

THE SCHEDULE

Article 7

GOODS VEHICLE OPERATORS' LICENCES AND PSV OPERATORS' LICENCES

PART I

Existing goods vehicle operators' licences

Cases where only one existing licence held by a person has effect in the Welsh Traffic Area

1.—(1) Subject to paragraph 3 of this Schedule, this paragraph applies where, immediately before the reorganisation date either—

- (a) the places specified as operating centres in a goods vehicle operator's licence are all situated in the South-Wales Traffic Area, and no place in the transferred part of the North-Western Traffic Area is specified as an operating centre immediately before that date in any other goods vehicle operator's licence held by the same person; or
- (b) the places specified as operating centres in a goods vehicle operator's licence are all situated in the transferred part of the North-Western Traffic Area, and no place in the South-Wales Traffic Area is specified as an operating centre immediately before that date in any other goods vehicle operator's licence held by the same person.

(2) In such a case, the goods vehicle operator's licence shall, so far as is required for continuing its effect on and after the reorganisation date, have effect as if it had been granted by the traffic commissioner for the Welsh Traffic Area.

Cases where more than one existing licence held by a person has effect in the Welsh Traffic Area

2.—(1) Subject to paragraph 3 of this Schedule, this paragraph applies where, immediately before the reorganisation date—

- (a) the places specified as operating centres in a goods vehicle operator's licence are situated in the South-Wales Traffic Area; and
- (b) the person who holds that licence holds a North-Western Traffic Area good vehicle operator's licence in which the places specified as operating centres are all situated in the transferred part of the North-Western Traffic Area,

and in such a case the licences held by that person in which the places specified as operating centres are situated in the Welsh Traffic Area shall be collectively referred to in this paragraph as "the relevant licence".

(2) In such a case, on and after the reorganisation date—

- (a) each separate licence which forms part of the relevant licence shall be treated as subsisting independently until its amalgamation in accordance with sub-paragraph (3) below or its termination in accordance with the 1995 Act, whichever is the earlier, although for the purposes of section 8(2) of the 1995 Act the licences which constitute the relevant licence shall be deemed to be one licence; and
- (b) so far as is required for continuing its effect on and after the reorganisation date, each separate licence referred to in paragraph (a) above shall have effect as if either of them had been granted by the traffic commissioner for the Welsh Traffic Area, and any operating centre specified may be reviewed by the traffic commissioner as though reorganisation had not taken place.

(3) Unless the holder and the traffic commissioner for the Welsh Traffic Area have agreed an earlier amalgamation date, a separate licence (“the amalgamating licence”) referred to in sub-paragraph (2)(a) above shall lose its independent subsistence by its amalgamation with the other separate licence (“the continuing licence”) on the review date of an operating centre specified in the amalgamating licence under section 30 of the 1995 Act.

(4) If separate licences referred to in sub-paragraph (2)(a) above are not similarly classified under section 3(1) of the 1995 Act the traffic commissioner for the Welsh Traffic Area shall before the amalgamation takes place consider whether the requirements for a standard licence are met, and if he is satisfied that these are met he shall, unless he has good reason for limiting that licence, determine that the amalgamated licence shall be a standard licence; and for the purpose of making the determination under this sub-paragraph the traffic commissioner may require the licence-holder to provide an undertaking in respect of any vehicles authorised to be used under the licence and that undertaking shall be recorded in the licence.

(5) If either of the licences being amalgamated is a standard international licence, a licence classification determined under sub-paragraph (4) above shall authorise the use of a goods vehicle for the carriage of goods on both national and international transport operations unless the traffic commissioner has good reason for limiting that authorisation; and for the purpose of that authorisation the traffic commissioner may require the licence-holder to provide an undertaking in respect of any vehicles authorised to be used under the licence and that undertaking shall be recorded in the licence.

(6) The traffic commissioner for the Welsh Traffic Area shall transfer to the amalgamated licence any conditions or limitations for restricting or using the vehicles which are already attached to the transferring or existing licences, provided he is satisfied that those conditions or limitations are appropriate to the new circumstances, but shall in any event amend the specifications of maximum numbers under sections 6(1) and (2) of the 1995 Act so that the licence-holder is left in the same position as he was immediately before the amalgamation, or as near to that position as is practicable, and for these purposes the traffic commissioner may require from the licence-holder a statement equivalent to one provided under section 8(3)(a) of the 1995 Act by an applicant for a new licence.

(7) Where one of the separate licences referred to in sub-paragraph (2)(a) above is due to terminate (“the terminating licence”), as a consequence of amalgamation or other circumstances, the traffic commissioner for the Welsh Traffic Area may vary the other of those licences (“the continuing licence”) under section 17 of the 1995 Act so that if any vehicle authorised to be used under the terminating licence or operating centre specified in the terminating licence is transferred to the continuing licence, then the direction to vary under this sub-paragraph shall make provision for the payment of fees due in respect of any authorised vehicles which are transferred, which fee shall include a charge for each specified motor vehicle based on the period from the date of variation to the fee-due date of the continuing licence under which the vehicles are to be authorised.

(8) Nothing in this paragraph shall be construed as enabling a person to be granted a goods vehicle operator’s licence in respect of a traffic area if he already holds or is treated as already holding such a licence in respect of that area.

Cases where an existing licence held by a person has effect in the Welsh Traffic Area and in the North-Western Traffic Area

3.—(1) This paragraph has effect where the places specified immediately before the reorganisation date as operating centres in an existing North-Western Traffic Area goods vehicle operator’s licence are places which, on and after that date, are situated in both the Welsh Traffic Area and in the North-Western Traffic Area, whether or not before the reorganisation date the licence holder also had a licence issued by the traffic commissioner for the South-Wales Traffic Area.

(2) In such a case, the traffic commissioner for the North-Western Traffic Area shall, before the reorganisation date and after consulting the holder of the licence, give a direction—

- (a) which splits the existing licence so that there is a new licence for the Welsh Traffic Area and a varied licence for the North-Western Traffic Area (each such licence being referred to in this paragraph as a “new licence”), and, in relation to each vehicle specified in the existing licence, specifies the particular new licence to which each vehicle is assigned;
- (b) assigns the maximum number of motor vehicles specified in the existing licence to a particular new licence; and
- (c) assigns the maximum number of trailers specified in the existing licence to a particular new licence.

(3) A traffic commissioner for the North-Western Traffic Area may, after consulting the holder of the existing licence and at any time before the reorganisation date, give a direction varying any direction given by him under sub-paragraph (2) above.

(4) Where a direction has been given under sub-paragraph (2) or (3) above, paragraphs 1 and, subject to sub-paragraph (6) below, paragraph 2 of this Schedule shall, as the case may be, have effect in respect of a new licence to which there has been an assignment under the direction, as if immediately before the reorganisation date—

- (a) the only places specified as operating centres in the new licence on the reorganisation date were those situated in the traffic area appropriate to it;
- (b) the vehicles specified in the licence on that date were those assigned to that new licence under this paragraph;
- (c) the maximum number of motor vehicles specified in the new licence on that date were the number of motor vehicles assigned to that new licence under this paragraph; and
- (d) the maximum number of trailers specified in the licence on that date were the number of trailers assigned to that new licence under this paragraph;

and in so far as the licence has effect by virtue of paragraph 1 or 2 of this Schedule and of the foregoing provisions of this sub-paragraph, it shall have effect for each new licence as if, immediately before the reorganisation date, the new licence had been varied as set out in paragraphs (a) to (d) of this sub-paragraph.

(5) If the traffic commissioner for the North-Western Traffic Area as respects a licence fails to give a direction under sub-paragraph (2) before the reorganisation date, the functions under that sub-paragraph as respects that licence shall be exercisable on or after that date by the traffic commissioner for the North-Western Traffic Area in consultation with the traffic commissioner for the Welsh Traffic Area.

(6) Where the situation in sub-paragraph (1) above occurs and in the Welsh Traffic Area the licence-holder already holds a goods vehicle operator’s licence, then paragraph 2(3) of this Schedule shall apply on the basis that the transfer of any vehicle authorised to be used on a terminating licence shall be to that goods vehicle operator’s licence.

PART II

Existing PSV Operators' Licences

Cases where only one existing licence held by a person has effect in the Welsh Traffic Area

4.—(1) Subject to paragraph 6 of this Schedule, this paragraph applies where, immediately before the reorganisation date either—

- (a) the places specified as operating centres in a PSV operator’s licence are all situated in the South-Wales Traffic Area and no place in the transferred part of the North-Western Traffic

Area is specified as an operating centre immediately before that date in any other PSV operator's licence held by the same person; or

- (b) the places specified as operating centres in a PSV operator's licence are all situated in the transferred part of the North-Western Traffic Area, and no place in the South-Wales Traffic Area is specified as an operating centre immediately before that date in any other PSV operator's licence held by the same person.

(2) In such a case, the PSV operator's licence shall, so far as is required for continuing its effect on and after the reorganisation date, have effect as if it had been granted by the traffic commissioner for the Welsh Traffic Area.

Cases where more than one existing licence held by a person has effect in the Welsh Traffic Area

5.—(1) Subject to paragraph 6 of this Schedule, this paragraph applies where, immediately before the reorganisation date—

- (a) the places specified as operating centres in a PSV operator's licence are situated in the South-Wales Traffic Area; and
- (b) the person who holds that licence holds a North-Western Traffic Area PSV operator's licence in which the places specified as operating centres are all situated in the transferred part of the North-Western Traffic Area,

and in such a case the licences held by that person in which the places specified as operating centres are situated in the Welsh Traffic Area shall be collectively referred to in this paragraph as “the relevant licence”.

(2) In such a case, on and after the reorganisation date—

- (a) each separate licence which forms part of the relevant licence shall be treated as subsisting independently until its amalgamation in accordance with sub-paragraph (3) below or its termination in accordance with section 15 of the 1981 Act, whichever is the earlier, although for the purposes of section 12(3) of the 1981 Act the licences which constitute the relevant licence shall be deemed to be one licence; and
- (b) so far as is required for continuing its effect on and after the reorganisation date, each separate licence referred to in paragraph (a) above shall have effect as if either of them had been granted by the traffic commissioner for the Welsh Traffic Area.

(3) Unless the holder and the traffic commissioner for the Welsh Traffic Area have agreed an earlier amalgamation date, a separate licence (“the amalgamating licence”) referred to in sub-paragraph (2)(a) above shall lose its independent subsistence by its amalgamation with the other separate licence (“the continuing licence”) on the date when the fee payable for the first of those licences to remain in force becomes due but in any event within five years of the re-organisation date.

(4) If separate licences referred to in sub-paragraph (2)(a) above are not similarly classified under section 13(1) of the 1981 Act the traffic commissioner for the Welsh Traffic Area shall before the amalgamation takes place consider whether the requirements for a standard licence are met, and if he is satisfied that these are met he shall, unless he has good reason for limiting that licence, determine that the amalgamated licence shall be a standard licence; and for the purpose of making the determination under this sub-paragraph the traffic commissioner may require the licence-holder to provide an undertaking in respect of any vehicles authorised to be used under the licence and that undertaking shall be recorded in the licence.

(5) If separate licences referred to in sub-paragraph (2)(a) above are not similarly classified under section 13(2) of the 1981 Act the traffic commissioner for the Welsh Traffic Area shall before the amalgamation takes place consider whether the requirements for an international licence are met, and if he is satisfied that these are met he shall, unless he has good reason for limiting that licence,

determine that the amalgamated licence shall be an international licence; and for the purpose of making the determination under this sub-paragraph the traffic commissioner may require the licence-holder to provide an undertaking in respect of any vehicles authorised to be used under the licence and that undertaking shall be recorded in the licence.

(6) The traffic commissioner for the Welsh Traffic Area—

- (a) shall attach a condition regarding the maximum number of vehicles to be specified in the amalgamated PSV operator's licence, and for this purpose—
 - (i) in the case of a restricted licence the number shall not, except in the case prescribed under regulation 25 of the Public Service Vehicles (Operators' Licences) Regulations 1995(1) exceed two, and
 - (ii) the condition may specify different maximum numbers for different descriptions of vehicle; and
- (b) may transfer to the amalgamated licence conditions for restricting or using the vehicles which are already attached to the separate licences continuing to have effect by virtue of sub-paragraph (2)(a) provided he is satisfied those conditions are appropriate to the new circumstances; and
- (c) may take into account any undertakings, including those given earlier, by the licence-holder provided he is satisfied the undertakings are appropriate to the new circumstances.

(7) The amalgamation by the traffic commissioner of separate licences which have continued by virtue of sub-paragraph (2)(a) shall not for the purposes of section 14A of the 1981 Act be construed as though he was granting a PSV operator's licence under the 1981 Act.

(8) Where one of the separate licences referred to in sub-paragraph (2)(a) above is due to terminate ("the terminating licence"), as a consequence of amalgamation or other circumstances, the traffic commissioner for the Welsh Traffic Area may vary the condition regarding the maximum number of vehicles which the holder may at any time use attached to another of those licences ("the continuing licence") so that any vehicle previously used under the terminating licence can be used under the continuing licence, and the direction to vary under this sub-paragraph shall make provision for the payment of fees due under the continuing licence, which fee shall include a charge for each additional motor vehicle based on the period from the date of variation to the fee-due date of the continuing licence.

(9) Where—

- (a) by virtue of the foregoing sub-paragraphs, a person is treated as holding more than one PSV operator's licence in respect of the Welsh Traffic Area; and
- (b) on the date on which one of those licences ("the terminating licence") is due to terminate proceedings are pending on an application by the person for a variation of another of those licences ("the continuing licence"); and
- (c) the application is such that if it were granted the person would be able to do under the continuing licence everything which he had been able to do under the terminating licence,

the terminating licence shall continue in force until—

- (i) the application; and
- (ii) any appeal under section 50 of the 1981 Act,

are disposed of, but without prejudice to the exercise in the meantime of the powers conferred by section 17 of the 1981 Act.

(1) S.I.1995/2908.

(10) Nothing in this paragraph shall be construed as enabling a person to be granted an operator's licence in respect of a traffic area if he already holds or is treated as already holding such a licence in respect of that area.

Cases where an existing licence held by a person has effect in the Welsh Traffic Area and the North-Western Traffic Area

6.—(1) This paragraph has effect where the operating centres of the vehicles used under a PSV operator's licence before the reorganisation date, on and after that date are situated in both the Welsh Traffic Area and in the North-Western Traffic Area, whether or not before the reorganisation date the licence-holder also had a licence issued by the traffic commissioner for the South-Wales Traffic Area.

(2) In such a case, the traffic commissioner for the North-Western Traffic Area shall before reorganisation date and after consulting the holder of the licence, give a direction—

- (a) which splits the existing licence so that there is a new licence for the Welsh Traffic Area and a varied licence for the North-Western Traffic Area (each such licence being referred to in this paragraph as a “new licence”); and
- (b) assigns the maximum number of vehicles authorised under the existing licence to a particular new licence.

(3) A traffic commissioner for the North-Western Traffic Area may, after consulting the holder of the existing licence and at any time before the reorganisation date, give a direction varying any direction given by him under sub-paragraph (2) above.

(4) Where a direction has been given under sub-paragraph (2) or (3) above, paragraph 4 and paragraph 5 of this Schedule shall, as the case may be, have effect in respect of a new licence to which there has been an assignment under the direction, as if immediately before the reorganisation date—

- (a) the vehicles authorised on the licence on that date were those assigned to that new licence under this paragraph; and
- (b) the maximum number of motor vehicles authorised on the licence on that date were the number of motor vehicles assigned to that new licence under this paragraph,

and in so far as the licence has effect by virtue of paragraphs 4 or 5 of this Schedule, as the case may be, and of the foregoing provisions of this sub-paragraph, it shall have effect for each new licence as if, immediately before the reorganisation date, the new licence had been varied as set out in paragraphs (a) and (b) of this sub-paragraph.

(5) If the traffic commissioner for the North-Western Traffic Area as respects a licence, fails to give a direction under sub-paragraph (2) before the reorganisation date, the functions under that sub-paragraph as respect that licence shall be exercisable on or after that date by the traffic commissioner for the North-Western Traffic Area in consultation with the traffic commissioner for the Welsh Traffic Area.

PART III

Pending Proceedings

Goods vehicle operators' licences

7.—(1) Subject to sub-paragraph (8) below, where an application has, before the reorganisation date, been made by the holder of a goods vehicle operator's licence for a new place to be specified as an operating centre in that licence under section 17(1)(g) of the 1995 Act and that place is situated in the South-Wales Traffic Area or in the transferred part of the North-Western Traffic

Area, the application shall, as from the reorganisation date, be treated as an application to the traffic commissioner for the Welsh Traffic Area for, as the case requires, either—

- (a) for a goods vehicle operator’s licence specifying that place as an operating centre; or
- (b) to vary a goods vehicle operator’s licence already held by the applicant in respect of the Welsh Traffic Area by directing that place to be specified in it as a new operating centre;

and any application made in connection therewith under section 17 of the 1995 Act shall be dealt with accordingly.

(2) Where—

- (a) an application for a goods vehicle operator’s licence, or an application to vary a goods vehicle operator’s licence, made before the reorganisation date falls to be determined after that date; and
- (b) at any time before the application is determined, the applicant holds a goods vehicle operator’s licence (“the existing licence”) in respect of a place which after the reorganisation date will be the Welsh Traffic Area,

references to that application, where after the reorganisation date, the application falls to be determined by more than one traffic commissioner, shall be references to the application as it relates to the traffic commissioner for the Welsh Traffic Area or the North-Western Traffic Area as the case may be.

(3) Where, by virtue of this Order, two applications for goods vehicle operators' licences made to different traffic commissioners are treated as having been made to a traffic commissioner for one traffic area, nothing in section 8(2) of the 1995 Act shall prevent the traffic commissioner granting an interim licence to the applicant in respect of both or either of those applications.

(4) Sub-paragraph (1) above shall not affect the operation of subsections (2) to (7) of section 19 of the 1995 Act in relation to any such application as is referred to in that sub-paragraph (and accordingly, notwithstanding sub-paragraph (1), those subsections shall continue to apply to the application after the reorganisation date and sections 8(3) and 12(1)(b) and (4) of the 1995 Act shall not apply to it).

(5) Sub-paragraph (2) above shall not affect the operation of section 8(3) or section 12(1)(b) and (4) of the 1995 Act in relation to any such application as is referred to in that sub-paragraph (and accordingly, notwithstanding sub-paragraph (2) above, those provisions shall continue to apply to the application after the reorganisation date and section 19(2) to (7) shall not apply to it).

(6) For the purposes of this paragraph, a person holds a goods vehicle operator’s licence in respect of a traffic area if he either holds or is treated as holding such a licence in respect of that area.

(7) In this paragraph, a reference to a goods vehicle operator’s licence does not include an interim licence.

(8) For the purposes of this paragraph, an interim licence is a licence issued under section 24 of the 1995 Act.

PSV operators' licences

8.—(1) An application for a PSV operator’s licence made before the reorganisation date shall, as from that date, be treated as an application to the traffic commissioner for the traffic area in which the places named in the application as operating centres are situated or, if there is more than one such area, to the traffic commissioner for each of those areas in so far as it relates to their respective areas.

(2) Where—

- (a) a decision on an application for a new PSV operator’s licence made before the reorganisation date falls by virtue of article 8 of this Order to be determined after that date by the traffic commissioner for the Welsh Traffic Area; and

- (b) at the time the decision is made, the applicant holds a PSV operator's licence in respect of the Welsh Traffic Area ("the existing licence"),
the traffic commissioner for the Welsh Traffic Area shall treat the application as an application for a variation of the existing licence.
- (3) For the purposes of this paragraph, a person holds a PSV operator's licence in respect of a traffic area if he either holds or is treated as holding such licence in respect of that area.