



Neutral Citation Number: [2026] UKUT 137 (AAC)
Appeal No. UA-2025-001237-T

**IN THE UPPER TRIBUNAL
ADMINISTRATIVE APPEALS CHAMBER**

TRAFFIC COMMISSIONER APPEALS

**ON APPEAL from the DECISION of the TRAFFIC COMMISSIONER for the WEST
OF ENGLAND dated 5th August 2025**

Appellant: R S Sets LIMITED
Commissioner's ref: OH2059070

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

Hearing date: 10th March 2025
Mode of hearing: Remote by CVP
Heard at: Field House, Breams Buildings, London, EC4A 1DZ

Representation:
Appellant: Tony Shield, Managing Director

Decision Date: 31st March 2026

SUMMARY OF DECISION

This appeal is DISMISSED

The Traffic's Commissioner's decision to revoke the Appellant's operator's licence was neither wrong on the facts or the law.

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 DISMISSED

REASONS FOR DECISION

Introduction

1. This is an appeal from the decision of the Traffic Commissioner for the West of England (“the TC”) dated 5th August 2025, when he revoked the Appellant’s operator’s licence under s.27(1)(a) of the Goods Vehicles (Licensing of Operators) Act 1995 (“the Act”).

Factual background

2. The background to this appeal is as follows. Since May 2022, all transport operations using vehicles over 2.5 tonnes and up to 3.5 tonnes to transport goods to international destinations required a Standard International Operator’s licence and a designated transport manager. When applying for such a licence, those operators who had the requisite experience could apply for and were granted a temporary Acquired Rights Certificate of Professional Competence for light vehicles which exempted them from the requirement to designate a suitable transport manager with an end date of 20th May 2025 by which time, a designated transport manager was required.
3. The Appellant (“the company”), which operates light goods vehicles (“LGV”), was granted a standard international operator’s licence on 30th September 2022 along with an Acquired Rights Certificate in the name of Mr Shield, the company’s director.
4. In the lead up to 20th May 2025, LGV operators were sent five communications (the appeal bundle is silent as to the nature of those communications but the contents are set out along with the dates when they were sent): 22nd November 2023; 23rd February 2024; 9th August 2024; 29th November 2024; 27th February 2025. All contained the following information:
 - The operator’s transport manager holds an Acquired Rights Certificate which comes to an end on 20th May 2025
 - It is important that you have a suitably qualified person specified on the licence
 - Your licence is at risk of revocation
 - It can take up to a year to gain the appropriate qualification
 - You must ensure that your transport manager is fully qualified by 20 May 2025
 - You should allow enough time for any application to add a transport manager to be processed and accepted by a traffic commissioner
 - Links to relevant information were included.

In addition, there were five email messages sent to operators containing similar information to the above and advising that the operators submit their applications to add a designated transport manager no later than 20th March 2025.

5. As a result of the company's failure to respond to or act upon the communications/messages sent to it, the Office of the Traffic Commissioner ("OTC") sent a letter dated 20th March 2025 in which the company was again reminded of the expiry date of 20th May 2025 and the need to designate a qualified transport manager. The risk of licence revocation was emphasised and the company was strongly advised to take immediate steps to apply for a transport manager with a certificate of professional competence ("CPC") to be nominated on its licence. The right to apply for a period of grace was identified but it emphasised that a TC must be satisfied that there was a real chance that the operator would meet the requirement during the period granted and that they needed to demonstrate what was being done to rectify the issue within a reasonable timescale and how the shortcomings will be covered during the period of grace.
6. On 2nd April 2025 Ms Tonya Shield applied for a period of grace on behalf of the company. The email explained that when the company first researched CPC courses, they were unable to find one "close by" and with dates that fitted the company's work schedule. Mr Shield worked "hands on" in the company that makes and transports exhibition sets. As the company was entering its busy period and having now found an on-line course, the company was not confident that Mr Shield would be able to complete the hours needed and sit the examination before 20th May 2025.
7. By a letter dated 21st May 2025, the company was notified by the OTC that a period of grace had been granted to 30th June 2025. In order to grant that application, the TC had recorded that the company no longer met the requirement of having a designated and suitable transport manager. The company was warned that the maximum period of grace in their case was six months and any request for a further extension must be submitted in advance and include what steps had been taken to recruit a new transport manager.
8. On 28th June 2025, Mr Shield uploaded onto the portal a paid invoice to show that he had registered to study for the CPC examination on-line and to sit the examinations. The invoice did not state when the course was to be undertaken and the date the examinations were to be sat. In a covering email (which is not within the bundle), Mr Sheild asked for a further period of grace which was granted to 31st July 2025. The OTC's response letter dated 1st July 2025 made it clear that if a further extension was required, the TC had to be satisfied that "*there is more than mere hope and aspiration that professional competence will be and can be regained by the end of the period of grace*". The company was asked to provide the dates of the CPC course and examinations and the detailed contingency plans in the event that the examinations were not passed.
9. Mr Shield responded on 3rd July 2025. He could now confirm that he would be commencing the course the following week, with an examination date of 5th December 2025 which would allow him sufficient time to operate his company and to study at the same time. He asked for a further extension to expire after 5th December 2025. The application was refused. Mr Shield was advised that the maximum period of grace was to 21st November 2025 which could not be extended to cover the examination date. Any further extension request would need to provide details of how a transport manager

will be identified and appointed as soon as possible, including evidence of job adverts or engagement with any external agencies to assist in finding a transport manager. Mr Shield was reminded that the TC had to be satisfied that there were reasonable prospects, beyond mere hope and aspiration, that a period of grace would be worthwhile.

10. There were no further communications between the company and the OTC and on 5th August 2025, the company's operator's licence was revoked with effect from 23.45 on 17th August 2025.

Legal framework

11. By s.27(1) of the 1995 Act, a Traffic Commissioner **shall** direct that a standard international operator's licence be revoked if at any time it appeared that the licence-holder no longer satisfies the requirement to designate a suitable number of transport managers.

The grounds of appeal and the Company's submissions

12. Mr Shield relied upon the fact that he had, on 28th June 2025, uploaded the message onto the portal notifying the TC that a course booking had been made. He had misunderstood the importance of having a CPC, the complexity of acquiring one and the difficulties in appointing a transport manager, whether external or otherwise. There was no interest from external transport managers as the company was too small. As a result of the company's workload, the earliest date for Mr Shield to take an examination was 5th December 2025 and all the company had asked for was an extension to that date. He accepted that the TC could not be criticised in any way but averred that there were mitigating factors in the company's case.

Analysis

13. The TC in Mr Shield's words "*did not do anything wrong*". Regrettably, insufficient importance was attached to the numerous correspondence and notices sent to the company which highlighted the need to designate a qualified transport manager and the increasing urgency to do so. The OTC is to be commended for the efforts made to bring this issue to the company's attention and for the need to act. The correct procedures were followed but at the end of the day, the company had failed to demonstrate that it had designated a qualified transport manager or that it had any appropriate contingency plans within the time provided by the periods of grace and the TC had no power to extend the period of grace beyond 21st November 2025. This appeal was bound to fail.

Conclusion

14. We are satisfied that the TC's decision was neither wrong on the facts or on the law as per the test in *Bradley Fold Travel & Peter Wright v Secretary of State for Transport (2010) EWCA Civ.695* and accordingly the appeal is dismissed.

Her Honour Judge Beech
Judge of the Upper Tribunal
Authorised by the Judge for issue on 31st March 2026