STATUTORY INSTRUMENTS

1969 No. 1423

ROAD TRAFFIC

The Goods Vehicles (Carriers' Licences) (Temporary Use in Great Britain) Regulations 1969

Made - - -	30*th September* 1969
Laid before Parliament	10*th October* 1969
Coming into Operation	11*th October* 1969

The Minister of Transport, in exercise of his powers under section 190 of the Road Traffic Act 1960(a) as amended by section 22 of the Road Traffic Act 1962(b), and of all other enabling powers, and after consultation with representative organisations in accordance with the provisions of section 260(2) of the said Act of 1960, and with the Council on Tribunals in relation to Regulation 13 of and Schedule 3 to these Regulations in accordance with the requirements of section 8 of the Tribunals and Inquiries Act 1958(c), hereby makes the following Regulations :—

Citation and Commencement

1. These Regulations may be cited as the Goods Vehicles (Carriers' Licences) (Temporary Use in Great Britain) Regulations 1969, and shall come into operation on 11th October 1969.

Revocation and Savings

2.—(1) The Regulations specified in Schedule 1 to these Regulations are hereby revoked.

(2) In so far as any permit granted under any Regulations revoked by these Regulations could have been granted under a corresponding provision of these Regulations it shall not be invalidated by the revocation but shall have effect as if granted under that corresponding provision.

Interpretation

3.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them :—

"the Act" means the Road Traffic Act 1960;

"foreign goods vehicle" means a goods vehicle—

(*a*) which has been brought temporarily into Great Britain and does not remain in Great Britain for more than 90 days; and

(*b*) which is engaged on a journey carrying goods by road, and has used on its journey, or will use before the end of its journey, roads outside the United Kingdom; and

(a) 8 & 9 Eliz. 2. c. 16.
(b) 10 & 11 Eliz. 2. c. 59.
(c) 6 & 7 Eliz. 2. c. 66.

(*c*) which is not used at any time during the said journey for the carriage of goods loaded at one place in the United Kingdom and delivered at another place in the United Kingdom ; and

"Northern Ireland goods vehicle" means a goods vehicle–

(*a*) which has been brought temporarily into Great Britain and does not remain in Great Britain for more than 90 days ; and

(*b*) which is engaged on a journey carrying goods by road, and has used on its journey, or will use before the end of its journey, roads outside Great Britain ; and

(*c*) which is not used at any time during the said journey for the carriage of goods loaded at one place in Great Britain and delivered at another place in Great Britain ; and

(*d*) which, in the case of a motor vehicle, is registered in Northern Ireland ; and

(*e*) which, in the case of a trailer, is only drawn in Great Britain by a motor vehicle which is a Northern Ireland goods vehicle.

(2) In these Regulations, unless the context otherwise requires, any reference to the use of a goods vehicle for the carriage of goods shall be construed as a reference to the use of that vehicle on roads for the carriage of those goods for hire or reward or for or in connection with any trade or business carried on by the user of the vehicle.

(3) In these Regulations, except Regulation 4 thereof, any description of the goods which may be carried in Great Britain by a goods vehicle which refers specifically to or includes under a general description any such goods as are specified in Schedule 2 to these Regulations shall be construed as referring to or including any such goods only if other goods not so specified are also carried on the vehicle.

(4) The Interpretation Act 1889(**a**) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament, and as if for the purposes of section 38 of that Act these Regulations were an Act of Parliament and the Regulations revoked by Regulation 2 of these Regulations were Acts of Parliament thereby repealed.

Exemption for Northern Ireland and foreign goods vehicles used for certain purposes

4. Section 164 of the Act (users of certain goods vehicles to hold carriers' licences) shall not apply to the use in Great Britain of a Northern Ireland or foreign goods vehicle for the carriage only of such goods as are specified in Schedule 2 to these Regulations.

Exemption for Austrian goods vehicles in certain cases

5.—(1) In this Regulation—

"Austrian goods vehicle" means a foreign goods vehicle—

(*a*) which is owned by or operated by or on behalf of a person—

(i) who is authorised under Austrian law to use that vehicle for the carriage of goods in the Republic of Austria ; or

(ii) who, if Austrian law permits him so to use that vehicle without being so authorised, uses that vehicle primarily or substantially for that purpose in that country ; and

(**a**) 52 & 53 Vict. c. 63.

(*b*) which, in the case of a trailer, is only drawn in Great Britain by a motor vehicle which is an Austrian goods vehicle; and

"relevant date" means the date on which the Arrangement between the Minister of Transport in the Government of the United Kingdom of Great Britain and Northern Ireland and the Minister of Trade, Commerce and Industry of the Republic of Austria concerning the international carriage of goods by road dated the 29th May 1969 comes into effect, which date shall be notified in the London Gazette.

(2) On and after the relevant date section 164 of the Act shall not apply to the use in Great Britain of an Austrian goods vehicle for the carriage of such goods as are specified in the next following paragraph of this Regulation.

(3) The goods referred to in the last preceding paragraph of this Regulation are:—

(*a*) any such goods as are specified in Schedule 2 to these Regulations;

(*b*) any goods, being—

(i) works of art;

(ii) goods exclusively for publicity or educational purposes, occasionally;

(iii) properties, equipment or animals being carried to or from theatrical, musical, cinematographic or circus performances or sporting events, exhibitions or fairs, or to or from the making of radio or television broadcasts or films;

(iv) goods for fairs and exhibitions;

(v) household removals being carried out by undertakings having specialised personnel and equipment for that purpose;

(*c*) any goods being carried for or in connection with any trade or business carried on by the user of the vehicle if the vehicle has a document containing sufficient particulars of the user, his trade or business, the goods, their loading and unloading points, the vehicle, and the route;

(*d*) any goods if the vehicle has a permit for the journey, issued by the Minister of Transport.

Exemption for French goods vehicles in certain cases

6.—(1) In this Regulation—

"French goods vehicle" means a foreign goods vehicle which is owned by or operated by or on behalf of a person—

(*a*) who is authorised under French law to use that vehicle for the carriage of goods in the French Republic; or

(*b*) who, if French law permits him so to use that vehicle without being so authorised, uses that vehicle primarily or substantially for that purpose in that country; and

"relevant date" means the date on which the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic on the International Carriage of Goods by Road dated the 28th March 1969 first comes into force for the United Kingdom, which date shall be notified in the London Gazette.

(2) On and after the relevant date section 164 of the Act shall not apply to the use in Great Britain of a French goods vehicle for the carriage of such goods as are specified in the next following paragraph of this Regulation.

(3) The goods referred to in the last preceding paragraph of this Regulation are:—

(*a*) any such goods as are specified in Schedule 2 to these Regulations;

(*b*) the effects of persons to or from an airport;

(*c*) refuse and sewage;

(*d*) any goods if there is carried on the vehicle a permit for the journey, issued by the Minister of Transport.

Exemption for German goods vehicles in certain cases

7.—(1) In this Regulation "German goods vehicle" means a foreign goods vehicle—

(*a*) which is owned by or operated by or on behalf of a person—

(i) who is authorised under the law of the Federal Republic of Germany to use that vehicle for the carriage of goods in the Federal Republic of Germany; or

(ii) who, if the law of the Federal Republic of Germany permits him so to use that vehicle without being so authorised, uses that vehicle primarily or substantially for that purpose in that country; and

(*b*) which, in the case of a trailer, is only drawn in Great Britain by a motor vehicle which is a German goods vehicle.

(2) Section 164 of the Act shall not apply to the use in Great Britain of a German goods vehicle for the carriage of such goods as are specified in the next following paragraph of this Regulation between any two countries provided the route of the journey between them has used, or will use before the end of the journey, roads in the Federal Republic of Germany.

(3) The goods referred to in the last preceding paragraph of this Regulation are:—

(*a*) any such goods as are specified in Schedule 2 to these Regulations;

(*b*) any goods being carried for hire or reward and being—

(i) the effects of persons to or from an airport;

(ii) works of art;

(iii) objects or material exclusively for publicity or educational purposes, occasionally;

(iv) properties or equipment to or from theatrical, musical, film or sporting events, circuses, exhibitions or fairs, or to or from the making of radio or television broadcasts or films;

(v) goods intended for fairs and exhibitions;

(vi) live animals, other than animals intended for slaughter;

(*c*) any goods being carried for or in connection with any trade or business carried on by the user of the vehicle, if there is carried on the vehicle a document containing the following particulars, that is to say:—

(i) the place at which and the date on which the document was made out;

(ii) the name and address of the user and an accurate description of the nature of his business;

(iii) if the goods are to be accepted from, or delivered to, any other person, the name and address of that other person and an accurate description of the nature of his business;

(iv) the loading point or points;

(v) the unloading point or points;

(vi) the nature of the load;

(vii) the gross weight, or other indication of quantity, of the load;

(viii) the carrying capacity of the vehicle, by weight;

(ix) the index mark and registration number of the vehicle, or if those do not exist, the number of the chassis;

(x) the distance of loaded journey in Great Britain, in kilometres;

(xi) the point or points at which the vehicle will enter and leave Great Britain; and

(xii) the signature of the user or his authorised representative;

(*d*) any goods if there is carried on the vehicle a permit for the journey, issued by the Minister of Transport.

Exemption for Italian goods vehicles in certain cases

8.—(1) In this Regulation—

"Italian goods vehicle" means a foreign goods vehicle which is owned by or operated by or on behalf of a person who is authorised under Italian law to use that vehicle for the carriage of goods in the Italian Republic; and

"relevant date" means the date on which the Arrangement between the Minister of Transport in the Government of the United Kingdom of Great Britain and Northern Ireland and the Minister of Transport and Civil Aviation of the Italian Republic concerning the international carriage of goods by road dated the 17th July 1969 comes into effect, which date shall be notified in the London Gazette.

(2) On and after the relevant date section 164 of the Act shall not apply to the use in Great Britain of an Italian goods vehicle for the carriage of such goods as are specified in the next following paragraph of this Regulation—

(*a*) between the Italian Republic and the United Kingdom; or

(*b*) in transit through the United Kingdom, between any two other countries.

(3) The goods referred to in the last preceding paragraph of this Regulation are any goods, if there is carried on the vehicle a permit for the journey, issued by the Minister of Transport.

Exemption for Netherlands goods vehicles in certain cases

9.—(1) In this Regulation—

"Netherlands goods vehicle" means a foreign goods vehicle—

(*a*) which is owned by or operated by or on behalf of a person—

(i) who is authorised under Netherlands law to use that vehicle for the carriage of goods in the Kingdom of the Netherlands; or

(ii) who, if Netherlands law permits him so to use that vehicle without being so authorised, uses that vehicle primarily or substantially for that purpose in that country; and

(*b*) which, in the case of a trailer, is only drawn in Great Britain by a motor vehicle which is a Netherlands goods vehicle; and

"relevant date" means the date on which the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of the Netherlands on the International Carriage of Goods by Road dated 19th September 1969 first comes into force for the United Kingdom, which date shall be notified in the London Gazette.

(2) On and after the relevant date section 164 of the Act shall not apply to the use in Great Britain of a Netherlands goods vehicle for the carriage of any goods.

Exemption for Rumanian goods vehicles in certain cases

10.—(1) In this Regulation—

"relevant date" means the date on which the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Socialist Republic of Rumania on International Road Transport dated the 12th June 1969 first comes into force for the United Kingdom, which date shall be notified in the London Gazette; and

"Rumanian goods vehicle" means a foreign goods vehicle—

(*a*) which, in the case of a motor vehicle, is registered in the Socialist Republic of Rumania; and

(*b*) which, in the case of a trailer, is only drawn in Great Britain by a motor vehicle which is a Rumanian goods vehicle.

(2) On and after the relevant date section 164 of the Act shall not apply to the use in Great Britain of a Rumanian goods vehicle for the carriage of any goods—

(*a*) between the Socialist Republic of Rumania and the United Kingdom; or

(*b*) in transit through the United Kingdom, between any two other countries; or

(*c*) if the Minister of Transport has authorised such use, between the United Kingdom and any other country except the Socialist Republic of Rumania.

Exemption for Swedish goods vehicles in certain cases

11.—(1) In this Regulation "Swedish goods vehicle" means a foreign goods vehicle—

(*a*) which is owned by or operated by or on behalf of a person—
(i) who is authorised under Swedish law to use that vehicle for the carriage of goods in the Kingdom of Sweden ; or

(ii) who, if Swedish law permits him so to use that vehicle without being so authorised, uses that vehicle primarily or substantially for that purpose in that country ; and

(*b*) which, in the case of a trailer, is only drawn in Great Britain by a motor vehicle which is a Swedish goods vehicle.

(2) Section 164 of the Act shall not apply to the use in Great Britain of a Swedish goods vehicle for the carriage of any goods.

Exemption for Yugoslav goods vehicles in certain cases

12.—(1) In this Regulation—

"relevant date" means the date on which the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Socialist Federal Republic of Yugoslavia on the International Carriage of Goods by Road dated the 3rd February 1969 first comes into force for the United Kingdom, which date shall be notified in the London Gazette ; and

"Yugoslav goods vehicle" means a foreign goods vehicle—

(*a*) which is owned by or operated by or on behalf of a person—

(i) who is authorised under Yugoslav law to use that vehicle for the carriage of goods in the Socialist Federal Republic of Yugoslavia ; or

(ii) who, if Yugoslav law permits him so to use that vehicle without being so authorised, uses that vehicle primarily and substantially for that purpose in that country ; and

(*b*) which, in the case of a trailer, is only drawn in Great Britain by a motor vehicle which is a Yugoslav goods vehicle.

(2) On and after the relevant date section 164 of the Act shall not apply to the use in Great Britain of a Yugoslav goods vehicle for the carriage of such goods as are specified in the next following paragraph of this Regulation—

(*a*) between the Socialist Federal Republic of Yugoslavia and the United Kingdom ; or

(*b*) in transit through the United Kingdom, between any two other countries ; or

(*c*) if the Minister of Transport has authorised such use, between the United Kingdom and any other country except the Socialist Federal Republic of Yugoslavia.

(3) The goods referred to in the last preceding paragraph of this Regulation are:—

(*a*) any such goods as are specified in Schedule 2 to these Regulations;

(*b*) any goods being—

(i) works of art;

(ii) articles and equipment exclusively for publicity or educational purposes, occasionally;

(iii) properties, equipment or animals to or from theatrical, musical, cinematographic or circus performances or sporting events, exhibitions or fairs, or to or from the making of radio or television broadcasts or films;

(iv) goods for fairs or exhibitions;

(v) household effects by undertakings having specialised personnel and equipment for that purpose;

(vi) any goods where the total laden weight of the motor vehicle and any trailer drawn thereby does not exceed 6,000 kilograms;

(*c*) any goods if there is carried on the vehicle a permit for the journey, issued by the Minister of Transport.

Simplified procedure for the grant, etc. of carriers' licences

13.—(1) Part IV of the Act and the Goods Vehicles (Licences and Prohibitions) Regulations 1960(**a**), as amended (**b**), shall apply subject to the modifications and adaptations specified in Schedule 3 to these Regulations to the use (not being a use to which section 164 of the Act does not apply by virtue of any of the foregoing Regulations) in Great Britain of a Northern Ireland or foreign goods vehicle for the carriage of any goods.

(2) For the purposes of the last preceding paragraph of this Regulation, any requirement in any of the foregoing Regulations to have a permit, document or authorisation shall be disregarded in order to ascertain whether the use of a vehicle is a use to which section 164 of the Act does not apply by virtue of any of the foregoing Regulations.

Given under the Official Seal of the Minister of Transport the 30th September 1969.

(L.S.)

Richard Marsh,
Minister of Transport.

(**a**) S.I. 1960/1505 (1960 III, p. 3020).
(**b**) There is no relevant amending instrument.

SCHEDULE 1

REGULATIONS REVOKED BY REGULATION 2

Title	Year and Number
The Goods Vehicles (Temporary Use in Great Britain) Regulations 1967.	S.I. 1967/252 (1967 I, p. 956).
The Goods Vehicles (Temporary Use in Great Britain) (No. 2) Regulations 1967.	S.I. 1967/1322 (1967 III, p. 3957).
The Goods Vehicles (Temporary Use in Great Britain) (No. 3) Regulations 1967.	S.I. 1967/1324 (1967 III, p. 3960).
The Goods Vehicles (Temporary Use in Great Britain) Regulations 1968.	S.I. 1968/1168 (1968 II, p. 3152).

SCHEDULE 2 (see Regulations 4, 5, 6, 7 and 12)

GOODS WHICH MAY BE CARRIED IN GREAT BRITAIN BY A NORTHERN IRELAND OR A FOREIGN GOODS VEHICLE WITHOUT A CARRIER'S LICENCE

1. Goods or the effects of passengers being carried to or from an airport in a case where an air service has been diverted.

2. Postal packets (as defined by section 87 of the Post Office Act 1953(a)).

3. Damaged vehicles.

4. Animal corpses (other than those intended for human consumption) for the purpose of disposal.

5. Bees or fish stock.

6. The body of a deceased person.

SCHEDULE 3 (see Regulation 13)

MODIFICATION AND ADAPTATIONS OF PART IV OF THE ACT AND THE GOODS VEHICLES (LICENCES AND PROHIBITIONS) REGULATIONS 1960, AS AMENDED, IN RELATION TO CERTAIN GOODS VEHICLES BROUGHT TEMPORARILY INTO GREAT BRITAIN

1. Part IV of the Act shall have effect:—

(*a*) as if in section 170(1) before the words "a carrier's licence of any class" there were added the words "or with a view to enabling goods vehicles brought temporarily into Great Britain to be used,";

(*b*) as if in section 171(1) for the words "the licensing authority for the area in which the applicant's operating centre is situated" there were substituted the words "such licensing authority as the Minister may from time to time direct.";

(a) 1 & 2 Eliz. 2. c. 36.

(*c*) as if section 171(2) were omitted;

(*d*) as if in section 171(3) for the words "the licensing authority either for the area in which the principal place of business is situated or for the area in which his head office is situated" there were substituted the words "such licensing authority as the Minister may from time to time direct";

(*e*) as if in section 172(1) for the words "in the prescribed form" to the end of the paragraph there were substituted the words "containing such particulars as he may require.";

(*f*) as if section 172(2) were omitted;

(*g*) as if section 172(3) were omitted;

(*h*) as if in section 173(1) after sub-paragraph (*d*) there were added the following sub-paragraph:—

"(*e*) an application in respect of a vehicle brought temporarily into Great Britain.";

(*i*) as if section 174(7) were omitted;

(*j*) as if in section 175(1) after the words "carrier's licence" there were inserted the words "other than a short term carrier's licence granted pursuant to section 170(1) with a view to enabling goods vehicles brought temporarily into Great Britain to be used,";

(*k*) as if in section 176(2) the references to sections 172 and 174 were references to those sections as modified and adapted by these Regulations;

(*l*) as if section 176(3) were omitted;

(*m*) as if section 176(4) were omitted;

(*n*) as if section 176(5) were omitted;

(*o*) as if in section 178(1) there were added after sub-paragraph (*e*) the following sub-paragraph:—

"(*f*) that any fee charged by a licensing authority in respect of the grant or variation of a carrier's licence has not been received after one month from the date of the grant or variation of the licence."; and

(*p*) as if in section 182(1) there were added the following proviso:—

"Provided that in the case of vehicles brought temporarily into Great Britain the licensing authority may waive the payment of such fees at his discretion.".

2. The Goods Vehicles (Licences and Prohibitions) Regulations 1960 as amended shall have effect:—

(*a*) as if in Regulation 4 after paragraph (6) there were inserted the following paragraph:—

"(7) Paragraphs (1), (2), (4), (5) and (6) of this Regulation shall not apply to an application for a carrier's licence to authorise the use of a vehicle brought temporarily into Great Britain.";

(*b*) as if paragraphs (13) and (14) of Regulation 13 commenced with the words "Except in the case of a licence which authorises the use of a vehicle brought temporarily into Great Britain"; and

(*c*) as if in Regulation 17 before the words "may elect" there were inserted the words:—

"except in the case of a licence which authorises the use of a vehicle brought temporarily into Great Britain where the holder shall produce it at a place specified by the person requiring its production,".

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate with modifications the Regulations revoked by Regulation 2.

The principal change is that Austrian, French, Italian, Netherlands, Rumanian and Yugoslav operators of goods vehicles brought temporarily into Great Britain for certain purposes will be exempted from the requirement in section 164 of the Road Traffic Act 1960 to obtain a carrier's licence. The Regulations will enable the bringing into force of the Anglo-Austrian Arrangement referred to in Regulation 5(1), the Anglo-French Agreement referred to in Regulation 6(1) (issued as Cmnd. 4035), the Anglo-Italian Arrangement referred to in Regulation 8(1), the Anglo-Netherlands Agreement referred to in Regulation 9(1), the Anglo-Rumanian Agreement referred to in Regulation 10(1) (issued as Cmnd. 4129) and the Anglo-Yugoslav Agreement referred to in Regulation 12(1) (issued as Cmnd. 3987). The exemption for an operator from one of these countries will come into operation when the Agreement or Arrangement with that country comes into force, which date will be notified in the London Gazette.