



**Neutral Citation Number: [2025] UKUT 283 (AAC)
Appeal No. UA-2025-000359-T**

**IN THE UPPER TRIBUNAL
ADMINISTRATIVE APPEALS CHAMBER
TRAFFIC COMMISSIONER APPEALS**

**ON APPEAL from the DECISION of the TRAFFIC COMMISSIONER for the NORTH
WEST OF ENGLAND dated 13TH March 2025**

Before: HHJ Beech, Judge of the Upper Tribunal
Stuart James, Specialist Member of the Tribunal
David Rawsthorn, Specialist Member of the Tribunal

Appellant: RT INTERNATIONAL TRANSPORT LIMITED

Commissioner's ref: OC2226316

Hearing date: 29th July 2025
Mode of hearing: CVP
Heard at: Field House, Breams Buildings, London, EC4A 1DZ

Representation:
Appellant: Christopher Poole (transport manager) assisted by Christopher Stanton (director)

Decision Date: 18th August 2025

SUMMARY OF DECISION

This appeal is ALLOWED.

The Appellant's operator's licence was revoked upon a finding that whilst the Appellant had uploaded a compliant TM1 form nominating a new transport manager within the period of grace granted, it had failed to post a hard copy with a "wet signature" to the Office of the Traffic Commissioner within the period of grace. There is no evidence that the Appellant was either instructed or required by the rules to

provide a hard copy with a “wet signature” to the Office of the Traffic Commissioner and in the circumstances, the Appeal is allowed.

The matter is remitted to the Traffic Commissioner for him to consider and if appropriate, approve, the nomination. The Appellant is put on notice that the Traffic Commissioner may wish to call a public inquiry to consider financial standing or a change in directors or any other regulatory concerns that may have arisen since the nomination was made.

KEYWORD NAME: 100.8 Transport Managers

Please note the Summary of Decision is included for the convenience of readers. It does not form part of the decision. The Decision and Reasons of the judge follow.

DECISION

The appeal is ALLOWED and the matter is remitted to the Traffic Commissioner for further consideration

REASONS FOR DECISION

Introduction

1. This is an appeal from the decision of the Traffic Commissioner for the North West of England (“TC”) dated 13th March 2025, when he revoked the Appellant’s standard international operator’s licence under s.27(1)(a) of the Goods Vehicles (Licensing of Operators) Act 1995 (“the Act”) with effect from 10th April 2025.

Introduction

2. This appeal concerns the procedure by which a licence holder submits a TM1 form for approval to the Office of the Traffic Commissioner (“OTC”). In December 2024 (the precise date is not known), operators received the following notification”:

“Changes become fully digital

You may remember messages that we have sent advising how the Office of the Traffic Commissioner is seeking to modernise by implementing a digital by default process for most of our services.

In September we moved towards this approach by making the continuation process digital. We are now mandating that all alterations to transport

managers on an operator's licence use the digital process already available within the Vehicle Operator Licencing (VOL) system.

This change will take effect from 31 January 2025. After this time the TM1 form will be withdrawn and no longer accepted, and all change must be made on the VOL system.

It is important you understand and act upon this advice”.

Factual Background

3. The Appellant (“RTI”) is the holder of a standard international operator’s licence authorising ten vehicles and four trailers with the same number in possession. The transport manager was Frank Taylor who was also a director of the company along with Christopher Stanton.
4. On 23rd January 2025, Frank Taylor resigned as the transport manager of the company (and updated the VOL system to that effect) and stepped down as a director, although he remained named as such on the Companies House records. As a result of the VOL update, a “*propose to revoke*” letter was sent on 24th January 2025 by the Office of the Traffic Commissioner (“OTC”) under s.27 of the Act. RTI was given until 14th February 2025 to make written representations and to nominate a replacement transport manager. There was nothing in the letter or the attachments to it which mandated that the TM1 form had to be uploaded onto the VOL system and sent by post to the OTC for it to be a valid nomination.
5. On 24th January 2025, Christopher Poole (“Mr Poole”) uploaded onto the VOL system, a TM1 form nominating himself as the proposed transport manager (internal). The application highlighted that Mr Poole was the transport manager on the licence of DLG Contracts Limited, a company linked to RTI. Unfortunately, whilst he had signed the form as the proposed transport manager, a director had not signed the form as required and a contract of employment was not attached.
6. On 3rd February 2025, the OTC notified RTI that its application was incomplete and that it needed to:
 - Sign into it’s VOL account to make sure that it had completed the transport manager’s application
 - Make sure that the nominated transport manager had completed the application as well and that it was signed and dated by Christopher Poole and signed and dated by one of the company directors.

The deadline was 17th February 2025 and RTI was reminded that it could ask for a period of grace.
7. On 19th February 2025, the OTC emailed Mr Poole advising him that the uploaded TM1 form had not been signed by a director and she required a contract of employment in respect of the RTI licence. Mr Poole asked for a period of grace and the TM1 form for a director to sign which he would post

on a twenty-four hour delivery basis (there was no requirement imposed upon him to post the form in addition to uploading the completed document). The form was sent to him and Mr Stanton duly signed it on 20th February 2025 and it was uploaded onto the VOL system along with a contract of employment and a letter from Mr Poole explaining his work with other companies all linked with RTI. He did not post a copy of the form to the OTC.

8. By a letter dated 23rd February 2025, the OTC informed RTI that its licence was at risk. A period of grace was granted to 9th March 2025 to enable RTI to submit a TM1 form signed by Mr Poole and Mr Stanton. The letter did not state that the form had to be submitted by post. By a separate letter of the same date, the OTC required an explanation from Mr Stanton as to why Mr Taylor continued to be listed as a director of RTI when he had been removed from the licence on 23rd January 2025 and required an explanation as to why the change of directors had not been reported to the OTC. In view of the change of directors, the company was required to submit its last 3 months company bank statements. A response was required by 9th March 2025.
9. In the submissions made to the TC by the OTC staff on 10th March 2025, it was recommended that RTI's licence be revoked under s.27(1)(a) of the Act. Nevertheless, the TC asked for a review. He could not see any record which indicated that the TM1 application remained incomplete and whilst the licence must be revoked upon the expiry of a period of grace he was concerned that RTI may have taken the action required.
10. On the same day, further submissions were made to the TC recommending approval of the transport manager nomination along with a request for further information. It was noted that whilst Mr Poole had said that he would send the TM1 form declarations by post, he had uploaded them onto the VOL system on 20th February 2025. The application was therefore complete save for receipt of the wet signature. If the TC was content with the upload alone, then Mr Poole could be added to the licence and that would leave the outstanding issues of director change and finances. In addition, a request for a signed TM1 declaration to be sent by post could be made in case the company had already sent one which had been lost in the post. The TC disagreed with that recommendation and revoked the licence on the grounds that the company had failed to comply with the request for further information made on 3rd February 2025 and as a result, its application to nominate a replacement transport manager remained outstanding and its licence was revoked with 28 days' notice under s.27(1)(a) of the Act.
11. Mr Stanton responded to the letter concerning directors and finance on 10th March 2025, a day after the TC had ordered revocation of the licence. He averred that he had only just returned from holiday. It had been assumed that Mr Taylor would remove himself as a director of the company at Companies House having resigned and Mr Stanton apologised for the misunderstanding. He had initially invested in the company and had now taken it over and was in the process of setting up a new business bank account. He asked for a period of grace to demonstrate financial standing in three months' time whilst submitting the current financial position.

12. A further submission was made to the TC. It was recommended that further information be requested from RTI. However, as the letter was received after the period of grace had expired, the TC determined that the order of revocation must stand.
13. RTI appealed and was granted a stay by Judge Mitchell, Judge of the Upper Tribunal on 8th April 2025.

Legal framework

14. By s.13A(3) of the 1995 Act, a licence holder must be professionally competent within the meaning of paragraph 13 of Schedule 3 of the Act and by s.27(1) of the Act, a TC must revoke a licence if the licence holder no longer satisfies the professional competence requirements. However, by virtue of s.27(2) of the Act, a TC must not take such action without first giving notice to the licence holder that he is considering revocation of the licence (a "*propose to revoke letter*") and by virtue of s.17(3)(A), they can set a time limit for the licence holder to rectify the position ("*a period of grace*"). If the position is not rectified within the time limit given, the licence **shall** be revoked unless further time for compliance is given prior to expiry of the first.

The grounds of appeal and the Appellant's submissions

15. The main thrust of RTI's grounds of appeal and submissions were that having received the notice set out in paragraph 2 above, neither Mr Poole nor Mr Stanton believed that there was a requirement upon them to post a copy of the TM1 form with a wet signature in addition to uploading a compliant TM1 form and attachments onto the VOL system which Mr Poole did on 20th February 2025. He accepted that he had stated in an email that he would post a hard copy of the form to the OTC but this had not been requested and at the end of the day, he considered it to be unnecessary bearing in mind the contents of the above notice. At no stage had RHT been directed to post a hard copy of the TM1 form to the OTC.

Analysis

16. It is of note that upon receipt of RTI's application for a stay pending appeal, a further submission was made to the TC in which it was averred that the letter of 3rd February 2025 sent to RTI did not "*appear to explicitly state that the signed TM1 form had to be sent by post*" and that in the correspondence generally, RTI had not been "*explicitly informed that they needed to send this in the post*". We agree with that submission. There is nothing in the case papers which could be read as a direction of that nature. The fact that Mr Poole volunteered to send a hard copy by post in addition to uploading the form onto the VOL system is insufficient to make that a mandatory requirement which if not fulfilled, warranted the revocation of the licence. The notice sent to operators made it clear that by 31st January 2025, operators must use the VOL system alone to file TM1 forms. That is what RTI did on 20th February 2025. In all the circumstances, it was plainly wrong

to revoke the operator's licence on 10th March 2025 and the matter must be remitted to the TC for further consideration.

17. There is of course, the issues of financial standing and change of directors which remain matters to be considered by the TC as his revocation decision clearly did not take them into account. His decision was based solely on the TM1 form and whether it had been filed in time and in the correct manner.

Conclusion

18. Taking all the circumstances into account, we are satisfied that the TC's decision was plainly wrong and as a result, the appeal is allowed as per the test in Bradley Fold Travel & Peter Wright v Secretary of State for Transport (2010) EWCA Civ.695. The appeal is allowed.

Her Honour Judge Beech
Judge of the Upper Tribunal

Authorised by the Judge for issue on 18th August 2025