

SCHEDULES

SCHEDULE 12

Section 50.

SCHEDULE TO BE INSERTED IN THE TRANSPORT ACT 1968 AFTER SCHEDULE 8

“SCHEDULE 8A

TRANSFER OF OPERATING CENTRES

Applications for new licences

- 1 (1) Where in the case of any application for an operator’s licence—
 - (a) the requirements of sub-paragraphs (2) to (5) of this paragraph are satisfied at the time when the application is made; and
 - (b) the applicant so requests,the licensing authority may direct that paragraph 2 of this Schedule is to apply in relation to the application.
- (2) Each place referred to in the statement under section 69A(2) of this Act as a proposed operating centre of the applicant must already be specified in an operator’s licence as an operating centre of its holder.
- (3) That licence must be the same in the case of each such place, and no such place may be specified in more than the one operator’s licence.
- (4) Where any conditions under section 64B or 69C of this Act relating to any such place are attached to that licence, the applicant must have consented to conditions in the same terms being attached to the licence he is applying for.
- (5) Where any undertakings relating to any such place are recorded in that licence, undertakings in the same terms must have been given by the applicant (or have been procured by him to be given) for the purposes of the application.
- (6) In determining whether to give a direction under this paragraph, the licensing authority shall take account of whether any new adverse effects on environmental conditions are likely to arise from the use as an operating centre of the applicant of any such place (and may take account of any other matters he considers relevant).
- (7) In this paragraph “operator’s licence” does not include a licence granted under section 67A of this Act, and the reference in sub-paragraph (2) to a place being specified in an operator’s licence does not include a place being so specified—
 - (a) by virtue of an interim direction such as is mentioned in section 68A of this Act;
 - (b) if such conditions as may be prescribed in relation to the exercise of the right of any person to appeal against that place being so specified are not satisfied;

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- (c) if such conditions as may be prescribed in relation to the review under section 69J of this Act of the decision so to specify that place are not satisfied; or
 - (d) by reason of being situated within a place that is so specified.
- 2
- (1) The following provisions have effect in relation to any application for an operator's licence in respect of which a direction has been given under paragraph 1 of this Schedule.
 - (2) The notice published under section 63(1) of this Act shall state that the direction has been given.
 - (3) The following provisions of this Act shall not apply—
 - section 64(3)(c) so far as relating to the suitability of any place specified in the licence for use as an operating centre of the licence-holder;
 - section 64A(3)(f);
 - section 69B; and
 - section 69E.
 - (4) Notwithstanding anything in section 64(9) of this Act, the licensing authority may refuse the application if—
 - (a) any statement of fact made by the applicant (or procured by him to be made) for the purposes of the request for the direction under paragraph 1 of this Schedule was false (whether to his knowledge or not); or
 - (b) any undertaking given or statement of expectation made by the applicant (or procured by him to be given or made) for those purposes has not been fulfilled.
 - (5) If the application is granted, the licensing authority—
 - (a) shall attach to the licence issued to the applicant any conditions in respect of which the applicant has consented under paragraph 1(4) of this Schedule; and
 - (b) shall not attach any other conditions to the licence under section 64B or 69C of this Act.
 - (6) If the application is granted, the licensing authority shall record in the licence—
 - (a) any undertakings given or procured to be given under paragraph 1(5) of this Schedule; and
 - (b) any other undertakings given by the applicant (or procured by him to be given), whether for the purposes of the application or for the purposes of the request for the direction under paragraph 1 of this Schedule, that the licensing authority considers to be material to his decision to give the direction (and that would not otherwise be required by section 64A(4) of this Act to be recorded in the licence).

Applications for the variation of licences

- 3
- (1) Where in the case of an application for the variation of an operator's licence under section 68 of this Act—
 - (a) the only direction applied for is one under subsection (1)(g) of that section that one or more new places be specified in the licence as an operating centre of the licence-holder;

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- (b) the requirements of sub-paragraphs (2) to (5) of this paragraph are satisfied at the time when the application is made; and
 - (c) the applicant so requests,

the licensing authority may direct that paragraph 4 of this Schedule is to apply in relation to the application.
 - (2) Each new place that is proposed to be specified in the licence must already be specified in another operator's licence as an operating centre of its holder.
 - (3) That other licence must be the same in the case of each such place, and no such place may be specified in more than the one other operator's licence.
 - (4) Where any conditions under section 64B or 69C of this Act relating to any such place are attached to that other licence, the applicant must have consented to conditions in the same terms being attached to the licence he is applying to have varied.
 - (5) Where any undertakings relating to any such place are recorded in that other licence, undertakings in the same terms must have been given by the applicant (or have been procured by him to be given) for the purposes of the application.
 - (6) In determining whether to give a direction under this paragraph, the licensing authority shall take account of whether any new adverse effects on environmental conditions are likely to arise from the use as an operating centre of the applicant of any such place (and may take account of any other matters he considers relevant).
 - (7) In this paragraph "operator's licence" does not include a licence granted under section 67A of this Act, and the reference in sub-paragraph (2) to a place being specified in an operator's licence does not include a place being so specified—
 - (a) by virtue of an interim direction such as is mentioned in section 68A of this Act;
 - (b) if such conditions as may be prescribed in relation to the exercise of the right of any person to appeal against that place being so specified are not satisfied;
 - (c) if such conditions as may be prescribed in relation to the review under section 69J of this Act of the decision so to specify that place are not satisfied; or
 - (d) by reason of being situated within a place that is so specified.
- 4
- (1) The following provisions have effect in relation to any application for an operator's licence in respect of which a direction has been given under paragraph 3 of this Schedule.
 - (2) Sections 68(4) and 69E of this Act shall not apply.
 - (3) If the application is granted, the licensing authority—
 - (a) shall attach to the licence as varied any conditions in respect of which the applicant has consented under paragraph 3(4) of this Schedule; and
 - (b) shall not attach any other conditions to the licence under section 64B or 69C of this Act.
 - (4) If the application is granted, the licensing authority shall record in the licence as varied—
 - (a) any undertakings given or procured to be given under paragraph 3(5) of this Schedule; and

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- (b) any other undertakings given by the applicant (or procured by him to be given), whether for the purposes of the application or for the purposes of the request for the direction under paragraph 3 of this Schedule, that the licensing authority considers to be material to his decision to give the direction.”