



# Goods Vehicles (Licensing of Operators) Act 1995

## 1995 CHAPTER 23

### *Miscellaneous*

#### **48 Operators' licences not to be transferable etc.**

- (1) Subject to any regulations under section 46, an operator's licence is neither transferable nor assignable.
- (2) Regulations may make provision enabling a traffic commissioner, where the holder of an operator's licence <sup>F1</sup>... has died [<sup>F2</sup>or become a person who lacks capacity (within the meaning of the Mental Capacity Act 2005) to use a vehicle under the licence,], to direct that the licence be treated—
  - (a) as not having terminated at the time when the licence-holder died or [<sup>F3</sup>became a person who lacked capacity in that respect] but as having been suspended (that is, as having remained in force but subject to the limitation that no vehicles were authorised to be used under it) from that time until the time when the direction comes into force; and
  - (b) as having effect from the time when the direction comes into force for a specified period and as being held during that period (for such purposes and to such extent as may be specified) not by the person to whom it was issued but by such other person carrying on that person's business, or part of that person's business, as may be specified.
- (3) Regulations may make provision enabling a traffic commissioner in prescribed circumstances to direct that any operator's licence <sup>F4</sup>... is to be treated (for such purposes, for such period and to such extent as may be specified) as held not by the person to whom it was issued but by such other person carrying on that person's business, or part of that person's business, as may be specified.
- (4) Regulations may make provision enabling a traffic commissioner to direct, for the purpose of giving effect to or supplementing a direction given by him [<sup>F5</sup>or another traffic commissioner] by virtue of subsection (2) or (3), that this Act is to apply with specified modifications in relation to the person who is to be treated under the direction

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*Changes to legislation: Goods Vehicles (Licensing of Operators) Act 1995, Section 48 is up to date with all changes known to be in force on or before 01 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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as the holder of an operator’s licence; but nothing in any such regulations shall permit [<sup>F6</sup>a traffic commissioner] to modify the operation of any of the excepted provisions (within the meaning given in section 46(3)).

- (5) In subsection (2) references to a person becoming [<sup>F7</sup>a person lacking capacity] include references to a curator bonis being appointed in respect of him in Scotland on the ground that he is incapable, by reason of mental disorder, of adequately managing and administering his property and affairs.
- (6) In this section “specified”, in relation to a direction, means specified—
- (a) in the regulations under which the direction was given; or
  - (b) in the direction in accordance with those regulations.

#### Textual Amendments

- F1** Words in s. 48(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)
- F2** Words in s. 48(2) substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), **Sch. 6 para. 40(3)(a)(i)** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)
- F3** Words in s. 48(2)(a) substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), **Sch. 6 para. 40(3)(a)(ii)** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)
- F4** Words in s. 48(3) 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)
- F5** Words in s. 48(4) inserted (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. 48(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)
- F7** Words in s. 48(5) substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), **Sch. 6 para. 40(3)(b)** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)

**Changes to legislation:**

Goods Vehicles (Licensing of Operators) Act 1995, Section 48 is up to date with all changes known to be in force on or before 01 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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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](#)