

SCHEDULE 6

Regulation 31

PART I

MODIFICATIONS TO THE GOODS VEHICLES (LICENSING OF OPERATORS) ACT 1995 IN RELATION TO FOREIGN GOODS VEHICLES

The Act shall have effect—

- (a) as if for section 5(1) there were substituted the following—
  - “(1) The vehicles authorised to be used under an operator’s licence are—
    - (a) any motor vehicle in the lawful possession of the licence-holder that is specified in the licence;
    - (b) any trailer in the lawful possession of the licence-holder, and for the purposes of this section different types of trailers may be distinguished in a licence and a maximum number may be specified in the licence for trailers of each type.”;
- (b) as if sections 5(4) to (7), 6(1)(a), (3) and (4), and 7 were omitted;
- (c) as if for section 8(1), there were substituted the following—
  - “(1) A person applying for an operator’s licence with a view to enabling goods vehicles brought temporarily into Great Britain to be used shall apply to such traffic commissioner as the Secretary of State may from time to time direct and shall not at any time hold more than one such licence”;
- (d) as if sections 8(2), (3)(b) and (5) were omitted;
- (e) as if for section 8(4), there were substituted the following—
  - “(4) A person applying for an operator’s licence shall also give to the traffic commissioner details of—
    - (a) the notifiable convictions within the meaning given in paragraph 4 of Schedule 2, and
    - (b) a prohibition under section 69 or 70 of the Road Traffic Act 1988 of the driving of a vehicle of which he was the owner when the prohibition was imposed.”;
- (f) as if in section 9(1), there was inserted at the end of the sub-section “, or a prohibition under section 69 or 70 of the Road Traffic Act 1988 of the driving of a vehicle which he owned”, and section 9(2) was omitted;
- (g) as if sections 10, 11, 12, 13(2) to (11), 14 and 15 were omitted;
- (h) as if for section 13(1) there were substituted the following—
  - “(1) On an application for an operator’s licence the traffic commissioner shall consider whether the applicant satisfies the requirement that he is a fit and proper person to hold an operator’s licence having regard in particular to his previous known conduct in respect of the use and operation of motor vehicles in the United Kingdom.”;
- (i) as if in section 16(1) there were substituted the following—
  - “(1) The operator’s licence shall specify in the licence—
    - (a) the date on which it is to come into force, and
    - (b) the date when it will terminate, which date shall not be less than three months after the coming into force of the licence.”;
- (j) as if section 16(2) and (4) and the words “subject to subsection (4)” in section 16(3) were omitted;

- (k) as if in section 17(1) there were substituted the following—
  - “(1) On the application of the holder of an operator’s licence, the traffic commissioner by whom the licence was issued may vary the licence by directing that any vehicle may cease to be specified in the licence and at the same time direct that another [similar] vehicle shall be specified in the licence as a substitute.”;
- (l) as if sections 17(3) to (5), and 18 to 21 were omitted;
- (m) as if in section 22(1) there were substituted the following—
  - “(1) On issuing an operator’s licence, a traffic commissioner may attach to the licence such conditions as he thinks fit for requiring the holder to inform him of any event of a kind specified in the conditions which affect the licence-holder and which is relevant to the exercise of any powers of the traffic commissioner in relation to the licence.”;
- (n) as if section 22(2) to (6), and 23 to 25 were omitted;
- (o) as if in section 26(1) there were substituted the following—
  - “(1) Subject to the provisions of section 29, the traffic commissioner by whom an operator’s licence was issued may direct that it be revoked, suspended or curtailed on the grounds—
    - (a) that during the five years ending with the date on which the direction is given there has been either a conviction of the licence-holder of a notifiable conviction within the meaning of paragraph 4 of Schedule 2, or a prohibition under section 69 or 70 of the Road Traffic Act 1988 of the driving of a vehicle of which the licence-holder was the owner when the prohibition was imposed, or
    - (b) that since the licence was issued or varied he has learned that a statement of fact was false or statement of expectation has not been fulfilled.”;
- (p) as if sections 26(2) to (10) and (11)(c) and (d), and 27 were omitted;
- (q) as if in section 28(1) there were substituted the following—
  - “(1) Where, under section 26(1) a traffic commissioner directs that an operator’s licence be revoked, the commissioner may order the person who was the holder of the licence to be disqualified (either indefinitely or for such period as the commissioner thinks fit) from holding or obtaining an operator’s licence in Great Britain.”;
- (r) as if section 28(3) were omitted;
- (s) as if sections 30 to 34 and sections 40, 44 and 49 were omitted.

## PART II

### MODIFICATIONS TO THE GOODS VEHICLES (LICENSING OF OPERATORS) REGULATIONS 1995 IN RELATION TO FOREIGN GOODS VEHICLES

The Goods Vehicles (Licensing of Operators) Regulations 1995(1) shall have effect:—

- (a) as if regulations 4(c), 7, 9(1) and (3), 10 to 19, 21(1)(a)(i) and (iii), 21(1)(d), 22(1)(b) and (c), 22(2)(b), 22(3), 28(2) and (5), 29(1), (3) to (5), (7), and (12), 31 and 36 were omitted;
- (b) as if in regulation 8(1) for the words “grant of that application would lead to a contravention of section 8(2)” there were substituted “applicant already holds an operator’s licence in Great Britain”;
- (c) as if in regulation 21(1)(b) the words “or section 27” were omitted;

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(1) [S.I. 1995/2869](#).

- (d) as if in regulation 23(2) there were substituted the following—  
“The disc shall clearly indicate (by colour or other means) that the vehicle is a foreign goods vehicle.”;
- (e) as if in regulation 26(1), for the words “and the licence-holder may do so” to the end there were substituted “at a place specified by the person requiring its production”;
- (f) as if in regulation 33(2) for the words “on a plate affixed to the vehicle by virtue of regulation 66 of those Regulations” there were substituted “in accordance with the legal requirements of the State of establishment of the operator of the foreign goods vehicle”.