



Goods Vehicles (Licensing of Operators) Act 1995

1995 CHAPTER 23

Variation of licences

17 Variation of operators' licences.

- (1) Subject to section 18, on the application of the holder of an operator's licence, [^{F1}a traffic commissioner] may vary the licence by directing—
- (a) that additional motor vehicles be specified in the licence or that any maximum number specified in it under section 6 be increased;
 - (b) that any vehicle cease to be specified in the licence or that any maximum number specified in it under section 6 be reduced;
 - (c) that any provision in the licence such as is mentioned in section 5(2) cease to have effect;
 - (d) that a provision such as is mentioned in section 5(2) be included in the licence;
 - (e) that any provision in the licence such as is mentioned in section 6(1)(b) or (2)(b) cease to have effect;
 - (f) that a provision such as is mentioned in section 6(1)(b) or (2)(b) be included in the licence;
 - (g) [^{F2}in the case of a heavy goods vehicle licence,] that a new place in the [^{F3}same traffic] area be specified in the licence as an operating centre of the licence-holder, or that any place cease to be so specified;
 - (h) that any undertaking recorded in the licence be varied or removed;
 - (i) that any condition attached to the licence be varied or removed;
 - (j) in the case of a restricted licence, that it be converted into a standard licence or, in the case of a standard licence, that it be converted into a restricted licence;
 - (k) in the case of a standard licence, that it cover both international and national transport operations instead of national transport operations only, or vice versa.
- (2) A person applying for the variation of an operator's licence under this section shall give to [^{F4}the traffic commissioner dealing with the application, in such form as he or

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another traffic commissioner may require, such information as he or another traffic commissioner] may reasonably require for disposing of the application.

(3) Except in the cases mentioned in subsection (4), [^{F5}a traffic commissioner] shall publish notice of any application for the variation under this section of an operator's licence, and shall do so in the manner prescribed for the publication of notices under section 10(1).

(4) The excepted cases are—

- (a) where the application is for a direction under subsection (1)(a) that additional motor vehicles be specified in the licence;
- (b) where the application is for a direction under subsection (1)(b), (d) or (f);
- (c) where the application is for a direction under subsection (1)(g) that a place cease to be specified in a [^{F6}heavy goods vehicle] licence as an operating centre of the licence-holder;
- (d) where the application is for a direction under subsection (1)(j) that a standard licence be converted into a restricted licence;
- (e) where the application is for a direction under subsection (1)(k) that a licence cover national transport operations only, instead of both national and international transport operations;
- (f) where the traffic commissioner is satisfied that the application is of so trivial a nature that it is not necessary that an opportunity should be given for objecting to it or making representations against it.

(5) Where notice of an application is published under subsection (3), the following provisions, namely—

- (a) section 10(2),
- (b) section 12(1)(a), (6), (8) and (9)(a),
- (c) [^{F7}sections 13 to 13D], and
- (d) section 15,

shall, with any necessary modifications and subject to section 19, apply in relation to that application as they apply in relation to an application for an operator's licence of which notice is published under section 10(1).

Textual Amendments

- F1** Words in s. 17(1) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F2** Words in s. 17(1)(g) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **36(1)**
- F3** Words in s. 17(1)(g) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F4** Words in s. 17(2) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F5** Words in s. 17(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. 1** (with arts. 1(3), 2, 7)
- F6** Words in s. 17(4)(c) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **36(2)**
- F7** Words in s. 17(5)(c) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 7** (with Sch. 3 Pt. 2)

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Modifications etc. (not altering text)

- C1** S. 17 modified (1.1.1996) by S.I. 1995/2181, art. 3, **Sch. para. 6(1)**
- C2** S. 17(3) excluded by 2006 c. 12, s. 16E(3) (as inserted (14.2.2012) by **London Olympic Games and Paralympic Games (Amendment) Act 2011 (c. 22), ss. 9, 10(1)**)

18 Publication of notice of applications for variation [^{F8}of heavy goods vehicle licences] in any locality affected.

- (1) Subject to subsection (4), [^{F9}a traffic commissioner who is dealing with an application for [^{F10}a heavy goods vehicle] licence shall refuse the application for any of the directions mentioned in subsection (2)] without considering the merits unless he is satisfied that subsection (3) has been complied with in respect of each locality affected by the application.
- (2) The directions referred to in subsection (1) are—
- (a) any direction under section 17(1)(a) that a maximum number [^{F11}of heavy goods vehicles] specified in a licence under section 6 be increased;
 - (b) any direction under section 17(1)(c) or (e) [^{F12}that has the effect of authorising the use of a heavy goods vehicle under a licence];
 - (c) any direction under section 17(1)(g) that a new place be specified in a licence as an operating centre of the licence-holder; and
 - (d) any direction under section 17(1)(h) or (i) which might result in a material change in the use of any operating centre of the licence-holder [^{F13}in the traffic area concerned] .
- (3) This subsection has been complied with in respect of a locality affected by an application if, within the period beginning 21 days before the date on which the application is made and ending 21 days after that date, notice of the application in such form and containing such information as may be prescribed has been published in one or more local newspapers circulating in the locality.
- (4) [^{F14}A traffic commissioner] is not required by this section to refuse an application if—
- (a) he is satisfied as mentioned in subsection (1), save only that the form or contents of the notice of application as published in any newspaper did not comply with the prescribed requirements; and
 - (b) he is satisfied that no person's interests are likely to have been prejudiced by the failure to comply with those requirements.
- (5) For the purposes of this section a locality is affected by an application for the variation of [^{F15}a heavy goods vehicle] licence if—
- (a) it contains any place [^{F16}in the traffic area concerned] that will be an operating centre of the licence-holder if the application is granted; or
 - (b) it contains an existing operating centre of the licence-holder [^{F17}in the traffic area concerned] and—
 - (i) the granting of the application would or could result in an increase in the number of [^{F18}heavy goods] vehicles, or the number of [^{F18}heavy goods] vehicles above a certain weight, that have that centre as their operating centre; or
 - (ii) any undertaking recorded in, or condition attached to, the licence that the application seeks to have varied or removed relates to that centre.

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Textual Amendments

- F8** Words in s. 18 heading inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **37(1)**
- F9** Words in s. 18(1) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F10** Words in s. 18(1) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **37(2)**
- F11** Words in s. 18(2)(a) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **37(3)(a)**
- F12** Words in s. 18(2)(b) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **37(3)(b)**
- F13** Words in s. 18(2)(d) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F14** Words in s. 18(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. 1** (with arts. 1(3), 2, 7)
- F15** Words in s. 18(5) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **37(4)(a)**
- F16** Words in s. 18(5)(a) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F17** Words in s. 18(5)(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. 1** (with arts. 1(3), 2, 7)
- F18** Words in s. 18(5)(b)(i) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **37(4)(b)**

Modifications etc. (not altering text)

- C3** S. 18 modified (1.1.1996) [S.I. 1995/2181](#), art. 3, Sch. paras. 8, **9**
- C4** S. 18 excluded by 2006 c. 12, s. 16E(3) (as inserted (14.2.2012) by [London Olympic Games and Paralympic Games \(Amendment\) Act 2011 \(c. 22\)](#), ss. **9**, 10(1))

19 Objection to, and refusal of, applications to vary [^{F19}heavy goods vehicle] licences on environmental grounds.

- (1) This section applies where notice of an application for the variation of [^{F20}a heavy goods vehicle] licence has been published under section 17(3).
- (2) Where the application relates to an existing operating centre of the licence-holder [^{F21}in the traffic area concerned] —
- any of the persons mentioned in section 12(2) may object to the grant of the application on the ground that the use of that operating centre in any manner which would be permitted if the application were granted would cause adverse effects on environmental conditions in the vicinity of that centre;
 - subject to subsection (5), any person who is the owner or occupier of any land in the vicinity of that operating centre may make representations against the grant of the application on the ground mentioned in paragraph (a); and
 - whether or not anyone objects or makes representations under paragraph (a) or (b), [^{F22}a traffic commissioner] may refuse the application on the ground mentioned in paragraph (a).
- (3) For the purposes of subsection (2), an application shall be taken to relate to an operating centre if—

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- (a) granting it would or could result in an increase in the number of [^{F23}heavy goods] vehicles, or the number of [^{F23}heavy goods] vehicles above a certain weight, that have that centre as their operating centre; or
 - (b) any undertaking recorded in, or condition attached to, the licence that the application seeks to have varied or removed relates to that centre.
- (4) Where the application is for a place [^{F24}in the traffic area concerned] to be specified in the licence as an operating centre of the licence-holder—
 - (a) any of the persons mentioned in section 12(2) may object to the grant of the application on the ground that that place will be unsuitable on environmental grounds for use as an operating centre of the licence-holder; and
 - (b) subject to subsection (5), any person who is the owner or occupier of any land in the vicinity of that place may make representations against the grant of the application on that ground.
- (5) A person may not make representations under subsection (2)(b) or (4)(b) unless any adverse effects on environmental conditions arising from the use of the operating centre or place in question would be capable of prejudicially affecting the use or enjoyment of the land there mentioned.
- (6) If any person duly objects or makes representations under subsection (4) against an application for a place [^{F25}in the traffic area concerned] to be specified in the licence as an operating centre of the licence-holder, [^{F25}a traffic commissioner] may refuse the application—
 - (a) on the ground that the parking of [^{F26}heavy goods] vehicles used under the licence at or in the vicinity of that place would cause adverse effects on environmental conditions in the vicinity of that place; or
 - (b) subject to subsection (7), on the ground that that place would be unsuitable on environmental grounds other than the ground mentioned in paragraph (a) above for use as an operating centre of the licence-holder.
- (7) [^{F27}A traffic commissioner may not refuse an application] on the ground mentioned in subsection (6)(b) if—
 - (a) on the date the application was made, the place in question was already specified in [^{F28}a heavy goods vehicle] licence ^{F29}... as an operating centre of the holder of that licence, or
 - (b) the applicant has produced to [^{F30}a traffic commissioner] a certificate in force in respect of that place under—
 - (i) section 191 or 192 of the ^{M1}Town and Country Planning Act 1990, or
 - [^{F31}(ii) section 150 or 151 of the Town and Country Planning (Scotland) Act 1997;]stating that its use as an operating centre for vehicles used under [^{F32}a heavy goods vehicle] licence is or would be lawful.
- (8) Subsection (7) does not apply in relation to any place that, at the time the application is determined by the traffic commissioner, is specified in [^{F33}a heavy goods vehicle] licence as an operating centre of the holder of that licence.
- (9) A place is not to be regarded for the purposes of paragraph (a) of subsection (7) as being specified in [^{F34}a heavy goods vehicle] licence by reason only that it forms part of a place so specified; and a place that was, on the date mentioned in that paragraph, a place specified in [^{F34}a heavy goods vehicle] licence as mentioned in that paragraph shall be disregarded for the purposes of that paragraph if, on that date—

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- (a) the [^{F35}heavy goods vehicle] licence in which that place was specified was an interim licence issued under section 24; or
 - (b) that place was so specified by virtue of an interim direction such as is mentioned in section 25; or
 - (c) such conditions relating to—
 - (i) the exercise of the right of any person to appeal against a place being specified in [^{F36}a heavy goods vehicle] licence, or
 - (ii) the review under section 36 of any decision so to specify a place, as may be prescribed were not satisfied in relation to that place.
- (10) Any objection or representations under this section—
- (a) shall contain particulars of any matters alleged by the person making the objection or representations to be relevant to the issue to which the objection relates or the representations relate; and
 - (b) shall be made in the prescribed manner and within the prescribed time after the making of the application to which the objection relates or the representations relate.
- (11) Where [^{F37}a traffic commissioner] considers there to be exceptional circumstances that justify his doing so, he may direct that an objection or representations be treated for the purposes of this Act as duly made under this section, notwithstanding that the objection was not, or the representations were not, made within the prescribed time or in the prescribed manner.

Textual Amendments

- F19** Words in s. 19 heading substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **38(1)**
- F20** Words in s. 19(1) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **38(2)**
- F21** Words in s. 19(2) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F22** Words in s. 19(2)(c) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F23** Words in s. 19(3)(a) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **38(3)**
- F24** Words in s. 19(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. 1** (with arts. 1(3), 2, 7)
- F25** Words in s. 19(6) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F26** Words in s. 19(6)(a) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **38(4)**
- F27** Words in s. 19(7) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F28** Words in s. 19(7)(a) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **38(5)(a)**
- F29** Words in s. 19(7)(a) omitted (3.7.2013) by virtue of [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F30** Words in s. 19(7)(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. 1** (with arts. 1(3), 2, 7)
- F31** S. 19 (7)(b)(ii) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 59(3)**

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- F32** Words in s. 19(7) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **38(5)(b)**
- F33** Words in s. 19(8) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **38(6)**
- F34** Words in s. 19(9) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **38(7)(a)**
- F35** Words in s. 19(9)(a) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **38(7)(b)**
- F36** Words in s. 19(9)(c)(i) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **38(7)(c)**
- F37** Words in s. 19(11) substituted (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)

Marginal Citations

- M1** 1990 c. 8.

20 Variation of licences: further provisions.

- (1) Where the holder of a restricted licence makes an application under section 17 [^{F38}for a direction that the licence be varied by converting it] into a standard licence—
- (a) section 9(2) and (3)(b) and (without prejudice to the generality of section 17(5)) section 13(1) shall apply in relation to that application as they apply in relation to an application for a standard licence; and
 - (b) if the application is granted, section 22(2) shall apply to the giving of the direction to vary the restricted licence as it applies to the issuing of a standard licence.
- (2) Where the holder of a standard licence which covers only national transport operations makes an application under section 17 ^{F39}... for a direction that the licence be varied to cover both national and international transport operations—
- (a) the applicant shall include in his application particulars about the professional competence on which he intends to rely; and
 - (b) [^{F40}a traffic commissioner] shall refuse to direct the variation applied for unless he is satisfied that the professional competence on which the applicant proposes to rely is sufficient for the purposes of international transport operations.

Textual Amendments

- F38** Words in s. 20(1) substituted (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F39** Words in s. 20(2) omitted (3.7.2013) by virtue of The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F40** Words in s. 20(2)(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. 1** (with arts. 1(3), 2, 7)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(6)(6A) substituted for s. 5(6) by [2000 c. 38 s. 263](#)