner may order the person who was the holder of the licence to be disqualified (either indefinitely or for such period as the commissioner thinks fit) from holding or obtaining an operator's licence; and so long as the disqualification is in force—
- (a) any operator's licence held by him at the date of the making of the order (other than the licence revoked) shall be suspended, and
 - (b) notwithstanding anything in section 13 or 24, no operator's licence may be issued to him.

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- (2) If a person applies for or obtains an operator's licence while he is disqualified under subsection (1)—
- (a) he is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale, and
 - (b) any operator's licence issued to him on the application, or (as the case may be) the operator's licence obtained by him, shall be void.
- (3) An order under subsection (1) may be limited so as to apply only to the holding or obtaining of an operator's licence in respect of one or more specified traffic areas and, if the order is so limited—
- (a) paragraphs (a) and (b) of that subsection and subsection (2) shall apply only to any operator's licence to which the order applies, but
 - (b) notwithstanding section 5(4)(b), no other operator's licence held by the person in question shall authorise the use by him of any vehicle at a time when its operating centre is in a traffic area in respect of which he is disqualified by virtue of the order.
- (4) Where the traffic commissioner makes an order under subsection (1) in respect of any person, the commissioner may direct that if that person, at any time or during such period as the commissioner may specify—
- (a) is a director of, or holds a controlling interest in—
 - (i) a company which holds a licence of the kind to which the order in question applies, or
 - (ii) a company of which such a company is a subsidiary, or
 - (b) operates any goods vehicles in partnership with a person who holds such a licence,
- that licence of that company or, as the case may be, of that person, shall be liable to revocation, suspension or curtailment under section 26.
- (5) The powers conferred by subsections (1) and (4) in relation to the person who was the holder of a licence shall be exercisable also—
- (a) where that person was a company, in relation to any director of that company, and
 - (b) where that person operated vehicles under the licence in partnership with other persons, in relation to any of those other persons;
- and any reference in this section or in section 26 or 29 to subsection (1) or (4) above includes a reference to that subsection as it applies by virtue of this subsection.
- (6) The traffic commissioner by whom any order disqualifying a person was made under subsection (1) may at any time—
- (a) cancel that order together with any direction that was given under subsection (4) when the order was made;
 - (b) cancel any such direction; or
 - (c) with the consent of the person disqualified, vary the order or any such direction (or both the order and any such direction).
- (7) Where an operator's licence is suspended under this section, the licence remains in force during the time of its suspension subject to the limitation that no vehicles are authorised to be used under it.

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- (8) For the purposes of this section a person holds a controlling interest in a company if he is the beneficial owner of more than half its equity share capital (as defined in ^{F6}section 548 of the Companies Act 2006]).

Textual Amendments

- F6** Words in s. 28(8) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 153(3)** (with art. 10)

29 Revocation and disqualification etc: supplementary provisions.

- (1) A traffic commissioner shall not—
- give a direction under section 26(1) or (2) or 27(1) in respect of any licence,
 - make an order under section 26(6) in respect of any vehicle, or
 - make an order or give a direction under section 28(1) or (4) in respect of any person,
- without first holding an inquiry if the holder of the licence or (as the case may be) the person concerned requests him to do so.
- (2) The traffic commissioner may direct that any direction or order given or made by him under—
- section 26(1), (2) or (6),
 - section 27(1), or
 - section 28(1) or (4),
- shall not take effect until the expiry of the time within which an appeal may be made to the ^{F7}Upper Tribunal] against the direction or order and, if such an appeal is made, until the appeal has been disposed of.
- (3) If the traffic commissioner refuses to give a direction under subsection (2) the holder of the licence or, as the case may be, the person in respect of whom the direction or order was given or made may apply to the ^{F8}Upper Tribunal] for such a direction.

^{F9}(4)

Textual Amendments

- F7** Words in s. 29(2) substituted (1.9.2009) by [Transfer of Functions \(Transport Tribunal and Appeal Panel\) Order 2009 \(S.I. 2009/1885\)](#), art. 1(1), **Sch. 1 para. 20(a)**
- F8** Words in s. 29(3) substituted (1.9.2009) by [Transfer of Functions \(Transport Tribunal and Appeal Panel\) Order 2009 \(S.I. 2009/1885\)](#), art. 1(1), **Sch. 1 para. 20(b)**
- F9** S. 29(4) omitted (1.9.2009) by virtue of [Transfer of Functions \(Transport Tribunal and Appeal Panel\) Order 2009 \(S.I. 2009/1885\)](#), art. 1(1), **Sch. 1 para. 20(c)**

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