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## SCHEDULES

### SCHEDULE 2 **E+W+S**

Sections 8, 9 and 26.

#### INFORMATION ABOUT, AND CONVICTIONS OF, APPLICANTS FOR AND HOLDERS OF OPERATORS’ LICENCES

##### *Information to be given under section 8*

- 1 The information referred to in section 8(4) is the following—
- (a) such particulars as the traffic commissioner may require with respect to the purposes for which the vehicles referred to in the statement under section 8(3) are proposed to be used;
  - (b) particulars of the arrangements for securing that—
    - (i) Part VI of the <sup>M1</sup>Transport Act 1968 (drivers’ hours), and
    - (ii) the applicable Community rules, within the meaning of that Part, will be complied with in the case of those vehicles;
  - (c) particulars of the arrangements for securing that those vehicles will not be overloaded;
  - (d) particulars of the facilities and arrangements for securing that those vehicles will be maintained in a fit and serviceable condition;
  - (e) particulars of any relevant activities carried on, at any time before the making of the application, by any relevant person;
  - (f) particulars of any notifiable convictions which have occurred during the five years preceding the making of the application;
  - [<sup>F1</sup>(fa) particulars of any notifiable fixed penalty notices which have been issued during those five years;]
  - (g) particulars of the financial resources which are or are likely to be available to the applicant;
  - (h) where the applicant is a company, the names of the directors and officers of—
    - (i) the company, and
    - (ii) any company of which that company is a subsidiary;
  - (i) where the vehicles referred to in the statement under section 8(3) are proposed to be operated by the applicant in partnership with other persons, the names of those other persons.

“ *Relevant person* ”

#### Textual Amendments

- F1** Sch. 2 para. 1(fa) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), ss. 6(6), 61(1), (10) (with s. 61(3)); S.I. 2008/3164, art. 3(c)

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### Marginal Citations

**M1** 1968 c. 73.

- 2 In this Schedule “relevant person” means any of the following persons, namely—
- (a) the applicant;
  - (b) any company of which the applicant is or has been a director;
  - (c) where the applicant is a company, any person who is a director of the company;
  - (d) where the applicant proposes to operate the vehicles referred to in the statement under section 8(3) in partnership with other persons, any of those other persons;
  - (e) any company of which any such person as is mentioned in sub-paragraph (c) or (d) is or has been a director; or
  - (f) where the applicant is a company, any company of which the applicant is a subsidiary.

#### *“ Relevant activities ”*

- 3 In paragraph 1(e) “relevant activities” means any of the following—
- (a) activities in carrying on any trade or business in the course of which vehicles of any description are operated;
  - (b) activities as a person employed for the purposes of any such trade or business; or
  - (c) activities as a director of a company carrying on any such trade or business.

#### *“ Notifiable convictions ”*

- 4 The following are “notifiable convictions”, namely—
- (a) any conviction of a relevant person of an offence such as is mentioned in paragraph 5, and
  - (b) any conviction of a servant or agent of a relevant person of an offence such as is mentioned in sub-paragraph (a), (b), (d), (f), (g), (i) or (j) of that paragraph.

#### *Offences*

- 5 The offences are—
- (a) an offence under section 53 of the <sup>M2</sup>Road Traffic Act 1988 (plating certificates and goods vehicle test certificates);
  - (b) an offence committed in relation to a goods vehicle consisting in the contravention of any provision (however expressed) contained in or having effect under any enactment (including any enactment passed after this Act) relating to—
    - (i) the maintenance of vehicles in a fit and serviceable condition;
    - (ii) limits of speed and weight laden and unladen, and the loading of goods vehicles; or
    - (iii) the licensing of drivers;
  - (c) an offence under—
    - (i) this Act;

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- (ii) Part V of the <sup>M3</sup>Transport Act 1968 or section 233 or 235 of the <sup>M4</sup>Road Traffic Act 1960 so far as applicable (by virtue of Schedule 10 to the 1968 Act) to licences or means of identification under that Part;
- (iii) regulation 33(2) or (3) of the <sup>M5</sup>Goods Vehicles (Operators' Licences, Qualifications and Fees) Regulations 1984; or
- (iv) any regulation made under this Act or the <sup>M6</sup>Transport Act 1968 which is prescribed for the purposes of this paragraph;
- (d) an offence under, or of conspiracy to contravene, Part VI of the Transport Act 1968 (drivers' hours) committed in relation to a goods vehicle;
- (e) an offence under, or of conspiracy to contravene, section 13 of the <sup>M7</sup>Hydrocarbon Oil Duties Act 1979 (unlawful use of rebated fuel oil) committed in relation to a goods vehicle;
- (f) an offence under section 173 or 174 of the <sup>M8</sup>Road Traffic Act 1988 (forgery, false statements and withholding of information) committed in relation to an international road haulage permit within the meaning of that Act;
- (g) an offence under section 2 of the <sup>M9</sup>International Road Haulage Permits Act 1975 (removing, or causing or permitting the removal of, a goods vehicle or trailer from the United Kingdom in contravention of a prohibition imposed under that section);
- (h) an offence under section 74 of the <sup>M10</sup>Road Traffic Act 1988 (operator's duty to inspect, and keep records of inspection of, goods vehicles);
- (i) an offence under—
  - (i) section 3 of the <sup>M11</sup>Control of Pollution Act 1974;
  - (ii) section 2 of the <sup>M12</sup>Refuse Disposal (Amenity) Act 1978;
  - (iii) section 1 of the <sup>M13</sup>Control of Pollution (Amendment) Act 1989; or
  - (iv) section 33 of the <sup>M14</sup>Environmental Protection Act 1990;
- <sup>F2</sup>(ia) an offence under [<sup>F3</sup>regulation 38(1)(a) or 38(1)(b) of the Environmental Permitting (England and Wales) Regulations 2007[<sup>F3</sup>regulation 38(1) or (2) of the Environmental Permitting (England and Wales) Regulations 2010]] committed in relation to a waste operation (within the meaning of those Regulations).]
- (j) an offence committed in relation to a goods vehicle consisting in the contravention of—
  - (i) any provision (however expressed) prohibiting or restricting the waiting of vehicles which is contained in an order made under section 1, 6, 9 or 12 of the <sup>M15</sup>Road Traffic Regulation Act 1984, including any such order made by virtue of paragraph 3 of Schedule 9 to that Act (local authority powers to be exercisable also by Secretary of State); or
  - (ii) any provision which is contained in a traffic regulation order, within the meaning of section 1 of that Act, by virtue of section 2(4) of that Act (lorry routes).

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### Textual Amendments

- F2** Sch. 2 para. 5(ia) inserted (E.W.) (6.4.2008) by [The Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#), reg. 1(1)(b), **Sch. 21 para. 24(2)** (with reg. 72, Sch. 4)
- F3** Words in Sch. 2 para. 5(ia) substituted (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), **Sch. 26 para. 12** (with reg. 1(2), Sch. 4)

### Marginal Citations

- M2** 1988 c. 52.  
**M3** 1968 c. 73.  
**M4** 1960 c. 16.  
**M5** S.I. 1984/176.  
**M6** 1968 c. 73.  
**M7** 1979 c. 5.  
**M8** 1988 c. 52.  
**M9** 1975 c. 46.  
**M10** 1988 c. 52.  
**M11** 1974 c. 40.  
**M12** 1978 c. 3.  
**M13** 1989 c. 14.  
**M14** 1990 c. 43.  
**M15** 1984 c. 27.

### *Repealed enactments*

- 6 (1) In paragraph 5 any reference to an offence under a provision of the <sup>M16</sup>Road Traffic Act 1988 includes a reference to an offence under any corresponding provision of the <sup>M17</sup>Road Traffic Act 1972 repealed by the <sup>M18</sup>Road Traffic (Consequential Provisions) Act 1988.
- (2) In paragraph 5(j)—
- (a) the reference to a provision contained in an order made under section 1, 6, 9 or 12 of the Road Traffic Regulation Act 1984 includes a reference to a provision contained in an order made under any enactment repealed by the 1984 Act and re-enacted by any of those sections, including any such order made by virtue of section 84A(2) of the <sup>M19</sup>Road Traffic Regulation Act 1967; and
  - (b) the reference to a provision contained in a traffic regulation order by virtue of section 2(4) of the 1984 Act includes a reference to a provision included in such an order by virtue of section 1(3AA) of the 1967 Act.

### Marginal Citations

- M16** 1988 c. 52.  
**M17** 1972 c. 20.  
**M18** 1988 c. 54.  
**M19** 1967 c. 76.

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### *Notifiable fixed penalty notices*

- [<sup>F47</sup> In paragraph 1(fa) “notifiable fixed penalty notice” means any fixed penalty notice or conditional offer under Part 3 of the Road Traffic Offenders Act 1988—
- (a) issued to a relevant person in respect of an offence such as is mentioned in paragraph 5, or
  - (b) issued to a servant or agent of a relevant person in respect of an offence within paragraph 4(b).]

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#### **Textual Amendments**

- F4** Sch. 2 para. 7 inserted (31.3.2009) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 6(7), 61(1), (10)** (with s. 61(3)); [S.I. 2008/3164](#), art. 3(c)

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