



Neutral Citation Number: [2026] UKUT 108 (AAC)
Appeal No. UA-2024-001459-T

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

**ON APPEAL from a DECISION of a TRAFFIC COMMISSIONER in the WEST of
ENGLAND TRAFFIC AREA taken on 17 October 2024**

Before: E Mitchell, Judge of the Upper Tribunal
S Booth, Specialist Member of the Upper Tribunal
I Lockett, Specialist Member of the Upper Tribunal

Appellant: Appleton Commercial Services Ltd

Commissioner's ref: OH2053322

Date of Commissioner's decision: 17 October 2024

Heard at: Remotely, at the Appellant's request, using the Cloud
Video Platform, on 25 May 2025

Representation: For the Appellant, John Appleton (director of the Appellant
company).

Date of decision: 28 February 2026

SUMMARY OF DECISION

100 Transport (Traffic Commissioner and DoE (NI)) appeals

100.10 Regulatory action

Judicial summary

The Traffic Commissioner was required to revoke the licence of an operator who failed to appoint a transport manager during a ‘period of grace’ (allowing the operator to operate without a transport manager).

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 OF THE UPPER TRIBUNAL

This appeal is DISMISSED. The Traffic Commissioner’s decision of 17 October 2024, revoking operator’s licence ref. OH2053322, was not made in error of law or fact. Under section 37(2) of the Goods Vehicles (Licensing of Operators) Act 1995, the Upper Tribunal dismisses this appeal.

Subject matter: Revocation of standard operator’s licence / periods of grace

Case law referred to: *Blackmur T/A IJB Transport* [2021] UKUT 0312 (AAC)

REASONS FOR DECISION

1. In these reasons:

- “1995 Act” means the Goods Vehicles (Licensing of Operators) Act 1995;
- “operator” means the Appellant company;
- “OTC” means the Office of the Traffic Commissioner.

The Traffic Commissioner’s decision-making

2. On 19 June 2024, OTC wrote to the operator stating that it had been brought to a Traffic Commissioner’s attention that there was currently no transport manager

specified on the operator's licence, and noting that a transport manager was a mandatory regulatory requirement. OTC's letter went on to provide information about applying for a 'period of grace', during which the operator could operate lawfully without a transport manager, and nominating a replacement transport manager.

3. OTC's letter of 19 June 2024 also informed the operator that a Traffic Commissioner was considering revoking the operator's licence, set a deadline of 10 July 2024 for the operator to make written representations against revocation and provided information about the operator's right to request a public inquiry.

4. On 23 June 2024, John Appleton, director of the operator company, wrote to OTC. He stated that the former transport manager had been "falling behind in his responsibilities" and was no longer transport manager. With the assistance of an external transport consultant, the operator had tried to identify a replacement transport manager before the departure of the original manager, but without success. Mr Appleton's letter went on:

"I would like to request a period of grace of up to 6 months. In this period of time where we would be without an appointed transport manager, we would use the services of an external transport consultant to support in the upkeep of the tasks of transport manager."

5. OTC responded to John Appleton's letter on 25 June 2024. OTC requested further information including the reason for the previous transport manager's departure, how transport manager duties would be covered during any period of grace, what action was being taken to appoint a transport manager, and why the operator needed 6 months to identify and appoint a transport manager. OTC requested a response by 10 July 2024 failing which the matter would be referred to a Traffic Commissioner.

6. Mr Appleton replied by letter dated 7 July 2024. After describing perceived failings of the previous transport manager, he stated that, during a period of grace, he would use an external transport consultant, and a six month period of grace was requested "to ensure we find the right candidate". Mr Appleton added that the external transport consultant was "one we have an ongoing relationship with" and the "discussed proposal was to allocate time on a weekly basis to undertake the tasks usually assigned to transport manager". The letter ended as follows:

“I have been in discussion with a potential transport manager, whom would like to make an assessment before committing to the role. I would also like to assess them before committing, due to previous bad experience. They have already been involved with both myself and my appointed consultant. Unfortunately, having had two previous transport managers whom had little to no interest in their job, I feel the need to place a higher degree of importance on both the suitability and quality of the new appointee.”

7. On 16 July 2024, a Traffic Commissioner granted a period of grace, allowing the operator to operate without a transport manager, until 16 October 2024 (i.e. three months). OTC’s letter informing the operator of the Commissioner’s decision included the following:

“The period of grace will end on **16 October 2024**.”

This should be a sufficient period for you to add a suitable transport manager to your licence. Before this deadline you must satisfy the traffic commissioner that you have made suitable transport manager arrangements. If you do not, your licence will be revoked.

Take action well in advance of the deadline

The requirement is not met until the traffic commissioner accepts a proposed transport manager. The traffic commissioner must have accepted them as capable of meeting the requirements of paragraphs 14A(1) and (2), or (1) and (3), of Schedule 3 of the Act before the period of grace expires.

You must:

- submit the application in time
- provide sufficient information to satisfy the traffic commissioner

We recommend you submit your application at least 4 weeks before the deadline.

What you need to do

You must apply for a new transport manager as soon as possible...

Your licence will be revoked if you do not respond or if your nominated transport manager is not suitable

If you do not add a suitable transport manager to your licence before the grace period ends, the traffic commissioner is obliged to revoke the licence and will do so. They must do so under section 27(1)(a) of the Act.

You must take prompt action if you wish to continue to operate.”

8. On 17 October 2024, the Traffic Commissioner revoked the operator’s licence. The decision letter recorded that the operator had not responded to OTC’s letter of 16 July 2024, nor had a request for a public inquiry been received.

Legal framework

9. Section 27(1)(a) of the Goods Vehicles (Licensing of Operators) Act 1995 provides that a Traffic Commissioner “shall direct” revocation of a standard operator’s licence “if at any time it appears to [the Commissioner] that the licence-holder no longer satisfies one or more of the requirements of section 13A”. In the case of an operator that is a company, the requirements include that the operator has designated a suitable individual/s who meets the transport manager requirements in paragraph 14A(1) and (2) of Schedule 3 to the Act.

10. Despite the mandatory wording of section 27(1), the 1995 Act provides a mechanism by which an operator may continue to operate lawfully despite not meeting a mandatory regulatory requirement. Section 27(3A) permits a Traffic Commissioner to set a time limit for the licence holder to “rectify the situation” (referred to in the industry as a ‘period of grace’). Generally, the time limit must not exceed six months (nine months where a transport manager is physically incapacitated or deceased and more than six months is required to recruit a replacement): section 27(3AA).

Grounds of appeal

11. The operator’s notice of appeal argues:

“...the three months [period of grace] ran out because I cannot find a suitable applicant. Originally I was granted 3 months but I did ask for a extension of 6

months to find the right person for this role as the two previous transport managers were not carrying out their duties correctly.

I have contracts I need to fulfil and I have staff that I need to keep employed.”

12. At the hearing, Mr Appleton said that he became ill during the ‘period of grace’ that expired on 16 October 2024. We asked Mr Appleton why he did not make enquiries about seeking an extension to the period of grace. He said that he was hospitalised for two periods of four and two days, had no staff and did not remember the deadline. Mr Appleton was asked if both periods of illness were during August 2024 but he was unsure. He also said that he continued searching for a transport manager during the period of grace but without success, although he had now identified a suitable person.

Analysis

13. Once the period of grace expired on 16 October 2024, the operator was in breach of a mandatory regulatory requirement. The Traffic Commissioner was not presented with any request to extend the period, nor any correspondence about the operator’s attempts to secure a transport manager or Mr Appleton’s illness. Once the period of grace had expired, section 27(1) of the 1995 Act therefore required the Traffic Commissioner to revoke the operator’s licence (*Blackmur T/A IJB Transport* [2021] UKUT 0312 (AAC)). The Commissioner’s decision was therefore lawful and we dismiss this appeal.

Conclusion

14. This appeal is dismissed and the operator’s licence therefore remains revoked. Finally, we apologise for the delay in giving this decision, due largely to the judge’s illness and consequent absence from duties.

**Authorised for issue by Upper
Tribunal Judge Mitchell on 28
February 2026.**

Given under section 37(2) of the
Goods Vehicles (Licensing of
Operators) Act 1995.