



Neutral Citation Number: [2026] UKUT 106 (AAC)
Appeal No. UA-2024-001531-T

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

**ON APPEAL from a DECISION of a TRAFFIC COMMISSIONER in the NORTH
WEST OF ENGLAND TRAFFIC AREA taken on 7 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: Eirtrans Logistics UK Ltd

Commissioner's ref: OC2060881

Date of Commissioner's 7 October 2024
decision:

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

Representation: For the Appellant, Mr Cubbon (former transport manager
of the Appellant company).

Date of decision: 11 February 2026

SUMMARY OF DECISION

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

100.14 Termination by law, withdrawal or surrender

Judicial summary

The Office of the Traffic Commissioner acted in accordance with the Goods Vehicles (Licensing of Operators) Regulations 1995 when requiring a request to terminate (surrender) an operator's licence to be made by a director of a company operator.

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 7 October 2024, directing revocation of operator's licence no. OC2060881, 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 /
surrender/termination of operator's licence of grace

Case law referred to: *Mark Jones* [2025] UKUT 073 (AAC)

REASONS FOR DECISION

1. In these reasons:

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

The Traffic Commissioner's decision-making

2. On 3 September 2024, OTC wrote to Mr Brendan Cribbin, director of the operator company, informing him that it appeared that no transport manager was specified on the operator's licence and that revocation of the operator's licence was being considered. OTC's letter set a deadline of 24 September 2024 for the operator to make written representations against revocation and/or request a public inquiry.

3. On 4 September 2024, Mr Cubbon, the operator's former transport manager, replied to OTC's letter:

"The nominated Transport Manager was given notice of the Company's intention to surrender their Operator Licence in the UK.

Mr Brendan Cribbin (Director) can confirm that the Company is in the process of registering the vehicles to the Irish Company and this process will be completed by Friday 20th September 2024.

Mr Brendan Cribbin is a qualified International Transport Manager.

The Company asks for a period of grace so the process can be completed and then the UK Licence can be surrendered in due course."

4. That letter was attached to an email sent from "mike.cubbon1@outlook.com".

5. On 12 September 2024, OTC emailed the operator in response to Mr Cubbon's letter of 4 September 2024. OTC informed the operator that any request for a period of grace, or a request to surrender an operator's licence, "must come from a Statutory Director specified on the operator's licence". OTC informed the operator that such a request had to be made by 24 September 2024 failing which the matter may be referred to a Traffic Commissioner "whereupon regulatory action could follow".

6. OTC's email of 12 September 2024 was sent to "info@eirtrans.co.uk" and copied to "brendan@eirtrans.ie". Mr Cubbon's letter of 4 September 2024 had also been copied to "brendan@eirtrans.ie".

7. The next document in OTC's case file is an undated letter to which was affixed the signature of Brendan Cribbin. This letter read:

“I would like to confirm that I am in the process of registering the vehicles on our licence to our Irish sister company and would like to ask for a period of grace to complete this.

The process should be finished by Friday the 20th of September and I will surrender my licence before the agreed date of the 24th of September.”

8. Next in OTC’s case file is an undated representation of a ‘digital surrender form’ relating to the operator. The form declared “I am applying to surrender licence OC2060881”. However, the section of the form that requested “Director’s signature” was left blank. It seems that the form was submitted by Mr Cubbon because, on 26 September 2024, he emailed the OTC as follows:

“Ref. Licence number OC2060881 (Eirtrans Logistics UK Limited)

The Director of the above asked me to surrender the licence. I have managed to remove the vehicles and trailers and reached the stage of scanning his identification to confirm the application and I feel something went wrong.

I cannot seem to get back to check and the application and it is at the “under consideration.”

Please confirm and let us know either at brendan@eirtrans.ie or mike.cubbon@btinternet.com”.

9. On 26 September 2024, OTC replied by email to Mr Cubbon’s query:

“I have checked the licence and can confirm the surrender request has been received. The signature has not, so the caseworker will be in touch with the director to request that from them directly”.

10. On 26 September 2024, the OTC wrote to the operator by email. The email was sent to info@eirtrans.co.uk and copied to brendan@eirtrans.ie. OTC’s letter read:

“I refer to our correspondence dated 03 September 2024 regarding the loss of your transport manager and your responses dated 04 September 2024 and 16

September 2024. I also refer to the surrender request received on 26 September 2024.

In order for the surrender request to be considered, you must submit a surrender form signed by a Statutory Director. Please submit a completed surrender form within 7 days.

Please respond by **03 October 2024** at the latest. Failure to respond by this date will result in this matter being referred to the Traffic Commissioner, without further notice to you, whereupon regulatory action could follow.”

11. On 7 October 2024, a Traffic Commissioner revoked the operator’s licence. The decision letter recounted that OTC had not received a reply to their letter of 26 September 2024 and that the licence was revoked on the ground that the licence holder no longer met the professional competence licence requirement.

Legal framework

Surrender / termination of an operator’s licence

12. The 1995 Act does not, in terms, provide for the surrender of an operator’s licence. The Act does, however, provide for termination of a licence at the licence-holder’s request and we understand that this process is conventionally referred to as surrender of an operator’s licence.

13. Section 16(3) of the 1995 Act provides that, with one exception, a Traffic Commissioner must comply with a licence holder’s request to terminate an operator’s licence. The only exception to this duty on the face of the 1995 Act is provided for by section 16(4) as follows:

“(4) A traffic commissioner may refuse to comply with such a request if he or another traffic commissioner is considering giving a direction in respect of the licence under section 26 or 27.”

14. While the 1995 Act does not use the term ‘surrender’, the Goods Vehicles (Licensing of Operators) Regulations 1995 do. For example, regulation 28(3) requires “the licence” to be sent or delivered to a Traffic Commissioner, on or before a date

notified to the licence holder, “if a licence is...surrendered”. Regulation 28(4) requires the notice referred to in regulation 28(3) to be delivered or sent to the “licence holder”.

15. Regulation 4 of the 1995 Regulations makes general provision about the “manner of making applications”, and includes the following:

“Every application shall –

...(b) be signed –

...(iii) if made by any...body... by one or more individual persons authorised for that purpose by the body...”.

16. Regulation 4 of the 1995 Regulations must be read in conjunction with the definitions in regulation 3(1), which include a definition of “application” that is limited to applications for an operator’s licence or an application for variation of a licence.

17. Certain Traffic Commissioner decisions, specified in section 37 of the 1995 Act, carry a right of appeal to the Upper Tribunal. The specified decisions include directions revoking a standard operator’s licence under section 27. However, section 37 does not mention a Commissioner’s refusal under section 16(4) to comply with a request to surrender an operator’s licence made under section 16(3). Nevertheless, in *Mark Jones* [2025] UKUT 073 (AAC) the Upper Tribunal expressed the view (but without making a ruling) that, on an appeal against the revocation of an operator’s licence which followed a Commissioner’s refusal to grant a surrender request, the Upper Tribunal might have power to consider the legality of the Commissioner’s refusal to grant the request.

Revocation of operator’s licence

18. Section 27(1)(a) of the 1995 Act requires a Traffic Commissioner to revoke a standard operator’s licence if the licence-holder no longer satisfies one of the requirements of section 13A. Those requirements include, in the case of a company, that the operator has designated a transport manager who satisfy the requirements in paragraphs 14A(1) and (3) of Schedule 3 to the Act (section 13A(3)(b)).

Grounds of appeal

19. The operator says it has checked its correspondence but has no record of receiving any communication from OTC between 26 September 2025 and 7 October 2025. As soon as Mr Cribbin received the 7 October 2025 (revocation) letter, he took steps to deal with it.

20. The operator disputes that it was contacted ‘directly’, as described in OTC’s email of 26 September 2025. The operator acted in good faith throughout its attempts to surrender its operator’s licence. It tried to surrender the licence on 16 September 2024, and OTC’s consideration of that attempt left the operator with the impression that “a caseworker would contact a director”. The operator was surprised when the next communication from OTC was notification that the licence had been revoked.

21. At the hearing, Mr Cubbon drew the Upper Tribunal’s attention to his 26 September 2024 email to OTC, which asked OTC to contact “brendan@eirtrans.ie” or “mike.cubbon@btinternet.com” about Mr Cubbon’s attempt to complete OTC’s digital surrender form. However, when later that day OTC sent an email requiring the operator to provide within seven days a director’s signature, it was sent to “info@eirtrans.co.uk”. By that time, the info@eirtrans.co.uk email address was ‘invalid’ so that anything sent to that email address would not be acted upon.

22. The Judge noted that OTC’s email / letter of 26 September 2024 was copied to “brendan@eirtrans.co.uk” and asked Mr Cubbon to comment. Mr Cubbon said that Mr Cribbin had told him that he did not receive the email and, if he had, would have dealt with it.

Analysis

23. The operator does not dispute that, at the date on which its operator’s licence was revoked, it did not have a transport manager. As described above, that is a mandatory ground for revocation of a standard operator’s licence. The operator’s case is really that the Traffic Commissioner’s revocation decision was flawed because either (a) at the revocation date, the licence should have ceased to exist because OTC should have granted the operator’s request to surrender its licence, or (b) the operator was not given a fair opportunity to comply with OTC’s formalities for surrendering an operator’s licence.

24. As explained above (paragraph 13), a Traffic Commissioner is required by section 16(3) of the 1995 Act to accept an operator's request for termination (surrender) of its operator's licence unless regulatory action, such as a proposal to revoke a standard operator's licence under section 27 of the 1995 Act, is under consideration. However, on OTC's approach in this case, section 16(3) was not in play because a valid request to terminate the operator's licence had not been made. We now consider the legality of OTC's approach.

25. The letter signed by Mr Cribbin, director of the operator company, and probably sent on 12 September 2024 was not a request to terminate the operator's licence under section 16(3) of the 1995 Act. All it said was that Mr Cribbin intended to make a request to terminate (surrender) the licence. The attempt to make a termination request probably came two weeks later, on 26 September 2024.

26. The next issue is whether the attempted request to terminate / surrender probably made on 26 September 2024 was dealt with lawfully by OTC. The first question here is whether OTC were required to accept a request made by someone other than a director of the operator company (i.e. Mr Cubbon). We doubt that the operator authorised Mr Cubbon to act on its behalf in making the termination request or, at least, the available evidence does not support a finding that Mr Cubbon was authorised to act. We say that because the only signed communication from Mr Cribbin said nothing about Mr Cubbon's role, and only set out his (Mr Cribbin's) intentions. But, even if we are wrong about that and the operator did in fact authorise Mr Cubbon to act on its behalf in making a request to terminate the operator's licence, we do not think it helps the operator on this appeal, as we now explain.

27. Regulation 4 of the 1995 Regulations provides for an authorised person to make an application on behalf of a company. However, in the Regulations "application" means an application for grant of an operator's licence or an application for variation of an operator's licence (see paragraph 16 above). It does not include a request under section 16(3) of the 1995 Act to terminate an operator's licence. Under section 16(3), such a request must be made by "the holder of an operator's licence". The legislative absence, in relation to termination requests, of provision akin to that made by regulation 4 must have been deliberate. OTC therefore acted lawfully in requiring a licence termination request to be made by a director of the operator company, and refusing to accept as valid a request made by a non-director such as Mr Cubbon.

28. It follows from the above that this operator did not make a valid request to terminate (surrender) its operator's licence.

29. The second and final question is whether the Traffic Commissioner's decision was procedurally unfair by reason of OTC's prior dealings with the operator in the attempts made to surrender its operator's licence. The operator's argument is that it was treated unfairly because it was not given a reasonable opportunity to make a request to terminate / surrender its licence that OTC would consider valid (i.e. a request signed by a director). On the material before us, this argument is unsustainable. OTC's letter of 26 September 2024, which required a surrender form signed by a statutory director, was copied by email to "brendan@eirtrans.ie", which was one of the email addresses to which Mr Cubbon had, earlier that day, asked for surrender correspondence to be sent. It is not open to us to find, on the evidence before us, that OTC did not in fact email the letter of 26 September 2024 to "brendan@eirtrans.ie". The only evidence is second hand, being that given by Mr Cubbon at the hearing, and no witness statement was supplied by Mr Cribbin. In addition, no complaints have been made about transmission or receipt difficulties for other OTC emails. There was nothing unfair about the way in which OTC dealt with the operator, and nothing was done by OTC in their dealings with the operator, Mr Cribbin and Mr Cubbon to undermine the fairness of the Traffic Commissioner's revocation decision.

Conclusion

30. The grounds of appeal are not made out and this appeal is dismissed. We are nevertheless happy to record that, on the material before us, there is no evidence that the operator's failings extended beyond its non-compliance with the formalities connected to a request to terminate / surrender an operator's licence.

**Authorised for issue by Upper
Tribunal Judge Mitchell on 11
February 2026.**

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