
STATUTORY INSTRUMENTS

1995 No. 2869

The Goods Vehicles (Licensing of Operators) Regulations 1995

PART VII

OTHER MATTERS

Continuance of licence on death, bankruptcy etc

31.—(1) In this regulation, “actual holder” in relation to a licence means the person to whom the licence was issued.

(2) This regulation applies in the event—

- (a) of the death of the actual holder of a licence;
- (b) of the actual holder of a licence becoming a [^{F1}person who lacks capacity (within the meaning of the Mental Capacity Act 2005) to carry on the activities covered by the licence], or in Scotland a curator bonis being appointed in respect of him on the ground that he is incapable, by reason of mental disorder, of adequately managing his property and affairs;
- (c) of the bankruptcy of the actual holder of a licence [^{F2}or the making of a debt relief order in respect of the actual holder of a licence (under Part 7A of the Insolvency Act 1986)];
- (d) in the case of a company, of the actual holder of a licence going into liquidation or [^{F3}entering administration]; or
- (e) of the appointment of a receiver or manager of the trade or business of the actual holder of a licence.

(3) After the happening of either of the events mentioned in paragraphs (2)(a) or (b) [^{F4}a traffic commissioner] may direct that the licence shall not be treated as terminated when the actual holder died or became a [^{F5}person who lacks capacity (within the meaning of the Mental Capacity Act 2005) to carry on the activities covered by the licence] but suspended until the date when a direction under paragraph (4) comes into force.

(4) After the happening of any of the events mentioned in paragraph (2) [^{F6}a traffic commissioner] may direct that a person carrying on the trade or business of the actual holder of the licence is to be treated for the purposes of the 1995 Act as if he were the holder thereof for such purpose and to such extent as is specified in the direction for a period not exceeding—

- (a) if it appears to the traffic commissioner that there are special circumstances, 18 months;
- (b) in any other case, 12 months,

from the date of the coming into force of that direction.

(5) The powers under paragraph (4) shall be exercisable in relation to a standard licence whether or not the person carrying on the trade or business of the actual holder of the licence satisfies the requirement of professional competence.

[^{F7}(5A) In the case of a standard licence, paragraphs (4) and (5) are subject to Article 13.1 of the 2009 Regulation (time limits for rectification).]

(6) Where a person is treated as if he were the licence-holder by virtue of a direction under this regulation—

- (a) any goods vehicle which had been in the lawful possession of the actual holder of the licence shall for the purposes of the 1995 Act be treated as if it was in the lawful possession of that person; and
- (b) if the licence is a standard licence, nothing in section 27 shall oblige [^{F8}a traffic commissioner] to revoke the licence by reason only of that person not satisfying the requirement of professional competence.

Textual Amendments

- F1** Words in reg. 31(2) substituted (E.W.) (1.10.2007) by [The Mental Capacity Act 2005 \(Transitional and Consequential Provisions\) Order 2007 \(S.I. 2007/1898\)](#), art. 1, **Sch. 1 para. 21(3)(a)**
- F2** Words in reg. 31(2)(c) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 3 para. 9** (with art. 7)
- F3** Words in reg. 31(2)(d) substituted (15.9.2003) by [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), art. 1(1), **Sch. para. 60** (with art. 6)
- F4** Words in reg. 31(3) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 2** (with arts. 1(3), 2, 7)
- F5** Words in reg. 31(3) substituted (E.W.) (1.10.2007) by [The Mental Capacity Act 2005 \(Transitional and Consequential Provisions\) Order 2007 \(S.I. 2007/1898\)](#), art. 1, **Sch. 1 para. 21(3)(b)**
- F6** Words in reg. 31(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. 2** (with arts. 1(3), 2, 7)
- F7** Reg. 31(5A) inserted (5.10.2017) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2017 \(S.I. 2017/874\)](#), regs. 1(1), **8**
- F8** Words in reg. 31(6)(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. 2** (with arts. 1(3), 2, 7)

Commencement Information

- I1** Reg. 31 in force at 1.1.1996, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Goods Vehicles (Licensing of Operators) Regulations 1995, Section 31.