



Goods Vehicles (Licensing of Operators) Act 1995

1995 CHAPTER 23

Applications for licences

8 Applications for operators' licences.

- [^{F1}(1) An application for an operator's licence—
- (a) shall be made to a traffic commissioner, and
 - (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,
- but a person may make separate applications in respect of different traffic areas.]
- (2) Accordingly, a person may hold separate operators' licences in respect of different areas; but he shall not at any time hold more than one such licence in respect of the same area.
- (3) A person applying for an operator's licence shall give to the traffic commissioner a statement—
- (a) containing such particulars as the commissioner may require of the motor vehicles proposed to be used under the licence and stating the number and type of any trailers proposed to be used under the licence; and
 - (b) containing such particulars as the commissioner may require of each place [^{F2}in the traffic area concerned] which will be an operating centre of the applicant if the licence is issued.
- (4) A person applying for an operator's licence shall also give to the traffic commissioner any further information which the commissioner may reasonably require for the discharge of his duties in relation to the application, and in particular shall, if required by the commissioner to do so, give to him any of the information specified in paragraph 1 of Schedule 2.
- (5) Without prejudice to subsection (4), a person applying for an operator's licence shall also, if required by the traffic commissioner to do so, give to him such particulars as he

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may require with respect to the use which the applicant proposes to make, for vehicles used under the licence, of any place referred to in the statement under subsection (3) (b).

- (6) Any statement, information or particulars to be given to [^{F3}the traffic commissioner] under this section shall be given in such form as the commissioner may require.

[^{F4}(7) In subsections (3) to (6), “the traffic commissioner” means the traffic commissioner dealing with the application in question.]

Textual Amendments

- F1** S. 8(1) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013](#) (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F2** Words in s. 8(3)(b) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013](#) (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F3** Words in s. 8(6) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013](#) (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F4** S. 8(7) added (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013](#) (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)

9 Convictions etc. subsequent to the making of an application.

- (1) A person who has made an application for an operator’s licence shall forthwith notify the traffic commissioner [^{F5}dealing with the application] if, in the interval between the making of the application and the date on which it is disposed of, there occurs a notifiable conviction within the meaning given in paragraph 4 of Schedule 2 [^{F6} or there is issued a notifiable fixed penalty notice within the meaning given in paragraph 7 of that Schedule].

- (2) A person who—

- (a) has made an application for a standard licence, and
(b) has included in that application particulars of a transport manager,

shall forthwith notify the traffic commissioner [^{F7}dealing with the application] if, in the interval between the making of the application and the date on which it is disposed of, there occurs any event affecting any information about the transport manager given to the commissioner under section 8.

- (3) A person is guilty of an offence if he—

- (a) knowingly fails to comply with subsection (1), or
(b) knowingly fails to comply with subsection (2) in a case where the event which occurs as mentioned in that subsection is the conviction of the transport manager of an offence such as is mentioned in paragraph 5 of Schedule 2 [^{F8} or the issue to the transport manager of a fixed penalty notice or conditional offer under Part 3 of the Road Traffic Offenders Act 1988 in respect of such an offence];

and a person who is guilty of an offence under paragraph (a) or (b) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

- (4) For the purposes of this section an application shall be taken to be disposed of—

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- (a) in a case where [^{F9}a traffic commissioner] is required, by virtue of regulations under section 57(2)(a), to cause a statement containing his decision on the application to be issued, on the date on which that statement is issued, and
- (b) in any other case, on the date on which the applicant receives notice from [^{F9}a traffic commissioner] of his decision on the application.

Textual Amendments

- F5** Words in s. 9(1) substituted (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F6** Words in s. 9(1) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), **ss. 6(2)**, 61(1), (10) (with s. 61(3)); S.I. 2008/3164, art. 3(c)
- F7** Words in s. 9(2) substituted (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F8** Words in s. 9(3)(b) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), **ss. 6(3)**, 61(1), (10) (with s. 61(3)); S.I. 2008/3164, art. 3(c)
- F9** Words in s. 9(4)(a)(b) substituted (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)

10 Publication by traffic commissioner of notice of application for licence.

- (1) A traffic commissioner shall publish in the prescribed manner notice of any application for an operator's licence [^{F10}which is received] .
- (2) The notice shall state—
 - (a) the time within which, and
 - (b) the manner in which,any objection to, or representations against, the grant of the application is or are to be made under section 12 (that is to say, the time and manner prescribed under subsection (6) or, as the case may be, (7) of that section).

Textual Amendments

- F10** Words in s. 10(1) substituted (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)

11 Publication in locality affected of notice of application for licence.

- (1) Subject to subsection (3), [^{F11}a traffic commissioner who is dealing with an application for an operator's licence] shall refuse the application without considering the merits unless he is satisfied that subsection (2) has been complied with in respect of each locality affected by the application.
- (2) This subsection has been complied with in respect of a locality affected by an application if, within the period beginning 21 days before the date on which the application is made and ending 21 days after that date, notice of the application in such form and containing such information as may be prescribed has been published in one or more local newspapers circulating in the locality.
- (3) [^{F12}A traffic commissioner] is not required by this section to refuse an application if—

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- (a) he is satisfied as mentioned in subsection (1), save only that the form or contents of the notice of application as published in any newspaper did not comply with the prescribed requirements, and
 - (b) he is satisfied that no person's interests are likely to have been prejudiced by the failure to comply with those requirements.
- (4) For the purposes of this section a locality is affected by an application for an operator's licence if it contains any place [^{F13}in the traffic area concerned] that will be an operating centre of the licence-holder if the application is granted.

Textual Amendments

- F11** Words in s. 11(1) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), [Sch. 1](#) (with arts. 1(3), 2, 7)
- F12** Words in s. 11(3) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), [Sch. 1](#) (with arts. 1(3), 2, 7)
- F13** Words in s. 11(4) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), [Sch. 1](#) (with arts. 1(3), 2, 7)

Modifications etc. (not altering text)

- C1** S. 11 modified (1.1.1996) by [S.I. 1995/2181](#), art. 3, [Sch. para. 7](#)

12 Objections to, and representations against, issue of operators' licences.

- (1) Any of the persons mentioned in subsection (2) may make an objection to the grant of an application for an operator's licence on the ground—
- (a) that any of the requirements of [^{F14}sections 13A to 13D] are not satisfied in the case of the application; or
 - (b) that any place [^{F15}in the traffic area concerned] which, if the licence is issued, will be an operating centre of the holder of the licence will be unsuitable on environmental grounds for use as such.
- (2) The persons who may make such an objection are—
- (a) a prescribed trade union or association;
 - (b) a chief officer of police;
 - (c) a local authority; and
 - (d) a planning authority.
- (3) The trade unions and associations which may be prescribed for the purposes of subsection (2)(a) are trade unions or associations whose membership consists of or includes—
- (a) persons holding operators' licences, or
 - (b) employees of any such persons.
- (4) Where an application for an operator's licence is made, any person who is the owner or occupier of land in the vicinity of any place [^{F16}in the traffic area concerned] which, if the licence is issued, will be an operating centre of the holder of the licence may make representations against the grant of the application on the ground that that place will be unsuitable on environmental grounds for use as such.
- (5) A person may not make representations under subsection (4) unless any adverse effects on environmental conditions arising from the use of the place in question as an

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operating centre of the holder of the licence would be capable of prejudicially affecting the use or enjoyment of the land mentioned in that subsection.

- (6) Any objection under subsection (1)(a) shall be made—
- (a) within the prescribed time; and
 - (b) in the prescribed manner.
- (7) Any objection under subsection (1)(b) or representations under subsection (4) shall be made—
- (a) within the prescribed time after the making of the application to which they relate; and
 - (b) in the prescribed manner.
- (8) Where [^{F17}a traffic commissioner] considers there to be exceptional circumstances that justify his doing so, he may direct that an objection or representations be treated for the purposes of this Act as duly made under this section, notwithstanding that the objection was not, or the representations were not, made within the prescribed time or in the prescribed manner.
- (9) Any objection under subsection (1) shall contain—
- (a) in the case of an objection under paragraph (a), particulars of the ground on which it is made, and
 - (b) in the case of an objection under paragraph (b), particulars of any matters alleged by the person making the objection to be relevant to the issue to which it relates.
- (10) Any representations under subsection (4) shall contain particulars of any matters alleged by the person making the representations to be relevant to the issue to which they relate.
- (11) In subsection (1) the reference to “the requirements of [^{F18}sections 13A to 13D]” is a reference—
- (a) in the case of an application for a standard licence, to the requirements of [^{F19}sections 13A, 13C and 13D]; and
 - (b) in the case of an application for a restricted licence, to the requirements of [^{F20}sections 13B, 13C and 13D].
- (12) In this section—
- “local authority” means—
- (a) as respects England, the council of a county, district or London borough and the Common Council of the City of London;
 - (b) as respects Wales, the council of a county or county borough; and
 - (c) as respects Scotland, a council constituted under section 2 of the ^{M1}Local Government etc. (Scotland) Act 1994;
- “planning authority” means any body other than a local authority which by virtue of any statutory provision for the time being in force is—
- (a) in England and Wales, the local planning authority for any area for the purpose of determining applications for planning permission under Part III of the ^{M2}Town and Country Planning Act 1990 (general planning control); and
 - (b) in Scotland, the planning authority for any area for the purpose of determining applications for planning permission under Part III of

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the ^{M3}Town and Country Planning (Scotland) Act [^{F21}1997] (general planning control); and
“trade union” has the same meaning as in the ^{M4}Trade Union and Labour Relations (Consolidation) Act 1992;

^{F22}

Textual Amendments

- F14** Words in s. 12(1)(a) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 4(2)** (with Sch. 3 Pt. 2)
- F15** Words in s. 12(1)(b) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F16** Words in s. 12(4) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F17** Words in s. 12(8) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F18** Words in s. 12(11) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 4(3)(a)** (with Sch. 3 Pt. 2)
- F19** Words in s. 12(11)(a) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 4(3)(b)** (with Sch. 3 Pt. 2)
- F20** Words in s. 12(11)(b) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 4(3)(c)** (with Sch. 3 Pt. 2)
- F21** Words in s. 12(12) in the definition of “planning authority” substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 59(1)**
- F22** Words in s. 12(12) omitted (3.7.2013) by virtue of [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)

Marginal Citations

- M1** 1994 c. 39.
M2 1990 c. 8.
M3 1972 c. 52.
M4 1992 c. 52.

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