

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Road Traffic Act 1974, SCHEDULE 4. (See end of Document for details)

SCHEDULES

SCHEDULE 4

Section 16.

^{M1}AMENDMENTS OF TRANSPORT ACT 1968 RELATING TO OPERATORS’ LICENCES

Modifications etc. (not altering text)

- C1** The text of Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** 1968 c. 73.

- 1 In section 62 (applications for operators’ licences) after subsection (4) there shall be inserted the following subsections:—

“(4A) A person who has applied for an operator’s licence shall forthwith notify the licensing authority if, in the interval between the making of the application and the date on which it is disposed of, a conviction occurs which, if the period of five years specified in paragraph (e) of subsection (4) of this section had not expired, would be a conviction falling within that paragraph; and for the purposes of this subsection an application shall be taken to be disposed of,—

- (a) if the licensing authority is required, by virtue of regulations under section 91 of this Act, to cause a statement containing his decision on the application to be issued, on the date on which that statement is issued, and
- (b) in any other case, on the date on which the applicant receives notice from the licensing authority of his decision on the application.

(4B) A person who knowingly fails to comply with subsection (4A) of this section shall be liable on summary conviction to a fine not exceeding £200, and section 180 of the Road Traffic Act 1972 (time for bringing summary proceedings for certain offences) shall apply in relation to an offence under this subsection as it applies in relation to the offences under that Act to which it is applied by virtue of Schedule 4 to that Act.”

- 2 In section 64(2) (requirements to be satisfied on an application for an operator’s licence)—

- (a) at the end of paragraph (a) there shall be added the words “and to any conviction required to be notified in accordance with section 62(4A) thereof”,

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- (b) at the end of paragraph (d) there shall be added the words “and that the place which is to be the operating centre for those vehicles is suitable for that purpose”, and
- (c) in paragraph (e), after the word “subsection” there shall be inserted the words “and of a suitable operating centre”.
- 3 (1) In section 67 (duration of operators’ licences and grant of interim licences) in subsection (2) (determination of expiry date of operators’ licences) after the words “unless previously revoked” there shall be inserted the words “or prematurely terminated under section 69 of this Act.”
- (2) In subsection (3)(a) of that section (power of licensing authorities to direct that, in certain specified cases, the period relevant to the duration of an operator’s licence shall be less than five years) for paragraphs (i) and (ii) there shall be substituted the words “if it appears to the licensing authority to be appropriate in the case of any applicant”.
- (3) In subsection (5) of that section (interim licences) after the words “63 or” there shall be inserted the words “subsections (1) to (3) of section” and after the words “application for an operator’s licence” there shall be inserted the words “but shall be so treated for the purposes of section 64(4) of this Act”.
- 4 (1) In section 69 (revocation, suspension and curtailment of operators’ licences), in subsection (1) after the word “suspended” there shall be inserted the words “terminated on a date earlier than that on which it would otherwise expire under section 67 of this Act” and in paragraph (f) of that subsection after the word “suspension” there shall be inserted the words “premature termination”.
- (2) In subsection (4) of that section (which specifies the convictions which are grounds of revocation, etc.) in paragraph (a) after the words “agent of his” there shall be inserted the words “of an offence under section 46 of the Road Traffic Act 1972 (plating certificates and goods vehicle test certificates) or”, in paragraph (g) after the word “contravening” there shall be inserted “(i)” and at the end of that paragraph there shall be added the words “or
- (ii) any provision included in a traffic regulation order, within the meaning of section 1 of that Act, by virtue of subsection (3AA) of that section (lorry routes)”.
- (3) In subsection (6) of that section (where a person is disqualified from holding an operator’s licence, the licensing authority may direct that in certain cases the licence of any company or person with whom the disqualified person is or becomes associated shall be liable to revocation, suspension or curtailment) after the word “suspension” there shall be inserted the words “premature termination”.
- (4) At the end of subsection (7) of that section there shall be inserted the following subsection—
- “(7A) Where a licensing authority directs that an operator’s licence be suspended or curtailed, the authority may order that—
- (a) in the case of a suspension, any motor vehicle specified in the licence may not be used under any other operator’s licence, notwithstanding any authorisation under section 61(1)(c) of this Act, or

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- (b) in the case of a curtailment having the effect of removing any motor vehicle from the licence, the motor vehicle may not be used as mentioned in paragraph (a) above and shall not be capable of being effectively specified in any other operator's licence, and an order made under this subsection shall cease to have effect on such date, not being more than 6 months after the order is made, as may be specified therein or, if it is earlier, on the date on which the licence which is directed to be suspended or curtailed ceases to be in force."
- (5) In subsection (8) of that section (cancellation of orders) for the words "or (7)" there shall be substituted the words "(7) or (7A)".
- (6) In subsection (9) of that section (if requested by the licence holder, licensing authority to hold inquiry before giving direction or making order) at the end of paragraph (b) there shall be inserted the words "or
- (c) make an order under subsection (7A) of this section in respect of any vehicle."
- (7) In subsection (10) of that section (power of licensing authority to direct that certain directions and orders shall not take effect until expiry of time for appeal) for the words "or (7)" there shall be substituted the words "(7) or (7A)".
- 5 In section 70(1)(b) (rights of appeal in connection with certain directions and orders) after the word "whom" there shall be inserted the words "or the holder of an operator's licence which specifies a motor vehicle in respect of which" and for the word "(7)" there shall be substituted the word "(7A)".

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