



Goods Vehicles (Licensing of Operators) Act 1995

1995 CHAPTER 23

Miscellaneous

44 Assessors

- (1) In considering any financial question which appears to him to arise in relation to the exercise of his functions under this Act, the traffic commissioner may be assisted by an assessor drawn from a panel of persons appointed for the purpose by the Secretary of State.
- (2) The Secretary of State shall pay to any such assessor in respect of his services such remuneration as may be determined by the Secretary of State with the consent of the Treasury.

45 Fees

- (1) Such fees, payable at such times, and whether in one sum or by instalments, as may be prescribed shall be charged by a traffic commissioner in respect of—
 - (a) applications for, or for the variation of, operators' licences;
 - (b) the issue or variation of operators' licences;
 - (c) the continuation in force of operators' licences;
 - (d) any arrangements made with the holder of an operator's licence to treat the licence for certain administrative purposes as if it were two or more licences.
- (2) A traffic commissioner may decline to proceed with—
 - (a) any application for, or for the variation of, an operator's licence, or
 - (b) the issue or variation of any operator's licence,until any fee or instalment of a fee in respect of the application, issue or variation (as the case may be) is duly paid.

- (3) If, in the case of any application for, or for the variation of, an operator's licence, any fee or instalment of a fee in respect of the application or the issue or variation of the licence is not duly paid by the prescribed time—
- (a) the application shall be treated as withdrawn at that time, and
 - (b) any decision made or direction given on the application, and any licence issued or variation effected in pursuance of such a direction, ceases to have effect or terminates at that time.
- (4) If any fee or instalment of a fee in respect of the continuation in force of an operator's licence is not duly paid by the prescribed time, the licence terminates at that time.
- (5) The traffic commissioner may, if he considers there to be exceptional circumstances that justify his doing so in any case where subsection (3) or (4) has applied, direct that as from the time mentioned in that subsection its effect in that case be disregarded.
- (6) Where, by virtue of such a direction, the effect of subsection (3)(a) is to be disregarded in any case, any termination—
- (a) of an interim licence under section 24(5)(b) or (6), or
 - (b) of an interim direction under section 25(4),
- by virtue of the operation of subsection (3)(a) in that case before the direction was given shall be cancelled with effect from the same time.
- (7) Where such a direction is given in respect of an operator's licence—
- (a) any condition attached to the licence under section 22 shall be treated as having been of no effect during the period beginning with the time when the licence terminated by virtue of subsection (3) or (4) above and ending with the time when the direction comes into force, and
 - (b) subject to paragraph (a), the traffic commissioner may vary any such condition as it applies in relation to events occurring before the direction comes into force.
- (8) All fees payable under this Act, other than those payable under section 49, shall be paid into the Consolidated Fund in such manner as the Treasury may direct.

46 Holding companies and subsidiaries

- (1) The Secretary of State may by regulations make provision for the purpose of enabling any company or other body corporate which has one or more subsidiaries to hold an operator's licence under which the vehicles authorised to be used consist of or include vehicles belonging to or in the possession of any of its subsidiaries.
- (2) Regulations under this section may—
- (a) modify or supplement any of the provisions of this Act, other than the excepted provisions, so far as appears to the Secretary of State to be necessary or expedient for or in connection with the purpose mentioned in subsection (1), and
 - (b) may contain such other supplementary and incidental provisions as appear to the Secretary of State to be requisite.
- (3) In this Act "the excepted provisions" means the following provisions (which are provisions that reproduce the effect of provisions of the Goods Vehicles (Operators' Licences, Qualifications and Fees) Regulations 1984), namely—
- (a) sections 3, 4, 9(2) and (3)(b), 13(3), 15(5) and (6), 20, 22(2) to (5), 27 and 49;

- (b) in section 58, in subsection (1), the definitions of “international transport operations”, “national transport operations”, “road transport undertaking” and “transport manager”, and subsection (4); and
- (c) Schedule 3.

47 Partnerships

Regulations may provide for this Act to apply in relation to partnerships with such modifications as may be specified in the regulations; but nothing in any such regulations may make modifications in any of the excepted provisions (within the meaning given in section 46(3)).

48 Operators' licences not to be transferable etc

- (1) Subject to any regulations under section 46, an operator’s licence is neither transferable nor assignable.
- (2) Regulations may make provision enabling a traffic commissioner, where the holder of an operator’s licence issued by him has died or become a patient within the meaning of Part VII of the Mental Health Act 1983, to direct that the licence be treated—
 - (a) as not having terminated at the time when the licence-holder died or became a patient but as having been suspended (that is, as having remained in force but subject to the limitation that no vehicles were authorised to be used under it) from that time until the time when the direction comes into force; and
 - (b) as having effect from the time when the direction comes into force for a specified period and as being held during that period (for such purposes and to such extent as may be specified) not by the person to whom it was issued but by such other person carrying on that person’s business, or part of that person’s business, as may be specified.
- (3) Regulations may make provision enabling a traffic commissioner in prescribed circumstances to direct that any operator’s licence issued by him is to be treated (for such purposes, for such period and to such extent as may be specified) as held not by the person to whom it was issued but by such other person carrying on that person’s business, or part of that person’s business, as may be specified.
- (4) Regulations may make provision enabling a traffic commissioner to direct, for the purpose of giving effect to or supplementing a direction given by him by virtue of subsection (2) or (3), that this Act is to apply with specified modifications in relation to the person who is to be treated under the direction as the holder of an operator’s licence; but nothing in any such regulations shall permit the commissioner to modify the operation of any of the excepted provisions (within the meaning given in section 46(3)).
- (5) In subsection (2) references to a person becoming a patient within the meaning of Part VII of the Mental Health Act 1983 include references to a curator bonis being appointed in respect of him in Scotland on the ground that he is incapable, by reason of mental disorder, of adequately managing and administering his property and affairs.
- (6) In this section “specified”, in relation to a direction, means specified—
 - (a) in the regulations under which the direction was given; or
 - (b) in the direction in accordance with those regulations.

49 Certificates of qualification

(1) On an application made to him by a person wishing to engage in a road transport undertaking in a member State other than the United Kingdom, the appropriate person shall issue to the applicant a certificate (a “certificate of qualification”) as to such matters relating to—

- (a) the applicant’s repute,
- (b) his professional competence, or
- (c) (where relevant) his financial standing,

as the appropriate person is satisfied he may properly certify and as appear to him to be of assistance to the applicant in satisfying any requirements imposed by the law of the other member State as regards the repute, professional competence and financial standing of persons engaged in road transport undertakings in that member State.

(2) A certificate of qualification shall—

- (a) be in such form as the Secretary of State for Transport may specify; and
- (b) have effect for the purposes of Article 3, 4 or (as the case may be) 5 of the 1977 Council Directive.

(3) No certificate of qualification shall be issued before a fee of £20 has been paid.

(4) The applicant shall give to the appropriate person such information as that person may reasonably require for the discharge of his duties in relation to the application.

(5) In this section “the appropriate person”—

- (a) in relation to an applicant who holds only one operator’s licence, means the traffic commissioner who issued that licence;
- (b) in relation to an applicant who holds more than one such licence, means the traffic commissioner who issued any one of those licences; and
- (c) in relation to an applicant who holds no such licence, means the Secretary of State;

and in subsection (1) references to repute, professional competence or financial standing are to be construed in accordance with the 1974 Council Directive.

(6) All fees payable under this section shall be paid into the Consolidated Fund.