Draft Regulations laid before Parliament under paragraphs 6(1) and 34(1) to (3) of Schedule 5 to the European Union (Future Relationship) Act 2020 for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2022 No. 0000

ROAD TRAFFIC

TRADE

The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022

Made - - - - ***

Coming into force in accordance with regulation 2

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The Secretary of State makes the following Regulations in exercise of the powers conferred by—

(a) in relation to regulations 1, 2(1) and 3(1) and (2) and Part 8, sections 45(1) and 57(1) of the Goods Vehicles (Licensing of Operators) Act 1995(**a**);

(b) in relation to regulations 1, 2(1) and 3(1) and Part 4, section 8(1) of the European Union (Withdrawal) Act 2018(**b**); and

(c) in relation to Parts 1, 2, 3, 5, 6, 7 and 9 to 14, section 31(1) of the European Union (Future Relationship) Act 2020(**c**).

In relation to the provision made under the Goods Vehicles (Licensing of Operators) Act 1995, in accordance with section 57(12) of that Act, the Secretary of State has consulted with such representative organisations as the Secretary of State thinks fit.

A draft of these Regulations has been laid before, and approved by a resolution of, each House of Parliament in accordance with paragraphs 6(1) and 34(1) to (3) of Schedule 5 to the European Union (Future Relationship) Act 2020.

PART 1

Preliminary provisions

Citation

1. These Regulations may be cited as the Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022.

Commencement

2.—(1) These Regulations, except the regulations referred to in paragraph (2), come into force on the day after the day on which these Regulations are made.

(2) Regulations 13, 24, 53, 74, 104 and 105 come into force at 11.00 p.m. on 20th May 2022.

Extent

3.—(1) Parts 1 to 4 and regulations 17(b) and 19(2) extend to England and Wales, Scotland and Northern Ireland.

(2) Parts 5 to 9, except regulations 17(b) and 19(2), extend to England and Wales and Scotland.

(3) Parts 10 to 14 extend only to Northern Ireland.

(**a**) 1995 c. 23.
(**b**) 2018 c. 16. Section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1).
(**c**) 2020 c. 29.

PART 2

Amendment of Regulation (EC) No 1071/2009

Amendment of Regulation (EC) No 1071/2009

4. Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC(**a**) is amended in accordance with regulations 5 to 11.

Amendment of Article 1 (subject matter and scope)

5. After Article 1(4) insert—

"4A. For the purposes of this Regulation, a qualifying licence issued to an undertaking constitutes an authorisation to pursue or engage in the occupation of road transport operator in the capacity of road haulage operator.".

Amendment of Article 2 (definitions)

6.—(1) In Article 2, after the words before paragraph 1 insert—

"A1. 'the 1995 Act' means the Goods Vehicles (Licensing of Operators) Act 1995;

A2. 'the 2010 Act' means the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010(**b**);".

(2) In Article 2(10), for the full-stop substitute a semi-colon.

(3) After Article 2(10) insert—

"11. 'qualifying licence' means a licence that is both a heavy goods vehicle licence and a standard licence;

12. 'heavy goods vehicle licence' and 'standard licence', in relation to—

(a) an undertaking established in Great Britain, have the meanings given in section 58(1) of the 1995 Act;

(b) an undertaking established in Northern Ireland, have the meanings given in section 58(1) of the 2010 Act.".

Amendment of Article 4 (transport manager)

7.—(1) For Article 4(1)(a) and (b) substitute—

"(a) if the undertaking is established in Great Britain, satisfies the requirements set out in paragraph 14A(1) and (2), or (1) and (3), of Schedule 3 to the 1995 Act; or

(b) if the undertaking is established in Northern Ireland, satisfies the requirements set out in any regulations made for the purposes of section 12A(3)(a)(ii) or (b) of the 2010 Act.".

(2) Omit Article 4(1)(c), (2) and (3).

Amendment of Article 5 (conditions relating to the requirement of establishment)

8.—(1) The existing text of Article 5 is renumbered as paragraph 1.

(**a**) EUR 2009/1071, amended by S.I. 2019/708.
(**b**) 2010 c. 2 (N.I.).

(2) In Article 5(1), in the words before point (a), after "undertaking" insert "that engages in the occupation of road passenger transport operator".

(3) After Article 5(1)(c) insert—

"2. In order to satisfy the requirement laid down in Article 3(1)(a), an undertaking that engages in the occupation of road haulage operator must satisfy the requirements set out in:

(a) if the undertaking is established in Great Britain, paragraph A1 of Schedule 3 to the 1995 Act; or

(b) if the undertaking is established in Northern Ireland, any regulations made for the purposes of section 12A(2)(a) of the 2010 Act.".

Amendment of Article 7 (conditions relating to the requirement of financial standing)

9.—(1) In Article 7(1), in the first sub-paragraph, after "an undertaking" insert "that engages in the occupation of road passenger transport operator".

(2) After Article 7(3) insert—

"4. In order to satisfy the requirement laid down in Article 3(1)(c), an undertaking that engages in the occupation of road haulage operator must satisfy the requirements set out in:

(a) if the undertaking is established in Great Britain, paragraph 6A of Schedule 3 to the 1995 Act; or

(b) if the undertaking is established in Northern Ireland, any regulations made for the purposes of section 12A(2)(c) of the 2010 Act.".

Amendment of Article 8 (conditions relating to the requirement of professional competence)

10. After Article 8(8) insert—

"8A. A certificate issued to a person under paragraph 8 is not valid for the duration of any order disqualifying the person from acting as a transport manager under:

(a) paragraph 16(2) of Schedule 3 to the 1995 Act; or

(b) regulation 15(2) of the Goods Vehicles (Qualifications of Operators) Regulations (Northern Ireland) 2012(**a**).".

Amendment of Article 11 (examination and registration of applications)

11. After Article 11(5) insert—

"6. The obligation imposed by paragraph 5 on such an undertaking constitutes a condition attached to a qualifying licence for the purposes of:

(a) if the undertaking is established in Great Britain, section 26(1)(b) of the 1995 Act; or

(b) if the undertaking is established in Northern Ireland, section 23(1)(b) of the 2010 Act."
.

(**a**) S.I. 2012/257 (N.I.), amended by S.I. 2019/6 (N.I.), S.I. 2019/708 and Part 12 of these Regulations.

PART 3

Amendment of Regulation (EC) No 1072/2009

Amendment of Regulation (EC) No 1072/2009

12. Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market(**a**) is amended in accordance with regulations 13 and 14.

Amendment of Article 1 (scope)

13. In Article 1(5)(c), for "3,5" substitute "2.5".

Amendment of Article 8 (general principle)

14. In Article 8(1), for "a driver attestation" substitute "an EU driver attestation".

PART 4

Amendment of the Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019

Amendment of the Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019

15. The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019(**b**) are amended in accordance with regulation 16.

Amendment of regulation 1 (citation, commencement and extent)

16. In regulation 1(3), for "7" substitute "10".

PART 5

Amendment of the Road Transport Operator Regulations 2011

Amendment of the Road Transport Operator Regulations 2011

17. The Road Transport Operator Regulations 2011(**c**) are amended in accordance with—

(a) regulations 18, 19(1), 20, 21 and 22; and

(b) regulation 19(2).

Amendment of regulation 1 (citation, commencement and extent)

18. Omit regulation 1(2).

Omission of regulation 4 (competent authorities etc.)

19.—(1) Omit regulation 4(1), (3) and (4).

(**a**) EUR 2009/1072, amended by sections 23 and 24 of the European Union (Future Relationship) Act 2020 and S.I. 2019/708.
(**b**) S.I. 2019/708.
(**c**) S.I. 2011/2632.

(2) Omit regulation 4(2).

Amendment of regulation 5 (authorisations to pursue or engage in the occupation of road transport operator)

20. Omit regulation 5(2).

Amendment of regulation 6 (notification of changes to data)

21.—(1) Omit regulation 6(1).

(2) In regulation 6(2)—

(a) in the words before sub-paragraph (a), for "that Article" substitute "Article 11(5) of Regulation 1071/2009";

(b) omit sub-paragraph (b) and the "and" before it.

Amendment of regulation 9 (review)

22. Omit regulation 9(2).

PART 6

Amendment of the Goods Vehicles (Licensing of Operators) Act 1995

Amendment of the Goods Vehicles (Licensing of Operators) Act 1995

23. The Goods Vehicles (Licensing of Operators) Act 1995 is amended in accordance with regulations 24 to 56.

Amendment of section 2 (obligation to hold operator's licence)

24. In section 2(1B)(**a**), after "1A" insert "or 1B".

Amendment of section 3A (temporary exemptions for international operators)

25.—(1) In section 3A(6)(**b**), for "is not established in the United Kingdom" substitute "has an effective and stable establishment in a country or territory other than the United Kingdom that is comparable to an effective and stable establishment in Great Britain (as determined in accordance with paragraph A1 of Schedule 3)".

(2) Omit section 3A(7).

Amendment of section 5 (vehicles authorised to be used under operator's licence)

26. In section 5(4), after "use of any" insert "heavy goods".

Amendment of section 7 (operating centres to be specified in operators' licences)

27.—(1) In the heading to section 7, for "operators'" substitute "heavy goods vehicle".

(2) In section 7(1)—

(a) after "centre for" insert "heavy goods"; and

(b) for "an operator's" substitute "a heavy goods vehicle".

(**a**) Section 2(1B) was inserted by S.I. 2011/2632.
(**b**) Section 3A was inserted by section 11(4) of the Haulage Permits and Trailer Registration Act 2018 (c. 19).

(3) In section 7(3)—

(a) after "relation to any" insert "heavy goods";

(b) for "an operator's" substitute "a heavy goods vehicle"; and

(c) after "centre for" insert "heavy goods".

Amendment of section 8 (applications for operators' licences)

28.—(1) In section 8, for subsection (1) substitute—

"(1) A person who requires an operator's licence must apply to a traffic commissioner.".

(2) After section 8(1) insert—

"(1A) A separate application must be made in relation to each traffic area in which there is—

(a) if the application is for a heavy goods vehicle licence, a place to be specified in the licence as an operating centre for the purposes of sections 7(1) and 13C(5); or

(b) if the application is for a light goods vehicle licence, located premises of the kind described in paragraph A1(2)(a) of Schedule 3.".

(3) In section 8(3)(b), before "containing" insert "in the case of an application for a heavy goods vehicle licence,".

Amendment of section 11 (publication in locality affected of notice of application for licence)

29.—(1) In the heading to section 11, after "for" insert "heavy goods vehicle".

(2) In section 11(1), for "an operator's" substitute "a heavy goods vehicle".

(3) In section 11(2), after "an application" insert "for a heavy goods vehicle licence".

(4) In section 11(3), in the words before paragraph (a), after "an application" insert "for a heavy goods vehicle licence".

(5) In section 11(4), for "an operator's" substitute "a heavy goods vehicle".

Amendment of section 12 (objections to and representations against, issue of operators' licences)

30.—(1) In section 12(1)(b), before "that" insert "in the case of a heavy goods vehicle licence,".

(2) In section 12(4), for "an operator's" substitute "a heavy goods vehicle".

Amendment of section 13 (determination of applications for operators' licences)

31. In section 13(3), for "sections 11 (publication of application) and" substitute "section 11 (publication of application), if applicable, and section".

Amendment of section 13A (requirements for standard licences)

32.—(1) In section 13A(2)(**a**)—

(a) in paragraph (a), for "Article 5 of the 2009 Regulation" substitute "paragraph A1 of Schedule 3";

(b) at the end of paragraph (b) insert "and";

(c) in paragraph (c), for "Article 7 of the 2009 Regulation) and" substitute "paragraph 6A of Schedule 3).”; and

(d) omit paragraph (d).

(**a**) Section 13A was inserted by S.I. 2011/2632.

(2) In section 13A(3)—

(a) in the words before paragraph (a), omit "has designated a transport manager in accordance with Article 4 of the 2009 Regulation who";

(b) for paragraphs (a) and (b) substitute—

"(a) is an individual who—

(i) is professionally competent (as determined in accordance with paragraph 13 of Schedule 3), and

(ii) has designated a suitable number of individuals (which may include the applicant) who satisfy the requirements set out in paragraph 14A(1) and (2) of Schedule 3, or

(b) if the applicant is not an individual, or is an individual who is not professionally competent, has designated a suitable number of individuals who satisfy the requirements set out in paragraph 14A(1) and (3) of Schedule 3."; and

(c) omit paragraph (c).

(3) After section 13A(3) insert—

"(4) For the purposes of subsection (3)(a)(ii) and (b), a number of designated individuals is suitable if the traffic commissioner is satisfied it is proportionate to the maximum numbers of motor vehicles and trailers that may be used by the applicant in accordance with section 6 if the standard licence is issued.

(5) In this Act, "transport manager" means an individual designated under subsection (3)(a)(ii) or (b).".

Amendment of section 13C (requirements for standard and restricted licences)

33.—(1) In section 13C(1)(**a**), for "to which subsections (2) to (6) will apply." substitute—

"to which—

(a) in the case of a light goods vehicle licence, subsections (2) to (4) will apply, or

(b) in the case of a heavy goods vehicle licence, subsections (2) to (6) will apply.".

(2) In section 13C(5), for "The licence" substitute "A heavy goods vehicle licence".

(3) In section 13C(6), after "for all the" insert "heavy goods".

(4) In section 13C(7), for "to (6)" substitute "to (4), or (2) to (6),".

(5) In section 13C(8), after "relation to a" insert "heavy goods vehicle".

(6) In section 13C(9)—

(a) in the words before paragraph (a), after "relation to a" insert "heavy goods vehicle";

(b) in paragraph (a), for "operators'" substitute "heavy goods vehicle"; and

(c) in paragraph (b), after "keeping" insert "heavy goods".

Amendment of section 14 (determinations where objections etc are made on environmental grounds)

34.—(1) In section 14(1), in the words before paragraph (a), for "an operator's" substitute "a heavy goods vehicle".

(2) In section 14(2)(a), after "parking of" insert "heavy goods".

(3) In section 14(3)—

(a) in the words before paragraph (a), for "an operator's" substitute "a heavy goods vehicle";

(b) in paragraph (a), for "an operator's" substitute "a heavy goods vehicle"; and

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(**a**) Section 13C was inserted by S.I. 2011/2632 and amended by S.I. 2013/1644.

(c) in the words after paragraph (b)—

(i) after "centre for" insert "heavy goods"; and

(ii) for "operator's" substitute "heavy goods vehicle".

(4) In section 14(4), for "an operator's" substitute "a heavy goods vehicle".

(5) In section 14(5)—

(a) in the words before paragraph (a), for "an operator's", in both places it occurs, substitute "a heavy goods vehicle";

(b) in paragraph (a), for "operator's" substitute "heavy goods vehicle"; and

(c) in paragraph (c)(i), for "an operator's" substitute "a heavy goods vehicle".

(6) In section 14(6), in the words before paragraph (a), for "an operator's" substitute "a heavy goods vehicle".

Amendment of section 15 (issue of operators' licences)

35. In section 15(3)(f), before "fewer places" insert "in the case of a heavy goods vehicle licence,".

Amendment of section 17 (variation of operators' licences)

36.—(1) In section 17(1)(g), before "that a new place" insert "in the case of a heavy goods vehicle licence,".

(2) In section 17(4)(c), after "specified in a" insert "heavy goods vehicle".

Amendment of section 18 (publication of notice of applications for variation in any locality affected)

37.—(1) In the heading to section 18, after "variation" insert "of heavy goods vehicle licences".

(2) In section 18(1), for "an operator's" substitute "a heavy goods vehicle".

(3) In section 18(2)—

(a) in paragraph (a), after "number" insert "of heavy goods vehicles"; and

(b) in paragraph (b), after "(e)" insert "that has the effect of authorising the use of a heavy goods vehicle under a licence".

(4) In section 18(5)—

(a) in the words before paragraph (a), for "an operator's" substitute "a heavy goods vehicle"; and

(b) in paragraph (b)(i), in both places it occurs, after "number of" insert "heavy goods".

Amendment of section 19 (objection to and refusal of, applications to vary operators' licences on environmental grounds)

38.—(1) In the heading to section 19, for "operators'" substitute "heavy goods vehicle".

(2) In section 19(1), for "an operator's" substitute "a heavy goods vehicle".

(3) In section 19(3)(a), in both places it occurs, after "number of" insert "heavy goods".

(4) In section 19(6)(a), after "parking of" insert "heavy goods".

(5) In section 19(7)—

(a) in paragraph (a), for "an operator's" substitute "a heavy goods vehicle"; and

(b) in the words after paragraph (b)(ii), for "any operator's" substitute "a heavy goods vehicle".

(6) In section 19(8), for "an operator's" substitute "a heavy goods vehicle".

(7) In section 19(9)—

(a) in the words before paragraph (a), in both places it occurs, for "an operator's" substitute "a heavy goods vehicle";

(b) in paragraph (a), for "operator's" substitute "heavy goods vehicle"; and

(c) in paragraph (c)(i), for "an operator's" substitute "a heavy goods vehicle".

Amendment of section 21 (conditions for securing road safety)

39.—(1) In the heading to section 21, after "Conditions" insert "attached to heavy goods vehicle licences".

(2) In section 21(1)—

(a) in the words before paragraph (a)—

(i) for "an operator's" substitute "a heavy goods vehicle"; and

(ii) after "for preventing" insert "heavy goods";

(b) in paragraph (a), after "point where" insert "heavy goods"; and

(c) in paragraph (b), after "along which" insert "heavy goods".

(3) In section 21(2), for "an operator's" substitute "a heavy goods vehicle".

(4) In section 21(3)(a) and (b), for "an operator's" substitute "a heavy goods vehicle".

Amendment of section 22 (conditions as to matters required to be notified to traffic commissioner)

40.—(1) In the heading to section 22, after "Conditions" insert "attached to operators' licences".

(2) In section 22(2)—

(a) in paragraph (a), for "13A(2)" substitute "13A"; and

(b) in paragraph (b)—

(i) after "manager of" insert "one or more of"; and

(ii) for "mentioned in section 13A(3)" substitute "set out in paragraph 14A(1) and (2), or (1) and (3), of Schedule 3".

Amendment of section 23 (conditions as to use of operating centres)

41.—(1) In the heading to section 23, after "Conditions" insert "attached to heavy goods vehicle licences".

(2) In section 23(1), for "an operator's" substitute "a heavy goods vehicle".

(3) In section 23(2)—

(a) in paragraph (a), for "motor vehicles or trailers" substitute "heavy goods vehicles"; and

(b) in paragraph (b), after "provided" insert "for heavy goods vehicles".

(4) In section 23(3), for "an operator's" substitute "a heavy goods vehicle".

(5) In section 23(4)(a) and (b), for "an operator's" substitute "a heavy goods vehicle".

Amendment of section 26 (revocation, suspension and curtailment of operators' licences)

42.—(1) In section 26(1)(a)—

(a) before "that" insert "in the case of a heavy goods vehicle licence,"; and

(b) after "centre for" insert "heavy goods".

(2) In section 26(11)(d), before "that" insert "in the case of a heavy goods vehicle licence,".

Amendment of section 27 (revocation of standard licences)

43.—(1) In section 27(1)—

(a) in paragraph (a)—

(i) after "satisfies" insert "one or more of"; and

(ii) for "13A(2)" substitute "13A"; and

(b) in paragraph (b)—

(i) for "in accordance with Article 4 of the 2009 Regulation" substitute "by the licence-holder";

(ii) after "satisfies" insert "one or more of"; and

(iii) for "of section 13A(3)" substitute "set out in paragraph 14A(1) and (2), or (1) and (3), of Schedule 3".

(2) In section 27(3A)(**a**), omit ", in accordance with Article 13.1 of the 2009 Regulation,".

(3) After section 27(3A) insert—

"(3AA) The time limit set under subsection (3A) may not exceed, beginning with the day after the date of the notice—

(a) 6 months, or

(b) 9 months if the licence-holder ceases to have a suitable number of individuals designated under section 13A(3)(a)(ii) or (b) because—

(i) a transport manager is physically incapacitated or deceased, and

(ii) more than 6 months is required to recruit a replacement transport manager.".

Amendment of section 30 (periods of review for operating centres)

44.—(1) In section 30(1), for "an operator's" substitute "a heavy goods vehicle".

(2) In section 30(2), in the words before paragraph (a), for "an operator's" substitute "a heavy goods vehicle".

Amendment of section 31 (power to remove operating centres on review)

45.—(1) In section 31(1), in the words before paragraph (a), for "an operator's" substitute "a heavy goods vehicle".

(2) In section 31(2), after "parking of" insert "heavy goods".

(3) In section 31(3), in the words after paragraph (b)—

(a) after "centre for" insert "heavy goods"; and

(b) for "operator's" substitute "heavy goods vehicle".

Amendment of section 32 (power to attach conditions on review)

46.—(1) In section 32(1), in the words before paragraph (a), for "an operator's" substitute "a heavy goods vehicle".

(2) In section 32(4)—

(a) in the words before paragraph (a), for "an operator's" substitute "a heavy goods vehicle";

(b) in paragraph (a), after "that any" insert "heavy goods";

(c) in paragraph (b), after "maximum number" insert "of heavy goods vehicles"; and

(d) in paragraphs (c) and (d), after "that a provision" insert "relating to heavy goods vehicles".

(**a**) Section 27(3A) was inserted by S.I. 2011/2632.

(3) In section 32(5), for "an operator's" substitute "a heavy goods vehicle".

Amendment of section 33 (transfer of operating centres)

47. In section 33—

(a) for "operators'" substitute "heavy goods vehicle"; and

(b) for "an operator's" substitute "a heavy goods vehicle".

Amendment of section 34 (determinations as to environmental matters)

48.—(1) In section 34(2)(a), (b) in both places it occurs and (c), for "an operator's" substitute "a heavy goods vehicle".

(2) In section 34(3)(a), for "an operator's" substitute "a heavy goods vehicle".

(3) In section 34(5)(a), for "an operator's" substitute "a heavy goods vehicle".

Amendment of section 46 (holding companies and subsidiaries)

49. In section 46(3)(b), omit ", "road transport undertaking"".

Amendment of section 49 (certificates of qualification)

50.—(1) In section 49(1)—

(a) in the words before paragraph (a)—

(i) for "a road transport" substitute "an";

(ii) after "undertaking" insert "established"; and

(iii) for "other than the United Kingdom" substitute "that involves the use of goods vehicles"; and

(b) in the words after paragraph (c)—

(i) omit "other"; and

(ii) for "road transport undertakings" substitute "such an undertaking established".

(2) In section 49(2), omit paragraph (b) together with the "and" before it.

(3) In section 49(5), omit the words after paragraph (b).

Insertion of section 56A (traffic commissioner may have regard to international obligations)

51. Before the italic heading before section 57 (regulations and orders) insert—

"**Traffic commissioner may have regard to international obligations**

56A.—(1) In exercising a function under any provision made by or under this Act in relation to a standard licence authorising both national and international transport operations, a traffic commissioner may have regard to any obligation of the United Kingdom as a party to the Trade and Cooperation Agreement that is relevant to the exercise of the function.

(2) In this section, "the Trade and Cooperation Agreement" has the meaning given in section 37 of the European Union (Future Relationship) Act 2020.".

Amendment of section 58 (general interpretation)

52.—(1) In section 58(1)—

(a) after the definition of "goods vehicle" insert—

""heavy goods vehicle" means a goods vehicle, or a vehicle combination including a goods vehicle, that has a maximum laden weight exceeding 3.5 tonnes;

"heavy goods vehicle licence" means an operator's licence that authorises the use of one or more heavy goods vehicles (whether or not it also authorises the use of one or more light goods vehicles);";

(b) for the definitions of "international transport operations" and "national transport operations" substitute—

""international transport operations" means the carriage of goods—

(a) from the United Kingdom to any other country or territory (or vice versa);

(b) through the United Kingdom from and to any other country or territory;

(c) within a country or territory other than the United Kingdom;";

(c) after the definition of "international transport operations" insert—

""light goods vehicle" means a goods vehicle, or a vehicle combination including a goods vehicle, that has a maximum laden weight not exceeding 3.5 tonnes;

"light goods vehicle licence" means an operator's licence that authorises the use of only one or more light goods vehicles;

"maximum laden weight" has the meaning given in Part IV of Schedule 6 to the Road Traffic Regulation Act 1984(**a**);";

(d) after the definitions of "motor vehicle" and "trailer" insert—

""national transport operations" means the carriage of goods within only the United Kingdom;";

(e) omit the definition of "road transport undertaking";

(f) after the definition of "traffic area" insert—

""traffic commissioner" means a commissioner appointed under section 4 of the Public Passenger Vehicles Act 1981(**b**);";

(g) in the definition of "transport manager", for "same meaning as in the 2009 Regulation" substitute "meaning given in section 13A(5)"; and

(h) after the definition of "transport manager" insert—

""transport service" means the use of a goods vehicle for which an operator's licence is required under section 2 (obligation to hold operator's licence);".

(2) Omit section 58(4).

Amendment of Schedule 1 (meaning of "small goods vehicle")

53.—(1) In Schedule 1, in paragraph 1A—

(a) for "permissible laden mass" substitute "maximum laden weight"; and

(b) for "3.5" substitute "2.5".

(2) In Schedule 1, after paragraph 1A insert—

"**1B.** A goods vehicle falls within this paragraph if the vehicle, or a vehicle combination including the vehicle—

(a) has a maximum laden weight not exceeding 3.5 tonnes and

(b) is used only for national transport operations.".

(**a**) 1984 c. 27.

(**b**) 1981 c. 14. Section 4 was substituted by section 3(2) of the Transport Act 1985 (c. 67) and amended by section 2 of the Local Transport Act 2008 (c. 26).

Amendment of Schedule 3 (qualifications for standard licence)

54.—(1) In the heading to Schedule 3, in the shoulder reference, after "Sections" insert "3A, 8,".

(2) In Schedule 3, before the italic heading before paragraph 1, insert—

"*Effective and stable establishment*

A1.—(1) A person has an effective and stable establishment in Great Britain under section 13A(2)(a) if the person satisfies, or will satisfy on the issuing of an operator's licence, the requirements set out in sub-paragraph (2).

(2) The requirements are that the person—

(a) has premises in Great Britain at which the person—

(i) is able to access, in electronic or any other form, the originals of the person's core business documents, and

(ii) carries out effectively and continuously, with appropriate equipment and facilities, the administration of the person's transport service,

(b) has access to one or more goods vehicles that are authorised to be used under the person's operator's licence,

(c) has at a place or places in Great Britain—

(i) a number of goods vehicles referred to in paragraph (b) that is proportionate to the national or international transport operations carried out from each place, and

(ii) a number of drivers that is proportionate to the number of goods vehicles operating from that place,

(d) has, if required under the Value Added Tax Act 1994(**a**) to charge value added tax on the supply of the person's transport service, a VAT registration number,

(e) is within the charge to income tax or corporation tax under the Tax Acts on income generated through the person's transport service, and

(f) is, if a company, a company within the meaning given in section 1(1) of the Companies Act 2006(**b**).

(3) In sub-paragraph (2)—

"core business documents" includes—

(a) contracts relating to the transport service;

(b) documents relating to the goods vehicles authorised to be used under the person's operator's licence;

(c) accounting documents;

(d) personnel management documents;

(e) employment contracts;

(f) national insurance documents;

(g) documents containing data—

(i) on the dispatching and posting of drivers, and

(ii) relating to journeys, driving time and rest periods;

(h) any other document that a traffic commissioner may require to verify a person's compliance with any requirement or obligation imposed by or under this Act;

"VAT registration number" means the number allocated by the Commissioners for Her Majesty's Revenue and Customs to a person registered under the Value Added Tax Act 1994.".

(**a**) 1994 c. 23.
(**b**) 2006 c. 46.

(3) In Schedule 3, after paragraph 1(3), insert—

"(4) For the purposes of determining in accordance with paragraph 14A whether a transport manager is of good repute, the reference in sub-paragraph (1)(a) to servants or agents is to be disregarded.".

(4) In Schedule 3, in paragraph 5(2)—

(a) in the words before paragraph (a), for "paragraphs 1 to 4" substitute "determining under this Act whether a person is of good repute,"; and

(b) in paragraph (b), for "if such time as he thinks appropriate has elapsed since the date of the conviction" substitute—

"if—

(i) such time as the commissioner thinks appropriate has elapsed since the date of the conviction, or

(ii) the commissioner, having considered the number of offences committed by a person, determines that due to specific circumstances a negative determination of good repute for the person would constitute a disproportionate response".

(5) In Schedule 3, before the italic heading before paragraph 7 insert—

"**6A.**—(1) An operator has appropriate financial standing under section 13A(2)(c) if the operator is able to demonstrate that it has at its disposal at all times capital and reserves—

(a) for goods vehicles authorised to be used under a heavy goods vehicle licence, of—

(i) £8,000 for the first heavy goods vehicle,

(ii) £4,500 for each additional heavy goods vehicle and

(iii) £800 for each light goods vehicle (if any), or

(b) for goods vehicles authorised to be used under a light goods vehicle licence, of—

(i) £1,600 for the first light goods vehicle, and

(ii) £800 for each additional light goods vehicle.

(2) The operator must demonstrate appropriate financial standing—

(a) on the basis of the operator's annual accounts if certified by a qualified auditor, or

(b) by producing other evidence to the satisfaction of a traffic commissioner that the operator has, in the name of the operator, the necessary capital and reserves, such as—

(i) a bank guarantee,

(ii) a document issued by a financial institution establishing access to credit, or

(iii) any other binding document.

(3) In this paragraph—

"operator" means an applicant for, or a holder of, an operator's licence in relation to which appropriate financial standing is required under section 13A(2)(c);

"qualified auditor" means a person who is eligible for appointment as a statutory auditor under Part 42 of the Companies Act 2006.".

(6) In Schedule 3, omit paragraphs 7 to 9 and 12.

(7) In Schedule 3, in paragraph 13(3), for "Department of the Environment for Northern Ireland for the purposes of section 46A(5)(c) of the Transport Act (Northern Ireland) 1967" substitute "department in Northern Ireland that, by order made under the Departments (Northern Ireland) Order 1999(**a**), is responsible for exercising the functions of a department under the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010".

(8) In Schedule 3, before the italic heading before paragraph 15 insert—

(**a**) S.I. 1999/283 (N.I. 1); there are amending instruments, but none are relevant.

"*Requirements for a transport manager*

14A.—(1) A transport manager must be—

(a) a resident of the United Kingdom,

(b) of good repute (as determined in accordance with paragraphs 1 to 5),

(c) professionally competent (as determined in accordance with paragraph 13), and

(d) able to manage effectively and continuously the operator's transport service.

(2) An individual designated under section 13A(3)(a)(ii), in addition to meeting the requirements set out in sub-paragraph (1), must be—

(a) the operator,

(b) an employee, director, owner, or shareholder of the operator, or

(c) any other individual a traffic commissioner is satisfied has a genuine link to the operator.

(3) An individual designated under section 13A(3)(b), in addition to meeting the requirements set out in sub-paragraph (1), must—

(a) be a party to a transport management contract linking the individual to the operator,

(b) be able to—

(i) exercise the individual's responsibilities as a transport manager independently of the operator, and

(ii) perform the tasks set out in the transport management contract solely in the interests of the operator, and

(c) not be, subject to sub-paragraph (4), at the same time designated under—

(i) section 13A(3)(a)(ii) or (b) in relation to any other operator's licence, or

(ii) any corresponding law of Northern Ireland in relation to a Northern Ireland-issued licence.

(4) A traffic commissioner may, if the commissioner considers it appropriate, allow an individual to be designated in relation to an operator's licence despite sub-paragraph (3)(c) provided the individual is designated in relation to no more than four operators' licences and Northern Ireland-issued licences authorising the use of a combined total fleet of no more than 50 motor vehicles or vehicle combinations.

(5) In this paragraph—

"Northern Ireland-issued licence" means a licence issued under the law of Northern Ireland that is equivalent to an operator's licence;

"the operator" means the person who designated the individual under section 13A(3)(a)(ii) or (b);

"transport management contract" means a contract that—

(a) indicates the individual's responsibilities as a transport manager, and

(b) specifies the tasks the individual is to perform as a transport manager for the operator, including those relating to—

(i) vehicle maintenance,

(ii) vehicle management,

(iii) verification of contracts and documents relating to the transport service;

(iv) basic accounting,

(v) the assignment of drivers and vehicles to transport services, and

(vi) the verification of safety procedures.".

(9) In Schedule 3, in paragraph 16—

(a) in sub-paragraph (1), after "commissioner must" insert ", in accordance with paragraph 5(2) (if applicable),"; and

(b) in sub-paragraph (3)—

(i) in paragraph (a), for "for any road transport undertaking" substitute "in relation to any operator's licence"; and

(ii) omit paragraph (b).

(10) In Schedule 3, in paragraph 17—

(a) in sub-paragraph (1), for "sub-paragraph" substitute "sub-paragraphs (1A) and"; and

(b) after sub-paragraph (1) insert—

"(1A) If the disqualification order was made because a traffic commissioner determined that the disqualified person ceased to be of good repute, the order may be cancelled—

(a) no earlier than one year beginning with the day on which the order was made, and

(b) only if the disqualified person has, after the order was made—

(i) passed the written examination referred to in paragraph 13(1)(a), or

(ii) for no less than three months undertaken training a traffic commissioner considers appropriate.".

Amendment of Schedule 4 (transfer of operating centres)

55.—(1) In Schedule 4, in paragraph 1—

(a) in sub-paragraph (1), in the words before paragraph (a), for "an operator's" substitute "a heavy goods vehicle";

(b) in sub-paragraph (2), for "an operator's" substitute "a heavy goods vehicle";

(c) in sub-paragraph (3), for "operator's" substitute "heavy goods vehicle";

(d) in sub-paragraph (7)—

(i) in the words before paragraph (a), in both places it occurs, for "an operator's" substitute "a heavy goods vehicle"; and

(ii) in paragraph (b)(i), for "an operator's" substitute "a heavy goods vehicle"; and

(e) in sub-paragraph (8), for "operator's" substitute "heavy goods vehicle".

(2) In Schedule 4, in paragraph 2(1), for "an operator's" substitute "a heavy goods vehicle".

(3) In Schedule 4, in paragraph 3—

(a) in sub-paragraph (1), for "an operator's" substitute "a heavy goods vehicle";

(b) in sub-paragraphs (2) and (3), for "operator's" substitute "heavy goods vehicle";

(c) in sub-paragraph (7)—

(i) in the words before paragraph (a), in both places it occurs, for "an operator's" substitute "a heavy goods vehicle"; and

(ii) in paragraph (b)(i), for "an operator's" substitute "a heavy goods vehicle"; and

(d) in sub-paragraph (8), for "operator's" substitute "heavy goods vehicle".

(4) In Schedule 4, in paragraph 4(1), for "an operator's" substitute "a heavy goods vehicle".

Amendment of Schedule 6 (transitional provisions, transitory modifications and savings)

56. In Schedule 6, after paragraph 7 insert—

8. In paragraphs 9 and 10, "the commencement date" means the day after the day on which the Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 were made.

9. For the purposes of this Act, beginning with the commencement date—

(a) any application for an operator's licence made to a traffic commissioner under section 8 before the commencement date is to be treated by the commissioner as an application for a heavy goods vehicle licence;

(b) any objection to, or representations against, the grant of an application for an operator's licence made to a traffic commissioner under section 12 before the commencement date is to be treated by the commissioner as an objection to, or representations against, the grant of an application for a heavy goods vehicle licence;

(c) an operator's licence issued under section 15 before the commencement date is to be treated as a heavy goods vehicle licence;

(d) any application for a variation of an operator's licence made to a traffic commissioner under section 17 before the commencement date is to be treated by the commissioner as an application for a variation of a heavy goods vehicle licence;

(e) any objection to, or representations against, the grant of an application for a variation of an operator's licence made to a traffic commissioner under section 19 before the commencement date is to be treated by the commissioner as an objection to, or representations against, the grant of an application for a variation of a heavy goods vehicle licence;

(f) any request for an interim operator's licence made under section 24 before the commencement date is to be treated as a request for an interim heavy goods vehicle licence;

(g) any interim operator's licence issued under section 24 before the commencement date is to be treated as an interim heavy goods vehicle licence.

10. For the purposes of this Act and the 2009 Regulation, an individual who before the commencement date was designated a transport manager under section 13A(3)—

(a) in accordance with Article 4(1) of the 2009 Regulation is, beginning with that date, to be treated by a traffic commissioner as an individual designated under section 13A(3)(a)(ii) and Article 4(1)(a) of the 2009 Regulation, or

(b) in accordance with Article 4(2) of the 2009 Regulation is, beginning with that date, to be treated by a traffic commissioner as an individual designated under section 13A(3)(b) and Article 4(1)(a) of the 2009 Regulation.

11. Paragraphs 12 to 18 apply for the purposes of applying for, or holding, a light goods vehicle licence.

12. The Secretary of State may exempt an individual until the end of 20th May 2025 from the requirement under section 13A(3)(a)(i) or paragraph 14A(1)(c) of Schedule 3 to be professionally competent if the Secretary of State is satisfied that the individual had, for ten years or more ending with 20th August 2020, continuously managed national or international transport operations as, for or on behalf of an undertaking that used only light goods vehicles.

13. An individual, or a person acting on behalf of an individual, may, on or before 20th May 2024, apply to the Secretary of State for an exemption.

14. An individual (or person) who applies for an exemption must provide the Secretary of State with the information necessary for the Secretary of State to verify the individual's management experience.

15. The Secretary of State may, beginning with the day after the day on which the Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 were made, treat as an application any information submitted to the Secretary of State by an individual, or a person acting on behalf of an individual, before that day.

16. If the Secretary of State decides not to grant an exemption—

(a) the applicant may appeal the decision to a traffic commissioner within 28 days beginning with the day after the date the decision is made, and

(b) the traffic commissioner must, within 56 days beginning with the day after the date the appeal is made, confirm or reverse the decision.

17. A traffic commissioner may consider as part of deciding an appeal any relevant information not provided by the applicant to the Secretary of State.

18. Despite paragraph 13 of Schedule 3, a traffic commissioner must regard as professionally competent until the end of 20th May 2025 any individual who is granted an exemption—

(a) by the Secretary of State, or

(b) following the reversal by a traffic commissioner of a decision by the Secretary of State not to grant an exemption.

19. Paragraphs 11 to 18 and this paragraph expire at the end of 20th May 2025.".

PART 7

Amendment of the Goods Vehicles (Licensing of Operators) Regulations 1995

Amendment of the Goods Vehicles (Licensing of Operators) Regulations 1995

57. The Goods Vehicles (Licensing of Operators) Regulations 1995(**a**) are amended in accordance with regulations 58 to 65.

Amendment of regulation 3 (interpretation)

58. In regulation 3(2)—

(a) in the definition of "goods vehicle", omit "but excludes a small goods vehicle as described in Schedule 1 to the 1995 Act";

(b) after the definition of "goods vehicle" insert—

""heavy goods vehicle" has the meaning given in section 58(1);";

(c) after the definition of "maintenance" insert—

""maximum laden weight" has the meaning given in Part IV of Schedule 6 to the Road Traffic Regulation Act 1984;"; and

(d) after the definition of "trade licence" insert—

""transport manager" has the meaning given in section 13A(5);".

(**a**) S.I. 1995/2869, amended by S.I. 2013/1644, S.I. 2017/874 and S.I. 2018/25; there are other amending instruments, but none are relevant.

Amendment of regulation 14 (conditions which may be attached to a licence)

59.—(1) In the heading to regulation 14, after "attached to a" insert "heavy goods vehicle".

(2) In regulation 14—

(a) in the words before paragraph (a), after "section 23 to a" insert "heavy goods vehicle";

(b) in paragraphs (a) and (b), for "motor vehicles or trailers" substitute "heavy goods vehicles"; and

(c) in paragraphs (c) and (d), for "motor vehicle or trailer" substitute "heavy goods vehicle".

Amendment of regulation 15 (considerations relevant to determinations)

60.—(1) In the heading to regulation 15, after "determinations" insert "as to environmental matters".

(2) In regulation 15(1)—

(a) in sub-paragraphs (d) and (e), for "motor vehicles or trailers" substitute "heavy goods vehicles"; and

(b) in sub-paragraph (h), for "vehicular" substitute "heavy goods vehicle".

Amendment of regulation 19 (manner of making representations in relation to a review)

61. In regulation 19(b)(ii), for "operator's" substitute "heavy goods vehicle".

Amendment of regulation 29 (partnerships)

62.—(1) In regulation 29(3)—

(a) in the words before paragraph (a), for "13A(2)" substitute "13A";

(b) at the end of sub-paragraph (b) insert "and"; and

(c) for paragraph (c) substitute—

"(c) the firm has designated—

(i) a suitable number of individuals, including one or more of the firm's partners, who satisfy the requirements set out in paragraph 14A(1) and (2) of Schedule 3 to the 1995 Act; or

(ii) if none of the firm's partners satisfy the requirements referred to in paragraph (i), a suitable number of individuals who satisfy the requirements set out in paragraph 14A(1) and (3) of Schedule 3 to the 1995 Act.".

(2) In regulation 29(7)—

(a) in sub-paragraph (a), for "Article 5 of the 2009 Regulation" substitute "paragraph A1 of Schedule 3 to the 1995 Act";

(b) in sub-paragraph (c), for "Article 7 of the 2009 Regulation" substitute "paragraph 6A of Schedule 3 to the 1995 Act"; and

(c) for sub-paragraph (d), substitute—

"(d) a transport manager for the firm ceases to satisfy the requirements of, in the case of an individual designated under—

(i) section 13A(3)(a)(ii) as applied by paragraph (3)(c)(i), paragraph 14A(1) and (2) of Schedule 3 to the 1995 Act; or

(ii) section 13A(3)(b) as applied by paragraph (3)(c)(ii), paragraph 14A(1) and (3) of Schedule 3 to the 1995 Act.".

(3) In regulation 29(12), omit sub-paragraph (c) and the "and" before it.

Amendment of regulation 30 (holding companies and subsidiaries)

63. After regulation 30(7) insert—

"(8) In this regulation, "road transport undertaking" means an undertaking that involves the use of a goods vehicle authorised to be used under an operator's licence.".

Amendment of Schedule 1 (notice of application for a licence or a variation of a licence)

64.—(1) For the heading to Schedule 1 substitute "Notice of application for heavy goods vehicle licence or variation of heavy goods vehicle licence".

(2) In Schedule 1, in paragraph 1(f) and (g), for "motor vehicles and trailers" substitute "heavy goods vehicles".

Amendment of Schedule 3 (classes of vehicles for which a licence is not required)

65. In Schedule 3, in paragraph 31(b) of Part I, for "permissible laden mass" substitute "maximum laden weight".

PART 8

Amendment of the Goods Vehicles (Licensing of Operators) (Fees) Regulations 1995

Amendment of the Goods Vehicles (Licensing of Operators) (Fees) Regulations 1995

66. The Goods Vehicles (Licensing of Operators) (Fees) Regulations 1995(**a**) are amended in accordance with regulations 67 and 68.

Amendment of regulation 2 (interpretation)

67. In regulation 2(2), after the definitions of "application for a licence", "application for a variation of a licence", "application" and "licence" insert—

""light goods vehicle" has the meaning given in section 58(1);".

Amendment of regulation 3 (fees)

68. In regulation 3, after paragraph (8) insert—

"(9) Any fee prescribed in these Regulations payable in relation to a licence is also payable in relation to a licence under which one or more motor vehicles specified in the licence or otherwise authorised to be used is a light goods vehicle.".

PART 9

Amendment of the Goods Vehicles (Community Licences) Regulations 2011

Amendment of the Goods Vehicles (Community Licences) Regulations 2011

69. The Goods Vehicles (Community Licences) Regulations 2011(**b**) are amended in accordance with regulations 70 to 72.

(**a**) S.I. 1995/3000, amended by S.I. 2009/804; there are other amending instruments but none are relevant.
(**b**) S.I. 2011/2633, amended by S.I. 2019/708.

Amendment of regulation 3 (purpose and interpretation)

70. In regulation 3(2), after the definition of "Community licence" insert—

""competent authority", in relation to—

(a) a driver attestation, means the Secretary of State;

(b) a UK licence for the Community, means a traffic commissioner appointed under section 4 of the Public Passenger Vehicles Act 1981;".

Omission of regulation 5 (competent authorities)

71. Omit regulation 5.

Amendment of regulation 17 (review)

72. Omit regulation 17(2).

PART 10

Amendment of the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010

Amendment of the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010

73. The Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 is amended in accordance with regulations 74 to 102.

Amendment of section 1 (operators' licences)

74. In section 1(3)—

(a) in paragraph (a)—

(i) for sub-paragraph (i) substitute—

"(i) in the case of a vehicle used for hire or reward, it has a relevant plated weight not exceeding—

(A) 2.5 tonnes, or

(B) 3.5 tonnes if it is used only for national transport operations,"; and

(ii) after sub-paragraph (i) insert—

"(ia) in the case of a vehicle used for or in connection with any trade or business carried on by the person using the vehicle, it has a relevant plated weight not exceeding 3.5 tonnes, or"; and

(b) in the words after paragraph (b)—

(i) for "paragraph (a)" substitute "this Act"; and

(ii) for "that paragraph" substitute "this Act".

Amendment of section 2A (temporary exemptions for international operators)

75.—(1) In section 2A(6)(**a**), for "is not established in the United Kingdom" substitute "has an effective and stable establishment in a country or territory other than the United Kingdom that is comparable to an effective and stable establishment in Northern Ireland (as determined in such manner as may be set out in regulations made for the purposes of section 12A(2)(a))".

(**a**) Section 2A was inserted by section 12(4) of the Haulage Permits and Trailer Registration Act 2018.

(2) Omit section 2A(7).

Amendment of section 4 (vehicles authorised to be used under operator's licence)

76.—(1) After section 4(3) insert—

"(3A) An operator's licence shall not authorise the use of any light goods vehicle unless the vehicle is registered under the Vehicle Excise and Registration Act 1994 (c. 22).".

(2) In section 4(4), in the words before paragraph (a)—

(a) for "An operator's" substitute "A heavy goods vehicle"; and

(b) after "use of any" insert "heavy goods".

Amendment of section 6 (operating centres to be specified in operators' licences)

77.—(1) In the heading to section 6, for "operators'" substitute "heavy goods vehicle".

(2) In section 6(1)—

(a) after "centre for" insert "heavy goods"; and

(b) after "under a" insert "heavy goods vehicle".

(3) In section 6(3)—

(a) after "relation to any" insert "heavy goods";

(b) for "an operator's" substitute "a heavy goods vehicle"; and

(c) after "centre for" insert "heavy goods".

Amendment of section 7 (application for operators' licences)

78. In section 7(4)(c), before "each place" insert "in the case of an application for a heavy goods vehicle licence,".

Amendment of section 10 (publication in locality affected of notice of application for licence)

79.—(1) In the heading to section 10, after "application for" insert "heavy goods vehicle".

(2) In section 10(1), after "the application" insert "for a heavy goods vehicle licence".

(3) In section 10(2), after "an application" insert "for a heavy goods vehicle licence".

(4) In section 10(3), in the words before paragraph (a), after "an application" insert "for a heavy goods vehicle licence".

(5) In section 10(4), for "an operator's" substitute "a heavy goods vehicle".

Amendment of section 11 (objections to and representations against, issue of operators' licences)

80.—(1) In section 11(1)(b), before "that" insert "in the case of a heavy goods vehicle licence,".

(2) In section 11(4), for "an operator's" substitute "a heavy goods vehicle".

Amendment of section 12 (determination of applications for operators' licences)

81. In section 12(3), for "sections 10 (publication of application) and" substitute "section 10 (publication of application), if applicable, and".

Amendment of section 12A (requirements for standard licences)

82.—(1) In section 12A(2)(**a**)—

(a) in paragraph (a), for "accordance with Article 5 of the 2009 Regulation" substitute "such manner as may be prescribed(**b**)";

(b) in paragraph (b), for "accordance with regulations and Article 6 of the 2009 Regulation" substitute "such manner as may be prescribed";

(c) at the end of paragraph (b) insert "and";

(d) in paragraph (c), for "accordance with regulations and Article 7 of the 2009 Regulation" substitute "such manner as may be prescribed"; and

(e) omit paragraph (d) together with the "and" before it.

(2) In section 12A(3)—

(a) in the words before paragraph (a), omit "has designated a transport manager in accordance with Article 4 of the 2009 Regulation who";

(b) for paragraphs (a) and (b) substitute—

"(a) is an individual who—

(i) is professionally competent (as determined in such manner as may be prescribed) and

(ii) has designated a suitable number of individuals (which may include the applicant) who satisfy such requirements as may be prescribed, or

(b) if the applicant is not an individual, or is an individual who is not professionally competent, has designated a suitable number of individuals who satisfy such other requirements as may be prescribed.".

(3) After section 12A(3) insert—

"(4) For the purposes of subsection (3), a number of designated individuals is suitable if the Department is satisfied it is proportionate to the maximum numbers of motor vehicles and trailers that may be used by the applicant in accordance with section 5 if the standard licence is issued.

(5) In this Act, "transport manager" means an individual designated under subsection (3)(a)(ii) or (b).".

Amendment of section 12C (requirements for standard and restricted licences)

83.—(1) In section 12C(1)(**c**), for "to which subsections (2) to (6) will apply." substitute—

"to which—

(a) in the case of a light goods vehicle licence, subsections (2) to (4) will apply, or

(b) in the case of a heavy goods vehicle licence, subsections (2) to (6) will apply.".

(2) In section 12C(5), for "The licence" substitute "A heavy goods vehicle licence".

(3) In section 12C(6), after "centre for all the" insert "heavy goods".

(4) In section 12C(7), for "to (6)" substitute "to (4), or (2) to (6),".

(5) In section 12C(8), after "relation to a" insert "heavy goods vehicle".

(6) In section 12C(9)—

(a) in the words before paragraph (a), after "relation to a" insert "heavy goods vehicle";

(**a**) Section 12A was inserted by S.I. 2012/257.

(**b**) Section 58(1) (general interpretation) defines the word "prescribed" as "prescribed by regulations", the word "regulations" as "regulations made by the Department" and the term "the Department" (as amended by these Regulations) as "the Department for Infrastructure". Section 57(1) (regulations) provides, among other things, that the Department may make regulations for prescribing anything that may be prescribed under the Act.

(**c**) Section 12C was inserted by S.I. 2012/257.

(b) in paragraph (a), for "operators'" substitute "heavy goods vehicle"; and

(c) in paragraph (b), after "keeping" insert "heavy goods".

Amendment of section 12E (professional competence for restricted licence holders)

84. In section 12E(**a**), for "as if for" to the end substitute—

"as if—

(a) the existing text of section 12B were renumbered subsection (1),

(b) in section 12B(1), in the words before paragraph (a), before "requirement of" there were inserted "first", and

(c) after section 12B(1) there were inserted—

"(2) The second requirement of this section is that the applicant—

(a) if an individual, is professionally competent (as determined in such manner as may be set out in regulations made for the purposes of section 12A(3)(a)(i)), or

(b) if not an individual, or an individual who is not professionally competent, complies with section 12A(3)(b) as if the applicant were an applicant for a standard licence who is not an individual or is an individual who is not professionally competent.".".

Amendment of section 13 (determination where objections etc are made on environmental grounds)

85.—(1) In section 13(1), in the words before paragraph (a), for "an operator's" substitute "a heavy goods vehicle".

(2) In section 13(2)(a), after "parking of" insert "heavy goods".

(3) In section 13(3)—

(a) in the words before paragraph (a), for "an operator's" substitute "a heavy goods vehicle"; and

(b) in paragraph (a), for "an operator's" substitute "a heavy goods vehicle".

(4) In section 13(4), for "an operator's" substitute "a heavy goods vehicle".

(5) In section 13(5)—

(a) in the words before paragraph (a), in both places it occurs, for "an operator's" substitute "a heavy goods vehicle";

(b) in paragraph (a), for "operator's" substitute "heavy goods vehicle"; and

(c) in paragraph (c)(i), for "an operator's" substitute "a heavy goods vehicle".

(6) In section 13(6), in the words before paragraph (a), for "an operator's" substitute "a heavy goods vehicle".

Amendment of section 14 (issue of operators' licences)

86. In section 14(3)(f), before "fewer places" insert "in the case of a heavy goods vehicle licence,".

Amendment of section 16 (variation of operators' licences)

87.—(1) In section 16(1)(g), before "that a new place" insert "in the case of a heavy goods vehicle licence,".

(**a**) Section 12E was inserted by S.I. 2012/257.

(2) In section 16(5)(c), after "specified in a" insert "heavy goods vehicle".

Amendment of section 17 (publication of notice of applications for variation in any locality affected)

88.—(1) In the heading to section 17, after "variation" insert "of heavy goods vehicle licences".

(2) In section 17(1), after "subsection (4)," insert "in relation to a heavy goods vehicle licence,".

(3) In section 17(2)—

(a) in paragraph (a)—

(i) after "maximum number" insert "of heavy goods vehicles"; and

(ii) after "specified in a" insert "heavy goods vehicle";

(b) in paragraph (b), after "or (e)" insert "that has the effect of authorising the use of a heavy goods vehicle"; and

(c) in paragraph (c), after "specified in a" insert "heavy goods vehicle".

(4) In section 17(3), after "by an application" insert "for the variation of a heavy goods vehicle licence".

(5) In section 17(5)—

(a) in the words before paragraph (a), for "an operator's" substitute "a heavy goods vehicle"; and

(b) in paragraph (b)(i), in both places it occurs, after "number of" insert "heavy goods".

Amendment of section 18 (objection to and refusal of, applications to vary operators' licences on environmental grounds)

89.—(1) In the heading to section 18, for "operators'" substitute "heavy goods vehicle".

(2) In section 18(1), for "an operator's" substitute "a heavy goods vehicle".

(3) In section 18(3)(a), in both places it occurs, after "number of" insert "heavy goods".

(4) In section 18(6)(a), after "parking of" insert "heavy goods".

(5) In section 18(7)(a), for "an operator's" substitute "a heavy goods vehicle".

(6) In section 18(8), for "an operator's" substitute "a heavy goods vehicle".

(7) In section 18(9)—

(a) in the words before paragraph (a), in both places it occurs, for "an operator's" substitute "a heavy goods vehicle";

(b) in paragraph (a), for "operator's" substitute "heavy goods vehicle"; and

(c) in paragraph (c)(i), for "an operator's" substitute "a heavy goods vehicle".

Amendment of section 20 (conditions of licences)

90. In section 20(1)—

(a) in paragraph (a)—

(i) before "for preventing" insert "in the case of a heavy goods vehicle licence," and

(ii) after "preventing" insert "heavy goods"; and

(b) in paragraph (c), before "for preventing" insert "in the case of a heavy goods vehicle licence,".

Amendment of section 23 (revocation, suspension and curtailment of operators' licences)

91.—(1) In section 23(1)(a)—

(a) before "that a place" insert "in the case of a heavy goods vehicle licence,"; and

(b) after “centre for” insert “heavy goods”.

(2) In section 23(9)(d), before “that any one” insert “in the case of a heavy goods vehicle licence,”.

Amendment of section 24 (revocation of standard licences)

92.—(1) In section 24(1)—

(a) in paragraph (a)—

(i) after “satisfies” insert “one or more of”; and

(ii) for “12A(2)” substitute “12A”; and

(b) for paragraph (b) substitute—

“(b) a transport manager for the licence-holder ceases to satisfy such requirements as may be set out in regulations made for the purposes of section 12A(3)(a)(ii) or (b). ”.

(2) In section 24(3A), omit “, in accordance with Article 13.1 of the 2009 Regulation,”.

(3) After section 24(3A) insert—

“(3AA) The time limit set under subsection (3A) may not exceed, beginning with the day after the date of the notice—

(a) 6 months, or

(b) 9 months if the licence-holder ceases to have a suitable number of individuals designated under section 12A(3)(a)(ii) or (b) because—

(i) a transport manager is physically incapacitated or deceased, and

(ii) more than 6 months is required to recruit a replacement transport manager.”.

Amendment of section 27 (periods of review for operating centres)

93.—(1) In section 27(1), for “on the licence-holder” substitute “on the holder of a heavy goods vehicle licence”.

(2) In section 27(2), in the words before paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”.

Amendment of section 28 (power to remove operating centres on review)

94.—(1) In section 28(1), in the words before paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”.

(2) In section 28(2), after “parking of” insert “heavy goods”.

(3) In section 28(3), in the words after paragraph (b)—

(a) after “centre for” insert “heavy goods”; and

(b) for “operator’s” substitute “heavy goods vehicle”.

Amendment of section 29 (power to attach conditions on review)

95.—(1) In section 29(1), in the words before paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”.

(2) In section 29(4)—

(a) in the words before paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”;

(b) in paragraph (a), after “that any” insert “heavy goods”;

(c) in paragraph (b), after “maximum number” insert “of heavy goods vehicles”; and

(d) in paragraphs (c) and (d), after “provision” insert “relating to heavy goods vehicles”.

(3) In section 29(5), for "an operator's" substitute "a heavy goods vehicle".

Amendment of section 30 (transfer of operating centres)

96. In section 30—

(a) for "operators'" substitute "heavy goods vehicle"; and

(b) for "an operator's" substitute "a heavy goods vehicle".

Amendment of section 31 (determinations as to environmental matters)

97.—(1) In section 31(2)—

(a) in paragraph (a), for "an operator's" substitute "a heavy goods vehicle";

(b) in paragraph (b), in both places it occurs, for "an operator's" substitute "a heavy goods vehicle"; and

(c) in paragraph (c), for "an operator's" substitute "a heavy goods vehicle".

(2) In section 31(3)(a) and (5)(a), for "an operator's" substitute "a heavy goods vehicle".

Amendment of section 49 (certificates of qualification)

98.—(1) In section 49(1)—

(a) in the words before paragraph (a)—

(i) for "a road transport" substitute "an";

(ii) after "undertaking" insert "established"; and

(iii) after "member State" insert "that involves the use of goods vehicles"; and

(b) in the words after paragraph (c), for "road transport undertakings" substitute "such an undertaking established".

(2) In section 49(2), omit paragraph (b).

(3) Omit section 49(5).

Amendment of section 58 (general interpretation)

99. In section 58(1)—

(a) in the definition of "the Department", for "of the Environment" substitute "for Infrastructure";

(b) after the definition of "goods vehicle" insert—

""heavy goods vehicle" means a goods vehicle, or a vehicle combination including a goods vehicle, that has a relevant plated weight exceeding 3.5 tonnes;

"heavy goods vehicle licence" means an operator's licence that authorises the use of one or more heavy goods vehicles (whether or not it also authorises the use of one or more light goods vehicles);"

(c) for the definitions of "international transport operations" and "national transport operations" substitute—

""international transport operations" means the carriage of goods—

(a) from the United Kingdom to any other country or territory (or vice versa);

(b) through the United Kingdom from and to any other country or territory;

(c) within a country or territory other than the United Kingdom;";

(d) after the definition of "international transport operations" insert—

""light goods vehicle" means a goods vehicle, or a vehicle combination including a goods vehicle, that has a relevant plated weight not exceeding 3.5 tonnes;

"light goods vehicle licence" means an operator's licence that authorises the use of only one or more light goods vehicles;";

(e) after the definitions of "motor vehicle" and "trailer" insert—

""national transport operations" means the carriage of goods within only the United Kingdom;";

(f) after the definition of "regulations" insert—

""relevant plated weight" has the meaning given in section 1(3);";

(g) omit the definition of "road transport undertaking"; and

(h) in the definition of "transport manager", for "same meaning as in the 2009 Regulation" substitute "meaning given in section 12A(5)".

Insertion of section 59A (transitional provisions)

100. After section 59 (amendments and repeals) insert—

"**Transitional provisions**

59A. Schedule 5 (which contains transitional provisions) has effect.".

Amendment of Schedule 1 (transfer of operating centres)

101.—(1) In Schedule 1, in paragraph 1—

(a) in sub-paragraph (1), in the words before paragraph (a), for "an operator's" substitute "a heavy goods vehicle";

(b) in sub-paragraph (2), for "an operator's" substitute "a heavy goods vehicle";

(c) in sub-paragraph (3), for "operator's" substitute "heavy goods vehicle";

(d) in sub-paragraph (7)—

(i) in the words before paragraph (a), in both places it occurs, for "an operator's" substitute "a heavy goods vehicle"; and

(ii) in paragraph (b)(i), for "an operator's" substitute "a heavy goods vehicle"; and

(e) in sub-paragraph (8), for "operator's" substitute "heavy goods vehicle".

(2) In Schedule 1, in paragraph 2(1), for "an operator's" substitute "a heavy goods vehicle".

(3) In Schedule 1, in paragraph 3—

(a) in sub-paragraph (1), in the words before paragraph (a), for "an operator's" substitute "a heavy goods vehicle";

(b) in sub-paragraphs (2) and (3), for "operator's" substitute "heavy goods vehicle"; and

(c) in sub-paragraph (7)—

(i) in the words before paragraph (a), in both places it occurs, for "an operator's" substitute "a heavy goods vehicle"; and

(ii) in paragraph (b)(i), for "an operator's" substitute "a heavy goods vehicle"; and

(d) in sub-paragraph (8), for "operator's" substitute "heavy goods vehicle".

(4) In Schedule 1, in paragraph 4(1), for "an operator's" substitute "a heavy goods vehicle".

Insertion of Schedule 5 (transitional provisions)

102. After Schedule 4 (repeals) insert—

"SCHEDULE 5

Section 59A

TRANSITIONAL PROVISIONS

Provisions relating to the Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022

Interpretation for paragraphs 2 and 3

1. In paragraphs 2 and 3, "the commencement date" means the day after the day on which the Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 were made.

Existing operator's licence to be treated as heavy goods vehicle licence

2. For the purposes of this Act, beginning with the commencement date—

(a) any application for an operator's licence made to the Department under section 7 before the commencement date is to be treated by the Department as an application for a heavy goods vehicle licence;

(b) any objection to, or representations against, the grant of an application for an operator's licence made to the Department under section 11 before the commencement date is to be treated by the Department as an objection to, or representations against, the grant of an application for a heavy goods vehicle licence;

(c) an operator's licence issued under section 14 before the commencement date is to be treated as a heavy goods vehicle licence;

(d) any application for a variation of an operator's licence made to the Department under section 16 before the commencement date is to be treated by the Department as an application for a variation of a heavy goods vehicle licence;

(e) any objection to, or representations against, the grant of an application for a variation of an operator's licence made to the Department under section 18 before the commencement date is to be treated by the Department as an objection to, or representations against, the grant of an application for a variation of a heavy goods vehicle licence;

(f) any request for an interim operator's licence made to the Department under section 21 before the commencement date is to be treated by the Department as a request for an interim heavy goods vehicle licence; and

(g) any interim operator's licence issued under section 21 before the commencement date is to be treated as an interim heavy goods vehicle licence.

Transport manager to continue under Act and 2009 Regulation as amended

3. For the purposes of this Act and the 2009 Regulation, an individual who before the commencement date was designated a transport manager under section 12A(3)—

(a) in accordance with Article 4(1) of the 2009 Regulation is, beginning with that date, to be treated by the Department as an individual designated under section 12A(3)(a)(ii) and Article 4(1)(b) of the 2009 Regulation, or

(b) in accordance with Article 4(2) of the 2009 Regulation is, beginning with that date, to be treated by the Department as an individual designated under section 12A(3)(b) and Article 4(1)(b) of the 2009 Regulation.".

PART 11

Amendment of the Goods Vehicles (Licensing of Operators) (Exemption) Regulations (Northern Ireland) 2012

Amendment of the Goods Vehicles (Licensing of Operators) (Exemption) Regulations (Northern Ireland) 2012

103. The Goods Vehicles (Licensing of Operators) (Exemption) Regulations (Northern Ireland) 2012(**a**) are amended in accordance with regulations 104 to 106.

Amendment of regulation 2 (interpretation)

104. In regulation 2, after the definition of "the 2010 Act" insert—

> ""national transport operations" has the meaning given in section 58(1) of the 2010 Act;".

Amendment of regulation 3 (small goods vehicle)

105. In regulation 3(2)(a), for "including 3.5 tonnes and complies with Regulation (EC) No.1071/2009; or" substitute—

> "including—
>
> (i) 2.5 tonnes; or
>
> (ii) 3.5 tonnes if it is used only for national transport operations; or".

Amendment of the Schedule (use of vehicle of any class for which an operator's licence is not required)

106. In the Schedule, in paragraph 19(1)(a) and (b), omit "any Community obligation or".

PART 12

Amendment of the Goods Vehicles (Qualifications of Operators) Regulations (Northern Ireland) 2012

Amendment of the Goods Vehicles (Qualifications of Operators) Regulations (Northern Ireland) 2012

107. The Goods Vehicles (Qualifications of Operators) Regulations (Northern Ireland) 2012(**b**) are amended in accordance with regulations 108 to 123.

Insertion of heading to Part 1

108. Before the heading to regulation 1 (citation, commencement and interpretation) insert—

(**a**) S.I. 2012/256 (N.I.), amended by S.I. 2019/708.
(**b**) S.I. 2012/257 (N.I.), amended by S.I. 2019/6 (N.I.) and S.I. 2019/708.

"PART 1

Preliminary provisions".

Amendment of regulation 1 (citation, commencement and interpretation)

109.—(1) In regulation 1(3), after the definition of "Regulation 1071/2009" insert—

""transport service" means the use of a goods vehicle for which an operator's licence is required under section 1 of the 2010 Act (operators' licences);".

(2) In regulation 1(4), for "Regulation 1071/2009" substitute "the 2010 Act".

Insertion of regulation 1A (transitional provisions)

110. After regulation 1 (citation, commencement and interpretation) insert—

"**Transitional provisions**

1A. The Schedule (which contains transitional provisions) has effect.".

Omission of regulations 2 to 4 (provisions relating to Regulation (EC) No 1071/2009)

111. Omit regulations 2 to 4.

Insertion of heading to Part 2 and regulation 4A (determination of effective and stable establishment in Northern Ireland)

112. Before regulation 5 (good repute) insert—

"PART 2

Provisions relating to the 2010 Act

Effective and stable establishment

Determination of effective and stable establishment in Northern Ireland

4A.—(1) A person has an effective and stable establishment in Northern Ireland under section 12A(2)(a) of the 2010 Act if the person satisfies, or will satisfy on the issuing of an operator's licence, the requirements set out in paragraph (2).

(2) The requirements are that the person—

(a) has premises in Northern Ireland at which the person—

(i) is able to access, in electronic or any other form, the originals of the person's core business documents; and

(ii) carries out effectively and continuously, with appropriate equipment and facilities, the administration of the person's transport service;

(b) has access to one or more goods vehicles that are authorised to be used under the person's operator's licence;

(c) has at a place or places in Northern Ireland—

(i) a number of goods vehicles referred to in sub-paragraph (b) that is proportionate to the national or international transport operations carried out from each place; and

(ii) a number of drivers that is proportionate to the number of goods vehicles operating from that place;

(d) has, if required under the Value Added Tax Act 1994 (c. 23) to charge value added tax on the supply of the person's transport service, a VAT registration number;

(e) is within the charge to income tax or corporation tax under the Tax Acts on income generated through the person's transport service; and

(f) is, if a company, a company within the meaning given in section 1(1) of the Companies Act 2006 (c. 46).

(3) In paragraph (2)—

"core business documents" includes—

(a) contracts relating to the transport service;

(b) documents relating to the goods vehicles authorised to be used under the person's operator's licence;

(c) accounting documents;

(d) personnel management documents;

(e) employment contracts;

(f) national insurance documents;

(g) documents containing data—

(i) on the dispatching and posting of drivers; and

(ii) relating to journeys, driving time and rest periods;

(h) any other document the Department may require to verify a person's compliance with any requirement or obligation imposed by or under the 2010 Act;

"VAT registration number" means the number allocated by the Commissioners for Her Majesty's Revenue and Customs to a person registered under the Value Added Tax Act 1994 (c. 23).

Good repute".

Amendment of regulation 5 (good repute)

113.—(1) In the heading to regulation 5, for "Good" substitute "Determination of good".

(2) In regulation 5(1), after "good repute" insert "under section 12A(2)(b) of the 2010 Act or regulation 13A(1)(b)".

(3) In regulation 5(2), after "good repute" insert "under section 12A(2)(b) of the 2010 Act".

Amendment of regulation 9 (further provisions for the purposes of regulations 5 to 8)

114.—(1) The existing text of regulation 9 is renumbered as paragraph (1).

(2) For regulation 9(1)(b) substitute—

"(b) the Department may also disregard an offence—

(i) if such time as the Department thinks appropriate has elapsed since the date of the conviction; or

(ii) if the Department, having considered the number of offences committed by a person, determines that due to specific circumstances a negative determination of good repute for the person would constitute a disproportionate response.".

(3) After regulation 9(1) insert—

"(2) In determining the good repute of a transport manager under regulation 13A(1)(b) regulations 5 to 9 shall apply as they apply to an individual with the omission of the words "or any other relevant person".".

Insertion of regulation 9A (determination of appropriate financial standing)

115. After regulation 9 (further provisions for the purposes of regulations 5 to 8) insert—

"Appropriate financial standing

Determination of appropriate financial standing

9A.—(1) An operator has appropriate financial standing under section 12A(2)(c) of the 2010 Act if the operator is able to demonstrate that it has at its disposal at all times capital and reserves—

(a) for goods vehicles authorised to be used under a heavy goods vehicle licence, of—

(i) £8,000 for the first heavy goods vehicle;

(ii) £4,500 for each additional heavy goods vehicle; and

(iii) £800 for each light goods vehicle (if any); or

(b) for goods vehicles authorised to be used under a light goods vehicle licence, of—

(i) £1,600 for the first light goods vehicle; and

(ii) £800 for each additional light goods vehicle.

(2) The operator must demonstrate appropriate financial standing—

(a) on the basis of the operator's annual accounts if certified by a qualified auditor; or

(b) by producing other evidence to the satisfaction of the Department that the operator has, in the name of the operator, the necessary capital and reserves, such as—

(i) a bank guarantee;

(ii) a document issued by a financial institution establishing access to credit; or

(iii) any other binding document.

(3) In this regulation—

"operator" means an applicant for, or a holder of, an operator's licence in relation to which appropriate financial standing is required under section 12A(2)(c) of the 2010 Act;

"qualified auditor" means a person who is eligible for appointment as a statutory auditor under Part 42 of the Companies Act 2006.

Professional competence".

Omission of regulation 10 (professional competence)

116. Omit regulation 10.

Amendment of regulation 11

117.—(1) Before regulation 11 insert—

"**Determination of professional competence**".

(2) In regulation 11(1), after "professionally competent" insert "under section 12A(3)(a)(i) of the 2010 Act or regulation 13A(1)(c)".

(3) In regulation 11(4)(b), for "Article 8(3) of Regulation 1071/2009" substitute "this regulation".

Omission of regulations 12 and 13 (redundant provisions)

118. Omit regulations 12 and 13.

Insertion of regulation 13A (requirements for transport manager)

119. Before the heading to regulation 14 (issue of notice to transport manager) insert—

"*Transport manager*

Requirements for transport manager

13A.—(1) A transport manager must be—

(a) a resident of the United Kingdom;

(b) of good repute (as determined in accordance with regulations 5 to 9);

(c) professionally competent (as determined in accordance with regulation 11); and

(d) able to manage effectively and continuously the operator's transport service.

(2) An individual designated under section 12A(3)(a)(ii) of the 2010 Act, in addition to meeting the requirements set out in paragraph (1), must be—

(a) the operator;

(b) an employee, director, owner, or shareholder of the operator; or

(c) any other individual the Department is satisfied has a genuine link to the operator.

(3) An individual designated under section 12A(3)(b) of the 2010 Act, in addition to meeting the requirements set out in paragraph (1), must—

(a) be a party to a transport management contract linking the individual to the operator;

(b) be able to—

(i) exercise the individual's responsibilities as a transport manager independently of the operator; and

(ii) perform the tasks set out in the transport management contract solely in the interests of the operator; and

(c) not be, subject to paragraph (4), at the same time designated under—

(i) section 12A(3)(a)(ii) or (b) of the 2010 Act in relation to any other operator's licence; or

(ii) any corresponding law of England and Wales or Scotland in relation to a Great Britain-issued licence.

(4) If the Department considers it appropriate, the Department may allow an individual to be designated in relation to an operator's licence despite paragraph (3)(c) provided the individual is designated in relation to no more than four operators' licences or Great Britain-issued licences authorising the use of a combined total fleet of no more than 50 motor vehicles or vehicle combinations.

(5) In this regulation—

"Great Britain-issued licence" means a licence issued under the law of England and Wales or Scotland that is equivalent to an operator's licence;

"the operator" means the person who designated the individual under section 12A(3)(a)(ii) or (b);

"transport management contract" means a contract that—

(a) indicates the individual's responsibilities as a transport manager; and

(b) specifies the tasks the individual is to perform as a transport manager for the operator, including those relating to—

(i) vehicle maintenance;

(ii) vehicle management;

(iii) verification of contracts and documents relating to the transport service;

(iv) basic accounting;

(v) the assignment to drivers and vehicles of transport services; and

(vi) the verification of safety procedures.".

Amendment of regulation 15 (determinations in respect of transport managers)

120.—(1) In regulation 15(3)(a), for "for any road transport undertaking" substitute "in relation to any operator's licence".

(2) Omit regulation 15(3)(b).

(3) After regulation 15(6) insert—

"(7) Regulation 9 applies for the purposes of this regulation as it applies for the purposes of regulations 5 to 8.".

Amendment of regulation 16 (transport managers: cancellation or variation of disqualification order)

121.—(1) In regulation 16(1), for "paragraph" substitute "paragraphs (1A) and".

(2) After regulation 16(1) insert—

"(1A) If the disqualification order was made because the Department determined that the disqualified person ceases to be of good repute, the order must may be cancelled—

(a) no earlier than one year beginning with the day on which the order was made; and

(b) only if the disqualified person has, after the order was made—

(i) passed the written examination referred to in regulation 11(1)(a); or

(ii) for no less than three months undertaken training the Department considers appropriate.".

Insertion of heading to Part 3

122. Before the heading to regulation 17 (amendments to the 2010 Act) insert—

"PART 3

Amendments to the 2010 Act".

Insertion of the Schedule (transitional provisions)

123. Before the Explanatory Note insert—

"SCHEDULE Regulation 1A

Transitional provisions

Provisions relating to the Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022

Application of paragraphs 2 to 4

1. Paragraphs 2 to 4 apply for the purposes of applying for, or holding, a light goods vehicle licence.

Department may exempt individual from professional competence requirement

2. The Department may exempt an individual until the end of 20th May 2025 from the requirement under section 12A(3)(a)(i) of the 2010 Act or regulation 13A(1)(c) to be professionally competent if the Department is satisfied that the individual had, for ten years or more ending with 20th August 2020, continuously managed national or international transport operations as, for or on behalf of an undertaking that used only light goods vehicles.

Applying for professional competence exemption

3.—(1) An individual, or a person acting on behalf of an individual, may, on or before 20th May 2024, apply to the Department for an exemption.

(2) An individual (or person) who applies for an exemption must provide the Department with the information necessary for the Department to verify the individual's management experience.

(3) The Department may, beginning with the day after the day on which the Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 were made, treat as an application any information submitted to the Department by an individual, or a person acting on behalf of an individual, before that day.

Duration of professional competence exemption

4. Despite regulation 11, the Department must regard as professionally competent until the end of 20th May 2025 an individual who is granted an exemption under paragraph 2.".

PART 13

Amendment of the Goods Vehicles (Licensing of Operators) Regulations (Northern Ireland) 2012

Amendment of the Goods Vehicles (Licensing of Operators) Regulations (Northern Ireland) 2012

124. The Goods Vehicles (Licensing of Operators) Regulations (Northern Ireland) 2012(**a**) are amended in accordance with regulations 125 to 132.

Amendment of regulation 2 (interpretation)

125. In regulation 2(1)—

(a) after the definition of "firm" insert—

""heavy goods vehicle" has the meaning given in section 58(1);"; and

(b) after the definition of "the Qualification of Operators Regulations" insert—

""transport manager" has the meaning given in section 12A(5);".

Amendment of regulation 3 (manner of making applications)

126. In regulation 3(2)(b), before "containing" insert "in the case of a heavy goods vehicle licence,".

(**a**) S.I. 2012/261 (N.I.).

Amendment of regulation 13 (conditions which may be attached to a licence)

127. In regulation 13—

(a) in paragraphs (a) and (b), for "motor vehicles or trailers" substitute "heavy goods vehicles"; and

(b) in paragraphs (c) and (d), for "motor vehicle or trailer" substitute "heavy goods vehicle".

Amendment of regulation 14 (considerations relevant to determinations)

128.—(1) In the heading to regulation 14, after "determinations" insert "as to environmental matters".

(2) In regulation 14(1)—

(a) in paragraphs (d) and (e), for "motor vehicles or trailers" substitute "heavy goods vehicles"; and

(b) in paragraph (h), for "vehicular" substitute "heavy goods vehicle".

Amendment of regulation 27 (partnerships)

129.—(1) In regulation 27(3)—

(a) for sub-paragraph (b) substitute—

"(b) the firm has—

(i) an effective and stable establishment in Northern Ireland; and

(ii) appropriate financial standing; and"; and

(b) for sub-paragraph (c) substitute—

"(c) the firm has designated—

(i) a suitable number of individuals, including one or more of the firm's partners, who satisfy the requirements set out in regulation 13A(1) and (2) of the Qualification of Operators Regulations; or

(ii) if none of the firm's partners satisfy the requirements referred to in paragraph (i), a suitable number of individuals who satisfy the requirements set out in regulation 13A(1) and (3) of the Qualification of Operators Regulations.".

(2) In regulation 27(7)—

(a) for sub-paragraph (b) substitute—

"(b) the firm ceases to satisfy the Department it has—

(i) an effective and stable establishment in Northern Ireland; or

(ii) appropriate financial standing; or"; and

(b) for sub-paragraph (c) substitute—

"(c) a transport manager for the firm ceases to satisfy the requirements set out in regulation 13A(1) and (2), or (1) and (3), of the Qualification of Operators Regulations.".

(3) In regulation 27(12), omit sub-paragraph (b) and the "and" before it.

Amendment of regulation 28 (holding companies and subsidiaries)

130. For regulation 28(8) substitute—

"(8) In this regulation—

"relevant conviction" means a notifiable conviction within the meaning given in paragraph 4 of Schedule 1;

"road transport undertaking" means an undertaking that involves the use of a goods vehicle authorised to be used under an operator's licence.".

Amendment of Schedule 2 (notice of application for a licence or a variation of a licence)

131.—(1) For the heading to Schedule 2 substitute "NOTICE OF APPLICATION FOR HEAVY GOODS VEHICLE LICENCE OR VARIATION OF HEAVY GOODS VEHICLE LICENCE".

(2) In Schedule 2, in paragraph 1(f) and (g), for "motor vehicles and trailers" substitute "heavy goods vehicles".

Amendment of Schedule 3 (inquiries)

132. In Schedule 3, in paragraph 3(4)(a), for "13" substitute "14".

PART 14

Amendment of the Goods Vehicles (Community Licence) Regulations (Northern Ireland) 2013

Amendment of the Goods Vehicles (Community Licence) Regulations (Northern Ireland) 2013

133. The Goods Vehicles (Community Licence) Regulations (Northern Ireland) 2013(**a**) are amended in accordance with regulations 134 and 135.

Omission of regulation 4 (competent authority)

134. Omit regulation 4.

Amendment of regulation 5 (issue of a UK licence for the Community and driver attestation)

135. In regulation 5(2), for "a competent authority referred to in regulation 4" substitute "the Department".

Signed by authority of the Secretary of State for Transport

Name
Parliamentary Under Secretary of State
Department for Transport

Date

(**a**) S.I. 2013/115 (N.I.), amended by S.I. 2013/224 (N.I.), 2019 c. 6 (N.I.) and S.I. 2019/708.

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations amend laws of England and Wales and Scotland and of Northern Ireland that regulate the use of a goods vehicle on a road for the carriage of goods.

The amendments are necessary to meet obligations of the United Kingdom under Title I of Heading Three of Part Two of the Trade and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part and the European Union and the European Atomic Energy Community, of the other part (Treaty Series No. 8 (2021); "the TCA").

Overview

The TCA obliges the United Kingdom, from 21st May 2022, to license a person who carries goods to the European Union for hire or reward using a goods vehicle exceeding 2.5 tonnes in mass when laden. Presently, under both the laws of England and Wales and Scotland and of Northern Ireland, a person is required to hold a licence for such a carriage only if the goods vehicle exceeds 3.5 tonnes in mass when laden.

Under the current laws, there are three types of "operator's licence" that may be issued: restricted, standard-national and standard-international.

Table 1: Operator's licences that may be issued before amendments

Name	**Operator's licence**
Type	Restricted Standard-national Standard-international

The principal effect of these Regulations is to allow for the same three types of operator's licence to be issued, but in one of two categories. If an operator's licence (of any type) authorises the use of one or more heavy goods vehicles, then it is a heavy goods vehicle licence (whether or not it also authorises the use of one or more light goods vehicles). If an operator's licence authorises the use of one or more light goods vehicles, but no heavy goods vehicle, then it is a light goods vehicle licence.

The amendments define a "heavy goods vehicle" as a goods vehicle exceeding 3.5 tonnes when laden and a "light goods vehicle" as a goods vehicle not exceeding 3.5 tonnes when laden.

Table 2: Operator's licences that may be issued after amendments

Name	**Operator's licence**	
Category	**Heavy goods vehicle licence**	**Light goods vehicle licence**
Type	Restricted Standard-national Standard-international	Restricted Standard-national Standard-international

After the commencement of the Regulations, a pre-existing operator's licence becomes a heavy goods vehicle licence and may be varied (on application) to authorise one or more light goods vehicles, for example, if it does not already authorise a sufficient number of goods vehicles.

A light goods vehicle licence is available to any person who uses only light goods vehicles for the carriage of goods. A standard-international light goods vehicle licence is sufficient for a person who is obligated after 11 p.m. on 20th May 2022 to hold an operator's licence to use a light goods

vehicle for the carriage of goods for hire or reward outside the United Kingdom. No person is obligated to hold a light goods vehicle licence (of any type) for any other reason.

These Regulations amend the laws referred to below also to implement further licensing obligations under the TCA, to consolidate laws, and to omit redundant provisions.

Part 2: Amendment of Regulation (EC) No 1071/2009

Part 2 amends Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (EUR 2009/1071; "EUR 2009/1071").

The amendments are consequential on the amendments made to the Goods Vehicles (Licensing of Operators) Act 1995 (c. 23) by Part 6, the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2 (N.I.)) by Part 10 and the Goods Vehicles (Qualifications of Operators) Regulations (Northern Ireland) 2012 (S.I. 2012/257 (N.I.)) by Part 12.

Part 3: Amendment of Regulation (EC) No 1072/2009

Part 3 amends Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (EUR 2009/1072; "EUR 2009/1072").

The amendment to Article 1 of EUR 2009/1072, which comes into force at 11 p.m. on 20th May 2022, implements Article 463(1) to (3) of the TCA.

Article 463(1) to (3) obligates the United Kingdom to require a driver of a vehicle exceeding 2.5 tonnes when laden that is being used in the United Kingdom for hire or reward as part of an international carriage of goods to carry a UK Licence for the Community or a Community licence.

The amendment to Article 8 clarifies that a driver who works for a holder of a Community licence, but who is not a national of the United Kingdom or a member State, must hold an EU driver attestation.

The terms "vehicle", "driver", "international carriage", "UK Licence for the Community", "Community licence" and "EU driver attestation" are defined in Article 2 of EUR 2009/1072.

Part 4: Amendment of the Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019

Part 4 amends the Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708) to remedy its extent provision.

The effect of Part 4 is that amendments to a law of England and Wales and Scotland cease to extend to Northern Ireland and amendments to a law of Northern Ireland cease to extend to England and Wales and Scotland.

Part 5: Amendment of the Road Transport Operator Regulations 2011

Part 5 amends the Road Transport Operator Regulations 2011 (S.I. 2011/2632).

The amendments omit provisions that are redundant following amendments to EUR 2009/1071 made by the Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708) and Part 2 of these Regulations.

Part 6: Amendment of the Goods Vehicles (Licensing of Operators) Act 1995

Part 6 amends the Goods Vehicles (Licensing of Operators) Act 1995 (c. 23); "the 1995 Act").

In summary, the amendments:

- implement Article 464(d) of the TCA, with the effect that, under the law of England and Wales and Scotland, only the holder of a standard-international operator's licence may, at or after 11 p.m. on 21st May 2022, carry goods outside the United Kingdom for hire or reward using a goods vehicle that has a maximum laden weight exceeding 2.5 tonnes;
- functionally separate operator's licences into "heavy goods vehicle licence" and "light goods vehicle licence" categories;
- provide discretion for a traffic commissioner to have regard to the obligations of the United Kingdom under the TCA in exercising any relevant functions under the 1995 Act;
- implement the obligations under Article 5(b) and (c) of Section 1 of Part A of Annex 31 to the TCA by making it an explicit requirement of a standard licence that its holder is subject to tax on revenues, has a value added tax number and, if a company, is a registered company;
- re-implement obligations under Articles 459 to 464 of, and Section 1 of Part A of Annex 31 to, the TCA to consolidate parallel provisions in EUR 2009/1071;
- provide for pre-existing operators' licences to be treated as heavy goods vehicle licences;
- allow an operator requiring a light goods vehicle licence to apply to the Secretary of State for a time-limited exemption from the requirement for an individual to be professionally competent if the individual has significant prior experience managing the use of light goods vehicles.

The terms "operator's licence", "goods vehicle", "maximum laden weight", "heavy goods vehicle licence", "light goods vehicle licence", "traffic commissioner" and "standard licence" are defined in section 58(1) of the 1995 Act (as amended by these Regulations).

Part 7: Amendment of the Goods Vehicles (Licensing of Operators) Regulations 1995

Part 7 amends the Goods Vehicles (Licensing of Operators) Regulations 1995 (S.I. 1995/2869).

The amendments are consequential on the amendments made to the 1995 Act by Part 6.

Part 8: Amendment of the Goods Vehicles (Licensing of Operators) (Fees) Regulations 1995

Part 8 amends the Goods Vehicles (Licensing of Operators) (Fees) Regulations 1995 (S.I. 1995/3000).

The amendments ensure the existing fees framework applies to the issuing of an operator's licence under which the use of a light goods vehicles is authorised.

Part 9: Amendment of the Goods Vehicles (Community Licences) Regulations 2011

Part 9 amends the Goods Vehicles (Community Licences) Regulations 2011 (S.I. 2011/2633).

The amendments are consequential on the amendments to EUR 2009/1071 made by the Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019.

Part 10: Amendment of the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010

Part 10 amends the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2 (N.I.); "the 2010 Act").

In summary, the amendments:

— implement Article 464(d) of the TCA, with the effect that, under the law of Northern Ireland, only the holder of a standard-international operator's licence may, at or after 11 p.m. on 21st May 2022, carry goods outside the United Kingdom for hire or reward using a goods vehicle that has a relevant plated weight exceeding 2.5 tonnes, but does not form part of a vehicle combination;

— functionally separate operator's licences into "heavy goods vehicle licence" and "light goods vehicle licence" categories;

— re-implement obligations under Articles 459 to 464 of, and Section 1 of Part A of Annex 31 to, the TCA to consolidate parallel provisions in EUR 2009/1071;

— provide for pre-existing operators' licences to be treated as heavy goods vehicle licences.

The terms "operator's licence", "goods vehicle", "relevant plated weight", "vehicle combination", "heavy goods vehicle licence" and "light goods vehicle licence" are defined in section 58(1) of the 2010 Act (as amended by these Regulations).

Part 11: Amendment of the Goods Vehicles (Licensing of Operators) (Exemption) Regulations (Northern Ireland) 2012

Part 11 amends the Goods Vehicles (Licensing of Operators) (Exemption) Regulations (Northern Ireland) 2012 (S.I. 2012/256 (N.I.)).

The amendments implement Article 464(d) of the TCA in relation to a goods vehicle forming part of a vehicle combination that has a relevant plated weight exceeding 2.5 tonnes. An amendment also removes redundant words in the Schedule.

Part 12: Amendment of the Goods Vehicles (Qualifications of Operators) Regulations (Northern Ireland) 2012

Part 12 amends the Goods Vehicles (Qualifications of Operators) Regulations (Northern Ireland) 2012 (S.I. 2012/257 (N.I.)).

In summary, the amendments:

— are consequential on the amendments made to the 2010 Act by Part 10;

— implement the obligations under Article 5(b) and (c) of Section 1 of Part A of Annex 31 to the TCA by making it an explicit requirement of a standard licence that its holder is subject to tax on revenues, has a value added tax number and, if a company, is a registered company;

— re-implement obligations under Articles 459 to 464 of, and Section 1 of Part A of Annex 31 to, the TCA to consolidate parallel provisions in EUR 2009/1071;

— allow an operator requiring a light goods vehicle licence to apply to the Department for Infrastructure for a time-limited exemption from the requirement for an individual to be professionally competent if the individual has significant prior experience managing the use of light goods vehicles.

Part 13: Amendment of the Goods Vehicles (Licensing of Operators) Regulations (Northern Ireland) 2012

Part 13 amends the Goods Vehicles (Licensing of Operators) Regulations (Northern Ireland) 2012 (S.I. 2012/261 (N.I.)).

The amendments are consequential on the amendments made to the 2010 Act by Part 10 and to the Goods Vehicles (Qualifications of Operators) Regulations (Northern Ireland) 2012 by Part 12.

Part 14: Amendment of the Goods Vehicles (Community Licence) Regulations (Northern Ireland) 2013

Part 14 amends the Goods Vehicles (Community Licence) Regulations (Northern Ireland) 2013 (S.I. 2013/115 (N.I.)).

The amendments are consequential on the amendments to EUR 2009/1071 made under the Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019.

Further information

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary, or public sector is foreseen.

A copy of the Explanatory Memorandum is published alongside this instrument at https://www.legislation.gov.uk/.

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