

THE SCHEDULE

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 goods 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.

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(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—

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- (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.