EXPLANATORY MEMORANDUM TO

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

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under section 1(2)(d) and (3)(b) of the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 and is subject to the draft affirmative resolution procedure.

2. Purpose

2.1. The Regulations clarify which vehicles will not require the Operator to obtain an Operator's licence due to the weight or combined weight of the vehicles being used. The Regulations also clarify the vehicles that are exempt from the requirement of an operator's licence due to their construction or function.

3. Background

3.1. The Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 ("the Goods Vehicles Act") was made on 22 January 2010 and replaces many of the provisions of the 1967 Act. This new legislation is based on the Great Britain Goods Vehicles (Licensing of Operators) Act 1995 as amended and gives the Department the powers to align goods vehicle operator licensing with the rest of the UK.

4. Consultation

4.1 The Department consulted in 2003 on the policy for the Primary Act and throughout 2010, 2011 and 2012 on the regulations. Response rate to all the consultations were low but the responses received were generally supportive of the new legislation.

5. Equality Impact

5.1 The proposals were subject to an equality impact assessment screening. As a result of the screening it was considered that a full EQIA was not required as the proposal did not impact negatively on any of the groupings identified by section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment was carried out and will be made available from

7. Financial Implications

7.1 The Department in setting fees for operator licensing has to ensure that it covers its costs including set up costs and it has endeavoured to keep these

at as low a level as possible. It has undertaken a review of its costs, the outcome of which has meant that fees in Northern Ireland are to be 7% higher than those in Great Britain.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Department has considered the matter of Convention rights and Community law and is satisfied that the proposed statutory rule is not incompatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 None

10. Parity or Replicatory Measure

10.1 Implementation of the Goods Vehicle Act will bring the operator licensing system broadly into line with the rest of the United Kingdom.

11. Additional Information

11.1. Not applicable.