



Goods Vehicles (Licensing of Operators) Act 1995

1995 CHAPTER 23

Variation of licences

19 Objection to, and refusal of, applications to vary [^{F1}heavy goods vehicle] licences on environmental grounds.

- (1) This section applies where notice of an application for the variation of [^{F2}a heavy goods vehicle] licence has been published under section 17(3).
- (2) Where the application relates to an existing operating centre of the licence-holder [^{F3}in the traffic area concerned] —
 - (a) any of the persons mentioned in section 12(2) may object to the grant of the application on the ground that the use of that operating centre in any manner which would be permitted if the application were granted would cause adverse effects on environmental conditions in the vicinity of that centre;
 - (b) subject to subsection (5), any person who is the owner or occupier of any land in the vicinity of that operating centre may make representations against the grant of the application on the ground mentioned in paragraph (a); and
 - (c) whether or not anyone objects or makes representations under paragraph (a) or (b), [^{F4}a traffic commissioner] may refuse the application on the ground mentioned in paragraph (a).
- (3) For the purposes of subsection (2), an application shall be taken to relate to an operating centre if—
 - (a) granting it would or could result in an increase in the number of [^{F5}heavy goods] vehicles, or the number of [^{F5}heavy goods] vehicles above a certain weight, that have that centre as their operating centre; or
 - (b) any undertaking recorded in, or condition attached to, the licence that the application seeks to have varied or removed relates to that centre.
- (4) Where the application is for a place [^{F6}in the traffic area concerned] to be specified in the licence as an operating centre of the licence-holder—

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- (a) any of the persons mentioned in section 12(2) may object to the grant of the application on the ground that that place will be unsuitable on environmental grounds for use as an operating centre of the licence-holder; and
 - (b) subject to subsection (5), any person who is the owner or occupier of any land in the vicinity of that place may make representations against the grant of the application on that ground.
- (5) A person may not make representations under subsection (2)(b) or (4)(b) unless any adverse effects on environmental conditions arising from the use of the operating centre or place in question would be capable of prejudicially affecting the use or enjoyment of the land there mentioned.
- (6) If any person duly objects or makes representations under subsection (4) against an application for a place [F7in the traffic area concerned] to be specified in the licence as an operating centre of the licence-holder, [F7a traffic commissioner] may refuse the application—
- (a) on the ground that the parking of [F8heavy goods] vehicles used under the licence at or in the vicinity of that place would cause adverse effects on environmental conditions in the vicinity of that place; or
 - (b) subject to subsection (7), on the ground that that place would be unsuitable on environmental grounds other than the ground mentioned in paragraph (a) above for use as an operating centre of the licence-holder.
- (7) [F9A traffic commissioner may not refuse an application] on the ground mentioned in subsection (6)(b) if—
- (a) on the date the application was made, the place in question was already specified in [F10a heavy goods vehicle] licence [F11... as an operating centre of the holder of that licence, or
 - (b) the applicant has produced to [F12a traffic commissioner] a certificate in force in respect of that place under—
 - (i) section 191 or 192 of the [M1Town and Country Planning Act 1990, or
 - [F13(ii) section 150 or 151 of the Town and Country Planning (Scotland) Act 1997;]
 stating that its use as an operating centre for vehicles used under [F14a heavy goods vehicle] licence is or would be lawful.
- (8) Subsection (7) does not apply in relation to any place that, at the time the application is determined by the traffic commissioner, is specified in [F15a heavy goods vehicle] licence as an operating centre of the holder of that licence.
- (9) A place is not to be regarded for the purposes of paragraph (a) of subsection (7) as being specified in [F16a heavy goods vehicle] licence by reason only that it forms part of a place so specified; and a place that was, on the date mentioned in that paragraph, a place specified in [F16a heavy goods vehicle] licence as mentioned in that paragraph shall be disregarded for the purposes of that paragraph if, on that date—
- (a) the [F17heavy goods vehicle] licence in which that place was specified was an interim licence issued under section 24; or
 - (b) that place was so specified by virtue of an interim direction such as is mentioned in section 25; or
 - (c) such conditions relating to—
 - (i) the exercise of the right of any person to appeal against a place being specified in [F18a heavy goods vehicle] licence, or

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- (ii) the review under section 36 of any decision so to specify a place, as may be prescribed were not satisfied in relation to that place.
- (10) Any objection or representations under this section—
- (a) shall contain particulars of any matters alleged by the person making the objection or representations to be relevant to the issue to which the objection relates or the representations relate; and
 - (b) shall be made in the prescribed manner and within the prescribed time after the making of the application to which the objection relates or the representations relate.
- (11) Where [^{F19}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.

Textual Amendments

- F1 Words in s. 19 heading substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **38(1)**
- F2 Words in s. 19(1) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **38(2)**
- F3 Words in s. 19(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)
- F4 Words in s. 19(2)(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)
- F5 Words in s. 19(3)(a) inserted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **38(3)**
- F6 Words in s. 19(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)
- F7 Words in s. 19(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)
- F8 Words in s. 19(6)(a) inserted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **38(4)**
- F9 Words in s. 19(7) 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)
- F10 Words in s. 19(7)(a) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **38(5)(a)**
- F11 Words in s. 19(7)(a) 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)
- F12 Words in s. 19(7)(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)
- F13 S. 19 (7)(b)(ii) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 59(3)**
- F14 Words in s. 19(7) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **38(5)(b)**
- F15 Words in s. 19(8) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **38(6)**
- F16 Words in s. 19(9) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **38(7)(a)**

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- F17** Words in s. 19(9)(a) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **38(7)(b)**
- F18** Words in s. 19(9)(c)(i) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **38(7)(c)**
- F19** Words in s. 19(11) 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)
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Marginal Citations

- M1** 1990 c. 8.

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