



# Road Traffic Act 1960

## 1960 CHAPTER 16

### PART IV

#### REGULATION OF CARRIAGE OF GOODS BY ROAD

##### *Procedure governing Grant of Carriers Licences*

#### **171 Applications for carriers' licences**

- (1) An application for an A licence or for a B licence shall be made to the licensing authority for the area in which the applicant's operating centre is situated.
- (2) Where the applicant for an A licence or for a B licence has more than one operating centre he shall make a separate application in respect of each centre, but where applications for licences of the same class are made by the same person in respect of two or more centres in the same area the licensing authority may, if he thinks fit, grant a single licence in respect of all or any of the applications.
- (3) An application for a C licence shall be made to the licensing authority either for the area in which the principal place of business of the applicant is situated or for the area in which his head office is situated.
- (4) In this section " operating centre " means the permanent base or centre from which it is intended that the authorised vehicles will normally be used for the carriage of goods for hire or reward.

#### **172 Applicant to furnish information**

- (1) A person applying for a carrier's licence shall give to the licensing authority a statement in the prescribed form giving such particulars as may be prescribed of the motor vehicles proposed to be used under the licence which—
  - (a) belong to the applicant, or
  - (b) are in his possession under a hire-purchase agreement, or

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- (c) he intends, if the application is granted, to acquire, or to obtain possession of under such an agreement,
- and also stating the number and type of any hired motor vehicles, and of any trailers, proposed to be so used; but an applicant shall not be required to distinguish in his statement between vehicles belonging to him and vehicles subject to hire-purchase agreements.
- (2) A person applying for an A licence or for a B licence shall also give to the licensing authority a statement in the prescribed form—
- (a) specifying the facilities for the transport of goods intended to be provided by the applicant under the licence for other persons, and
  - (b) giving particulars of the district within which, or the places between which, it is intended that the authorised vehicles will normally be used for the carriage of goods for hire or reward.
- (3) A person applying for a carrier's licence shall give to the licensing authority any further information which he may reasonably require for the discharge of his duties in relation to the application, and in particular shall, if the application is for an A licence or for a B licence and he is required by the licensing authority so to do, give to him in the prescribed form—
- (a) such particulars as he may require with respect to any business as a carrier carried on by the applicant at any time before the making of the application, and of the rates charged by the applicant;
  - (b) particulars of any agreement or arrangement entered into by the applicant with any other carrier (whether operating within the area of the licensing authority or outside that area) which affect in any material respect the provision within the area of the licensing authority of facilities for the transport of goods for hire or reward;
  - (c) particulars of any financial interest which any other carrier, or a person controlling (either solely or in conjunction with any other person) the business of any other carrier, has in the business of the applicant;
  - (d) where the applicant is a company, particulars of any right which any other carrier, or any person controlling (either solely or in conjunction with any other person) the business of any other carrier, has to nominate any director of the company.

In this subsection "carrier" means a person providing facilities for the transport of goods for hire or reward, and "financial interest" means financial interest as a partner or shareholder or as a result of a loan, guarantee or other financial transaction.

### **173 Objections to certain applications for A or B licences**

- (1) This section applies to every application for the grant of an A licence or a B licence except—
- (a) an application which the licensing authority is bound to grant;
  - (b) an application which, in the opinion of the licensing authority, is of so trivial a nature that it is not necessary that an opportunity should be given for objection;
  - (c) an application for a licence to expire not later than an existing licence under which the vehicles to which the application relates are authorised to be used for the purposes of a business which the applicant has acquired or intends to acquire ;

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- (d) an application for a short-term licence, where the licensing authority is of opinion that the application has been made with reasonable expedition and that the demand for the use of the vehicles to be authorised under the licence is so urgent as to render compliance with the requirements of this section impracticable.
- (2) The licensing authority shall publish in the prescribed manner notice of an application to which this section applies specifying the time within which, and the manner in which, objections may be made to the grant of the application.
- (3) It shall be the duty of the licensing authority, on an application to which this section applies, to take into consideration any relevant objection to the application which may be made by a person who is already providing facilities, whether by means of road transport or any other kind of transport, for the carriage of goods for hire or reward in the district, or between the places, which the applicant intends to serve:
- Provided that on an application for an A licence, the licensing authority shall not be bound to take into consideration an objection made by a person who holds a B licence but does not also hold an A licence.
- (4) In this section, " relevant objection " means an objection on any of the following grounds, that is to say,—
- (a) that suitable transport facilities in the district, or between the places, which the applicant intends to serve are or, if the application were granted, would be, either generally or in respect of any particular type of vehicles, in excess of requirements;
- (b) that any of the conditions of a carrier's licence held by the applicant has not been complied with;
- (c) that in relation to a carrier's licence held by the applicant, there has been any such conviction or prohibition as is mentioned in the Fourteenth Schedule to this Act.
- (5) The onus of proof of the existence of the grounds on which a relevant objection is made shall lie on the objector.
- (6) In considering, for the purposes of an objection on grounds such as are referred to in paragraph (a) of subsection (4) of this section, whether existing transport facilities are to be treated as suitable, the licensing authority shall have regard to the relative efficiency, reliability and adequacy of the existing facilities at the date of the application and the facilities which the applicant will provide if his application is granted, and to all other relevant considerations, including, to such extent as may in all the circumstances appear proper, the charges made and to be made in respect of those facilities respectively.

#### **174 Decision of licensing authority on application for carrier's licence**

- (1) Subject to the provisions of this Part of this Act, the licensing authority, on an application for an A licence or for a B licence, shall have full power in his discretion—
- (a) to grant the application, or
- (b) to grant a licence in respect of motor vehicles other than those of which particulars were contained in the application, or in respect of motor vehicles or trailers less in number than, or differing in type from, those for the use of which authorisation was applied for, or

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- (c) to refuse the application.
- (2) If, on an application for an A licence, the applicant satisfies the licensing authority that any of the authorised vehicles will be used exclusively for the purposes of a contract entered into by the applicant with a person carrying on a trade or business (not being the business of carrying or arranging for the carrying of goods) for the carriage of goods for or in connection with that trade or business during any continuous period of not less than one year, the following provisions shall have effect:—
- (a) the licensing authority shall be obliged to grant the application so far as regards those vehicles (unless he is satisfied that, having regard to the previous conduct of the applicant in the capacity of a carrier of goods, he is not a fit person to receive a carrier's licence, in which case the licensing authority shall refuse the application); but
  - (b) if the application is granted, the licensing authority shall attach to the licence conditions for securing that those vehicles shall be used exclusively for the purposes of the contract and shall at the termination of the contract cease to be authorised vehicles unless the licensing authority, on an application made to him with respect thereto, otherwise directs.
- (3) The licensing authority shall be obliged to grant an application for a C licence unless—
- (a) the applicant is the holder of a carrier's licence which is suspended or has been curtailed, or
  - (b) a carrier's licence previously held by the applicant has been revoked or curtailed,
- in either of which cases the licensing authority shall have full power in his discretion either to grant or to refuse the application.
- (4) The licensing authority, in exercising his discretion under this section, shall have regard to the interests of the public generally, including primarily those of persons requiring facilities for transport, and secondarily those of persons providing facilities for transport, and, in particular, shall have regard in the case of an application for an A licence or for a B licence—
- (a) where the applicant is the holder of an existing licence of the same class, to the extent to which he is authorised to use goods vehicles thereunder for the carriage of goods for hire or reward;
  - (b) to the previous conduct of the applicant in the capacity of a carrier of goods;
  - (c) to the number and type of vehicles proposed to be used under the licence ;
  - (d) in determining the number of vehicles to be authorised, to the need for providing for occasions when vehicles are withdrawn from service for overhaul or repair;
  - (e) to the extent to which the vehicles to be authorised will be in substitution for horse-drawn vehicles previously used by the applicant for the purposes of his business as a carrier:
  - (f) to the extent to which the vehicles to be authorised will further the provision of services under which goods will be carried partly by road and partly by railway or inland waterway without the need for unloading and reloading,
- and, in the case of an application for a B licence, also to the extent to which the applicant intends that the vehicles proposed to be used under the licence shall be used for the carriage of goods for hire or reward.

Where goods are contained in a receptacle which is an additional body for a goods vehicle and is constructed or adapted for the purpose of being taken on to or off

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the vehicle with goods contained therein, the transfer of the receptacle with goods contained therein on to or off a goods vehicle, railway wagon or vessel shall not be treated for the purposes of paragraph (f) of this subsection as an unloading or reloading of those goods.

- (5) For the avoidance of doubt it is hereby declared that the matters to which the licensing authority is to have regard in exercising his discretion under this section do not include the duty imposed upon the British Transport Commission by paragraph (c) of subsection (1) of section three of the Transport Act, 1947 (which requires the Commission to provide, in such places and to such extent as may appear to them to be expedient, certain transport services).
- (6) In a case in which the licensing authority refuses to grant a carrier's licence, or grants a carrier's licence which differs from the licence applied for, or imposes conditions to which the applicant does not agree, the licensing authority shall, if so requested by the applicant, state in writing the reasons for his decision.
- (7) Where, under paragraph (b) of subsection (1) of this section, the licensing authority proposes to grant an application for an A licence or for a B licence in respect of vehicles other than those of which particulars were contained in the application, then (unless the licensing authority is satisfied that the variation subject to which he proposes to grant the application will not materially increase the total carrying capacity of the authorised vehicles) he shall publish notice of his proposal as if it were an application to which the last foregoing section applies, and thereupon subsections (3) to (6) of that section shall apply accordingly.

## **175 Right of applicant or objector to appeal to Transport Tribunal**

- (1) A person who, having applied for a carrier's licence, is aggrieved—
  - (a) by the decision of the licensing authority on the application, or
  - (b) in the case of an application for a B licence, by a condition attached to the licence by the licensing authority,may appeal to the Transport Tribunal.
- (2) A person who, having duly made an objection to an application for a carrier's licence, is aggrieved by the decision of the licensing authority thereon, may, if the objection was one which the licensing authority was bound to take into consideration, appeal to the Transport Tribunal.
- (3) The Transport Tribunal shall have power to make such order as it thinks fit on an appeal under this section, and the decision of the Tribunal on such an appeal shall be binding on the licensing authority.
- (4) Where a person who has applied for a new carrier's licence, in substitution for a licence, other than a short-term licence, held by him and in force at the date of his application, appeals to the Transport Tribunal, the existing licence shall, notwithstanding anything contained in section one hundred and sixty-nine of this Act, continue in force until the appeal has been disposed of, without prejudice, however, to the exercise in the meantime of the powers of suspension, revocation and curtailment conferred by this Part of this Act.