



Goods Vehicles (Licensing of Operators) Act 1995

1995 CHAPTER 23

Applications for licences

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 [F¹sections 13A to 13D] are not satisfied in the case of the application; or
 - (b) [F²in the case of a heavy goods vehicle licence,] that any place [F³in 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 [F⁴a heavy goods vehicle] licence is made, any person who is the owner or occupier of land in the vicinity of any place [F⁵in 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.

Changes to legislation: Goods Vehicles (Licensing of Operators) Act 1995, Section 12 is up to date with all changes known to be in force on or before 09 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (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 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 [^{F6}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 [^{F7}sections 13A to 13D]” is a reference—
- (a) in the case of an application for a standard licence, to the requirements of [^{F8}sections 13A, 13C and 13D]; and
 - (b) in the case of an application for a restricted licence, to the requirements of [^{F9}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

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- (b) in Scotland, the planning authority for any area for the purpose of determining applications for planning permission under Part III of the ^{M3}Town and Country Planning (Scotland) Act [^{F10}1997] (general planning control); and
“trade union” has the same meaning as in the ^{M4}Trade Union and Labour Relations (Consolidation) Act 1992;

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Textual Amendments

- F1** 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)
- F2** Words in s. 12(1)(b) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **30(1)**
- F3** 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)
- F4** Words in s. 12(4) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **30(2)**
- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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)
- F10** 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)**
- F11** 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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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](#)