



# Goods Vehicles (Licensing of Operators) Act 1995

## 1995 CHAPTER 23

### *Conditions attached to licences*

- 21** **Conditions <sup>[F1]</sup>attached to heavy goods vehicle licences] for securing road safety.** **E+W+S**
- (1) On issuing <sup>[F2]</sup>a heavy goods vehicle] licence, or on varying such a licence under section 17, a traffic commissioner may attach to the licence such conditions as he thinks fit for preventing <sup>[F3]</sup>heavy goods] vehicles that are authorised to be used under it from causing danger to the public—
    - (a) at any point where <sup>[F4]</sup>heavy goods] vehicles first join a public road on their way from an operating centre of the licence-holder (or last leave a public road on their way to such an operating centre); and
    - (b) on any road (other than a public road) along which <sup>[F5]</sup>heavy goods] vehicles are driven between such a point and the operating centre.
  - (2) On varying <sup>[F6]</sup>a heavy goods vehicle] licence under section 17 a traffic commissioner may vary or remove any condition attached to the licence under this section.
  - (3) <sup>[F7]</sup>A traffic commissioner] shall not—
    - (a) attach to <sup>[F8]</sup>a heavy goods vehicle] licence any condition such as is mentioned in this section, or
    - (b) vary in such manner as imposes new or further restrictions or requirements any condition attached to <sup>[F9]</sup>a heavy goods vehicle] licence under this section, <sup>[F7]</sup>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] with respect to the effect on his business of the proposed condition or variation.
  - (4) The traffic commissioner shall give special consideration to any representations made under subsection (3) in determining whether to attach the proposed condition or make the proposed variation.

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- (5) In this section “public road”—
- (a) in relation to England and Wales, means a highway maintainable at the public expense for the purposes of the <sup>M1</sup>Highways Act 1980; and
  - (b) in relation to Scotland, has the same meaning as in the <sup>M2</sup>Roads (Scotland) Act 1984.
- (6) Any person who contravenes any condition attached under this section to a licence of which he is the holder is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

#### Textual Amendments

- F1** Words in s. 21 heading inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **39(1)**
- F2** Words in s. 21(1) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **39(2)(a)(i)**
- F3** Words in s. 21(1) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **39(2)(a)(ii)**
- F4** Words in s. 21(1)(a) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **39(2)(b)**
- F5** Words in s. 21(1)(b) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **39(2)(c)**
- F6** Words in s. 21(2) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **39(3)**
- F7** Words in s. 21(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)
- F8** Words in s. 21(3)(a) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **39(4)**
- F9** Words in s. 21(3)(b) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **39(4)**

#### Marginal Citations

- M1** 1980 c. 66.  
**M2** 1984 c. 54.

## 22 Conditions [<sup>F10</sup>attached to operators’ licences] as to matters required to be notified to traffic commissioner. **E+W+S**

- (1) On issuing an operator’s licence, a traffic commissioner may attach to the licence such conditions as he thinks fit for requiring the holder [<sup>F11</sup>to inform a traffic commissioner] —
- (a) of any change of a kind specified in the conditions in the organisation, management or ownership of the trade or business in the course of which vehicles are used under the licence or, if the licence is at any time suspended under section 26 or 28, were used under the licence immediately before its suspension;
  - (b) where the licence-holder is a company, of any change, or of any change of a kind specified in the conditions, in the persons holding shares in the company; or

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- (c) of any other event of a kind specified in the conditions which affects the licence-holder and which is relevant to the exercise of any powers of [<sup>F12</sup>a traffic commissioner] in relation to the licence.
- (2) On issuing a standard licence, a traffic commissioner shall attach to it the following conditions, namely—
- (a) a condition requiring the licence-holder to inform [<sup>F13</sup>a traffic commissioner] of any event which could affect the fulfilment by the licence-holder of any of the requirements of [<sup>F14</sup>section [<sup>F15</sup>13A]] , and to do so within 28 days of the event; and
- (b) a condition requiring the licence-holder to inform [<sup>F13</sup>a traffic commissioner] of any event which could affect the fulfilment by a [<sup>F16</sup>... transport manager of [<sup>F17</sup>one or more of] the requirements [<sup>F18</sup>set out in paragraph 14A(1) and (2), or (1) and (3), of Schedule 3], and to do so within 28 days of the event coming to the licence-holder's knowledge.
- <sup>F19</sup>(3) .....
- (4) In a case where the licence-holder is a company, no condition attached under subsection (2) shall be taken to require the company to inform [<sup>F20</sup>a traffic commissioner] of any change in the identity of the persons holding shares in the company unless the change is such as to cause a change in the control of the company.
- (5) For the purposes of subsection (4), a change in the control of a company occurs when the beneficial ownership of more than half its equity share capital (as defined in [<sup>F21</sup>section 548 of the Companies Act 2006]) passes from one person to another person or from one group of persons to a wholly or substantially different group of persons.
- (6) Any person who contravenes any condition attached under this section to a licence of which he is the holder is guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F22</sup>level 5] on the standard scale.

#### Textual Amendments

- F10** Words in s. 22 heading inserted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **40(1)**
- F11** Words in s. 22(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. 22(1)(c) 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. 22(2)(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)
- F14** Words in s. 22(2)(a) substituted (4.12.2011) by The Road Transport Operator Regulations 2011 (S.I. 2011/2632), reg. 1(1), **Sch. 2 para. 8(2)(a)** (with Sch. 3 Pt. 2)
- F15** Word in s. 22(2)(a) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **40(2)(a)**
- F16** Word in s. 22(2)(b) omitted (4.12.2011) by virtue of The Road Transport Operator Regulations 2011 (S.I. 2011/2632), reg. 1(1), **Sch. 2 para. 8(2)(b)(i)** (with Sch. 3 Pt. 2)
- F17** Words in s. 22(2)(b) inserted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **40(2)(b)(i)**
- F18** Words in s. 22(2)(b) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **40(2)(b)(ii)**

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- F19** S. 22(3) omitted (4.12.2011) by virtue of [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 8(2)(c)** (with Sch. 3 Pt. 2)
- F20** Words in s. 22(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)
- F21** Words in s. 22(5) 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(2)** (with art. 10)
- F22** Words in s. 22(6) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 8(2)(d)** (with Sch. 3 Pt. 2)

## 23 Conditions <sup>F23</sup> attached to heavy goods vehicle licences] as to use of operating centres. **E+W+S**

- (1) On issuing <sup>F24</sup>a heavy goods vehicle] licence, or on varying such a licence on an application of which notice has been published under section 17(3), a traffic commissioner may attach to the licence such conditions as he thinks fit for preventing or minimising any adverse effects on environmental conditions arising from the use of a place <sup>F25</sup>in the traffic area to which the licence relates] as an operating centre of the licence-holder.
- (2) The conditions which may be attached to a licence under this section shall be of such description as may be prescribed; and, without prejudice to the generality of the preceding provision, the descriptions which may be prescribed include conditions regulating—
  - (a) the number, type and size of <sup>F26</sup>heavy goods vehicles] which may at any one time be at any operating centre of the licence-holder <sup>F27</sup>... for any prescribed purpose;
  - (b) the parking arrangements to be provided <sup>F28</sup>for heavy goods vehicles] at or in the vicinity of any such centre; and
  - (c) the hours at which operations of any prescribed description may be carried on at any such centre.
- (3) On varying <sup>F29</sup>a heavy goods vehicle] licence on an application of which notice has been published under section 17(3), a traffic commissioner may vary or remove any condition attached to the licence under this section.
- (4) <sup>F30</sup>A traffic commissioner] shall not—
  - (a) attach any condition such as is mentioned in this section to <sup>F31</sup>a heavy goods vehicle] licence, or
  - (b) vary in such manner as imposes new or further restrictions or requirements any condition attached to <sup>F32</sup>a heavy goods vehicle] licence under this section, <sup>F30</sup>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] with respect to the effect on his business of the proposed condition or variation.
- (5) The traffic commissioner shall give special consideration to any representations made under subsection (4) in determining whether to attach the proposed condition or make the proposed variation.
- (6) Any person who contravenes any condition attached under this section to a licence of which he is the holder is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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### Textual Amendments

- F23** Words in s. 23 heading inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **41(1)**
- F24** Words in s. 23(1) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **41(2)**
- F25** Words in s. 23(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)
- F26** Words in s. 23(2)(a) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **41(3)(a)**
- F27** Words in s. 23(2)(a) repealed (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)
- F28** Words in s. 23(2)(b) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **41(3)(b)**
- F29** Words in s. 23(3) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **41(4)**
- F30** Words in s. 23(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)
- F31** Words in s. 23(4)(a) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **41(5)**
- F32** Words in s. 23(4)(b) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **41(5)**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(6)(6A) substituted for s. 5(6) by [2000 c. 38 s. 263](#)