# 1977 No. 1737

# ROAD TRAFFIC
# The Goods Vehicles (Operators' Licences) Regulations 1977

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| *Made* - - - - | *25th October* 1977 |
| *Laid before Parliament* | *7th November* 1977 |
| *Coming into Operation* | *28th November* 1977 |

## ARRANGEMENT OF REGULATIONS

**PART I**

GENERAL

Regulation

Commencement, citation and revocation ... ... ... 1
Interpretation ... ... ... ... ... ... 2

PART II

CASES IN WHICH AN OPERATOR'S LICENCE IS NOT REQUIRED

Cases in which an operator's licence is not required ... ... 3

PART III

THE GRANT AND VARIATION OF OPERATORS' LICENCES

Applications for the grant or variation of operators' licences ... 4
Date of submission of applications ... ... ... ... 5
Copies of applications and operators' licences available for inspection ... ... ... ... ... ... 6
Statement to be issued by the licensing authority ... ... 7
Trade unions and associations which may object to the grant or variation of an operator's licence ... ... ... 8
Notice of objections ... ... ... ... ... 9
Procedure at inquiries ... ... ... ... ... 10

PART IV

MISCELLANEOUS FURTHER PROVISIONS WITH RESPECT TO OPERATORS' LICENCES

Identification of specified vehicles ... ... ... ... 11
Temporary addition of a specified vehicle ... ... ... 12
Notification of change of address ... ... ... ... 13
Production of operators' licences for examination ... ... 14
Issue of copies of operators' licences and identity discs ... 15
Return of operators' licences and identity discs to the licensing authority ... ... ... ... ... ... 16
Expiry of operators' licences ... ... ... ... 17

PART V

CERTIFICATE OF QUALIFYING EXPERIENCE (PROFESSIONAL COMPETENCE)

Regulation

Application for certificate of qualifying experience (professional competence) ... ... ... ... ... ... 18

PART VI

SUPPLEMENTARY

Definition of "relevant plated weight" ... ... ... 19
Metrication of weights in section 60(4) of the Act ... ... 20
Death, bankruptcy, etc., of the holder of an operator's licence ... 21
Holding Companies and subsidiaries ... ... ... 22
Computation of time ... ... ... ... ... 23
Offences ... ... ... ... ... ... 24

SCHEDULES

Page

1. Cases in which an operator's licence is not required ... 13
2. Notice of objection ... ... ... ... ... 15
3. Modifications of Part V of the Act and these Regulations in relation to holding companies and subsidiaries ... ... 17

The Secretary of State for Transport, in exercise of the powers conferred by sections 60(2) and (4), 63(1), (3) and (4), 67(2), 69(4), 71(6), 85, 86, 87(4) and 91(1), (2), (3) and (5) of the Transport Act 1968(**a**) as amended by section 16 of, and Schedule 4 to, the Road Traffic Act 1974(**b**), and by Regulations 3 and 11 of the Goods Vehicle Operators (Qualifications) Regulation 1977(**c**), and now vested in him(**d**), and of all other enabling powers, and after consultation with representative organisations in accordance with section 91(8) of the said Act of 1968, and with the Council on Tribunals in accordance with the requirements of section 10 of the Tribunals and Inquiries Act 1971(**e**), hereby makes the following Regulations:—

PART I

GENERAL

*Commencement, citation and revocation*

**1.**—(1) These Regulations shall come into operation on 28th November 1977, and may be cited as the Goods Vehicles (Operators' Licences) Regulations 1977.

(2) The Goods Vehicles (Operators' Licences) Regulations 1969(**f**), the Goods Vehicles (Operators' Licences) (Amendment) Regulations 1976(**g**) and the Goods Vehicles (Operators' Licences) (Amendment) (No. 2) Regulations 1976(**h**) are hereby revoked.

(**a**) 1968 c. 73. (**b**) 1974 c. 50. (**c**) S.I. 1977/1462 (1977 II, p. 4341).
(**d**) S.I. 1970/1681 (1970 III, p. 5551). (**e**) 1971 c. 62.
(**f**) S.I. 1969/1636 (III, p. 5141). (**g**) S.I. 1976/292 (1976 I, p. 751).
(**h**) S.I. 1976/1257 (1976 II, p. 3553).

(3) In so far as any application made, notice given, licence, identity disc, statement or other document granted or issued, inquiry begun or held, or other thing done under the Regulations revoked by paragraph (2) above could have been made, given, granted, issued, begun, held or done under a corresponding provision of these Regulations, it shall not be invalidated by the said revocation but shall have effect as if made, given, granted, issued, begun, held or done under that corresponding provision.

(4) Any reference (whether specific or general) in any such application, notice, identity disc, statement or other document as is mentioned in paragraph (3) above to any provision of the Regulations revoked by paragraph (2) above shall, unless the context otherwise requires, be construed as a reference to the corresponding provision of these Regulations.

(5) Paragraphs (3) and (4) above shall have effect without prejudice to the operation of section 38 of the Interpretation Act 1889(a) (which relates to the effect of repeals) as it applies for the purpose of these Regulations by virtue of Regulation 2(5) below.

*Interpretation*

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

"the Act" means the Transport Act 1968;

"application," except in Regulation 18 of these Regulations, means an application for an operator's licence, or for the variation of an operator's licence by a direction under section 68 of the Act;

"Applications and Decisions" means the statement issued by the licensing authority under Regulation 7 of these Regulations;

"certificate of qualifying experience (professional competence)" means a certificate under Regulation 9(8) of the Qualifications Regulations.

"the holder of an operator's licence" means the person to whom the licence was granted;

"identity disc" means a disc issued to the holder of an operator's licence in respect of a motor vehicle specified in the licence for the purpose of enabling the vehicle to be identified as a specified vehicle;

"international transport operations" and "national transport operations" have the meanings given in Regulation 2 of the Qualifications Regulations;

"notifiable application" means an application of which publication is required by section 63(1) or 68(4) of the Act;

"the Qualifications Regulations" means the Goods Vehicle Operators (Qualifications) Regulations 1977;

"standard operator's licence" and "restricted operator's licence" have the meanings given in Regulation 3 of the Qualifications Regulations;

and any expression not defined above which is also used in Part V of the Act has the same meaning as in that Part of the Act.

(a) 1889 c. 63.

(2) Any reference in these Regulations to an operator's licence, except in the expressions "standard operator's licence" and "restricted operator's licence", is a reference to a licence which is either a standard operator's licence or a restricted operator's licence and the expression "operators' licences" (not preceded by "standard" or "restricted") includes both standard and restricted operators' licences.

(3) In these Regulations the expressions "standard operator's licence" and "restricted operator's licence" refer only to operators' licences granted so as to take effect on or after 1 January 1978.

(4) Any reference in these Regulations to any enactment or instrument shall be construed, unless the context otherwise requires, as a reference to that enactment or instrument as amended by any subsequent enactment or instrument.

(5) The Interpretation Act 1889 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 1 above were Acts of Parliament thereby repealed.

## PART II

## CASES IN WHICH AN OPERATOR'S LICENCE IS NOT REQUIRED

*Cases in which an operator's licence is not required*

**3.** Section 60(1) of the Act (Users of certain goods vehicles to hold operators' licences) shall not apply to the use of a vehicle of any class specified in Schedule 1 to these Regulations.

## PART III

## THE GRANT AND VARIATION OF OPERATORS' LICENCES

*Applications for the grant or variation of operators' licences*

**4.**—(1) A separate application for the grant of an operator's licence shall be made in respect of each traffic area in which the applicant has an operating centre but no operator's licence, only one application for the grant of an operator's licence shall be made in respect of all the operating centres of the applicant in any one traffic area, and no such application (except an application for an interim licence under section 67(5) of the Act) shall be made in any traffic area whilst another such application in that traffic area has not been disposed of.

(2) Every application shall be made on the appropriate form obtainable from the licensing authority.

(3) Every application shall state whether it relates to a standard or a restricted operator's licence and every application relating to a standard operator's licence shall state whether the licence covers, or is to cover, both international and national transport operations or national transport operations only.

(4) An applicant shall not include in any application—

(*a*) a vehicle specified in a current operator's licence, unless the application is for an operator's licence to replace the operator's licence in which

the vehicle is specified or is for the purpose of having the vehicle deleted from one operator's licence and added to another;

(*b*) a vehicle specified in an operator's licence issued to him which has been suspended under section 69 of the Act during the period of such suspension, a vehicle removed from an operator's licence issued to him which has been curtailed under that section during the period of such curtailment or a vehicle specified in an operator's licence issued to him which has been revoked before the date when such revoked licence is expressed to expire; or

(*c*) a vehicle specified in another application which is still under consideration by any licensing authority, unless the applications are for the purpose of having the vehicle deleted from one operator's licence and added to another.

(5) Every application shall be signed—

(*a*) if made by a body corporate, by a person duly authorised in that behalf by such body corporate;

(*b*) if made by a partnership, by one of the partners; and

(*c*) in any other case, by the applicant.

*Date of submission of applications*

**5.**—(1) Every application shall be sent to the licensing authority so as to reach him not less than 9 weeks before the date on which it is desired that the licence or variation of the licence shall take effect.

(2) The licensing authority may accept and deal with any application notwithstanding that the requirement of paragraph (1) of this Regulation has not been complied with.

*Copies of applications and operators' licences available for inspection.*

**6.**—(1) A copy of the information given in respect of every notifiable application shall be available for inspection by any person authorised in writing in that behalf by a local authority, a chief officer of police or a trade union or association specified in Regulation 8 of these Regulations at the office of the licensing authority until the application has been determined by the licensing authority and during the currency of any licence granted or varied in respect of the application.

(2) A copy of every licence shall be available for inspection at the office of the licensing authority during the currency of the licence by any person who appears to the licensing authority to have reasonable ground for desiring to inspect it.

*Statement to be issued by the licensing authority*

**7.**—(1) The licensing authority shall cause to be issued as occasion may require a statement called "Applications and Decisions" which shall contain (unless previously notified therein)—

(*a*) as regards notifiable applications—

(i) notices of the applications;

(ii) the dates on which and the places at which he proposes to hold inquiries and the applications which he proposes to consider at those inquiries; and

(iii) the licensing authority's decisions on the applications, other than decisions to grant interim licences under section 67(5) of the Act; and

(*b*) any direction to revoke, suspend, terminate prematurely or curtail a licence given under section 69 of the Act.

(2) The publication of the date of any inquiry in "Applications and Decisions" shall not prevent the licensing authority from adjourning from time to time the consideration of any application and in particular any inquiry held or proposed to be held in connection with the application, notwithstanding that the date of any such inquiry may have been published in "Applications and Decisions".

(3) Copies of "Applications and Decisions" may be inspected at the office of the licensing authority by whom it was issued and at such other places (if any) as he may determine and copies shall be supplied to any person requiring them, on payment of the prescribed fee.

*Trade unions and associations which may object to the grant or variation of an operator's licence*

**8.**—(1) This Regulation applies to the following trade unions and associations, that is to say:—

(*a*) The Freight Transport Association;

(*b*) The General and Municipal Workers' Union;

(*c*) The National Union of Railwaymen;

(*d*) The Road Haulage Association;

(*e*) The Transport & General Workers' Union;

(*f*) The Union of Shop, Distributive and Allied Workers; and

(*g*) The United Road Transport Union.

(2) Each of the trade unions and associations to which this Regulation applies may object under section 63(3) of the Act, or under that section as applied by section 68(4) of the Act, to the grant of a notifiable application.

*Notice of objections*

**9.**—(1) Every objection in respect of an application shall be in writing in the form set out in Schedule 2 to these Regulations and shall be signed in the case of an objection by a trade union or association by a duly authorised officer thereof, and in any other case by the objector or by a person duly authorised in that behalf by the objector.

(2) Every such objection shall be sent to the licensing authority so as to reach him not later than 3 weeks after notice of the application has appeared in "Applications and Decisions" and a copy of every such objection shall be sent by the objector to the applicant at the same time as it is sent to the licensing authority.

(3) The licensing authority may consider objections notwithstanding that all or any of the requirements of paragraphs (1) and (2) of this Regulation have not been complied with.

*Procedure at inquiries*

**10.**—(1) An inquiry or any part of an inquiry held by a licensing authority in connection with an application, being an inquiry or part of an inquiry into

the financial resources which are or are likely to be available to the applicant, shall be held in private if the licensing authority so directs at the request of the applicant, but a member of the Council on Tribunals or its Scottish Committee shall be entitled to attend the hearing in his capacity as such member.

(2) An applicant for or for the variation of an operator's licence, any person who in pursuance of section 63(3) of the Act has objected to the grant or variation of an operator's licence, and any person who in pursuance of section 69(9) of the Act has requested a licensing authority to hold an inquiry shall be entitled to appear at any relevant inquiry and may be heard in person or be represented by counsel or solicitor or, with the leave of the licensing authority, by any other person.

(3) Where a licensing authority refuses an application for, or for the variation of, an operator's licence or grants such an application otherwise than in the terms applied for, it shall be his duty to furnish to the applicant and any objector a statement, either written or oral, of the reasons for his decision.

(4) Subject to the provisions of the Act and these Regulations a licensing authority may regulate the procedure of any inquiry which he holds under section 69(9) or 87 of the Act in connection with operators' licences.

## PART IV

### MISCELLANEOUS FURTHER PROVISIONS WITH RESPECT TO OPERATORS' LICENCES

*Identification of specified vehicles*

**11.**—(1) The licensing authority shall, before an operator's licence comes into force in respect of any motor vehicle specified in the licence, issue to the holder of the licence an identity disc in respect of each such vehicle.

(2) Identity discs issued in respect of vehicles shall distinguish—

(*a*) between vehicles specified in a standard operator's licence and vehicles specified in a restricted operator's licence,

(*b*) in the case of vehicles specified in a standard operator's licence, between those specified in a licence which covers both international and national transport operations and those specified in a licence which covers national transport operations only.

(3) The holder of an operator's licence shall, during such time as any motor vehicle is specified in the licence and whether or not for the time being the vehicle is being used for the purpose for which a licence is required, cause a valid identity disc appropriate to the vehicle to be affixed to that vehicle in a waterproof container—

(*a*) in the case of a vehicle used under a licence which has been issued in respect of that vehicle under the Vehicles (Excise) Act 1971(**a**) and is affixed to the vehicle in accordance with the requirements of the Road Vehicles (Registration and Licensing) Regulations 1971(**b**), in a place on the vehicle adjacent to that licence; and

(*b*) in any other case, in or adjacent to the place on the vehicle where a licence issued in respect of that vehicle under the last mentioned Act

(**a**) 1971 c. 10. (**b**) S.I. 1971/450 (1971 I, p. 1305).

would be required to be affixed in accordance with the requirements of the last mentioned Regulations.

(4) At all times while an identity disc is affixed to a vehicle in accordance with the requirements of paragraph (3) of this Regulation the person for the time being in control of that vehicle shall keep that disc readily legible.

*Temporary addition of a specified vehicle*

**12.** Where—

(1) a motor vehicle specified in an operator's licence (hereinafter in this Regulation referred to as "the specified vehicle") has been rendered unfit for service, or withdrawn from service for overhaul or repair, and the holder of the licence informs the licensing authority of his desire to have a variation of the licence specifying, until it is rendered fit for service again, a motor vehicle in his possession or to be hired without a driver (hereinafter in this Regulation referred to as "the additional vehicle") or

(2) the specified vehicle has been rendered fit for service again, and the holder of the licence informs the licensing authority of his desire to have a variation of the licence whereby the additional vehicle will cease to be specified in the licence,

the provisions of Regulations 4(2) and 5 of these Regulations shall not apply and the holder of the licence shall return to the licensing authority the identity disc for the specified vehicle, or the additional vehicle, as the case may be.

*Notification of change of address*

**13.** If during the currency of an operator's licence the holder thereof changes his business address for the service of notices as notified in his application or as subsequently notified under this Regulation he shall within 3 weeks from the date of such change notify such change to the licensing authority by whom the licence was granted.

*Production of operators' licences for examination*

**14.**—(1) The holder of an operator's licence shall produce it for examination if required to do so by any police constable, by any certifying officer or goods vehicle examiner or by any person duly authorised by the licensing authority in that behalf and may elect whether to produce it at his operating centre, head office or principal place of business within the traffic area of the licensing authority by whom the licence was granted.

(2) In this Regulation—

"certifying officer" means a certifying officer appointed under section 128 of the Road Traffic Act 1960(**a**) or whose appointment has effect as if made under that section; and

"goods vehicle examiner" means an examiner appointed under section 56 of the Road Traffic Act 1972(**b**) or whose appointment has effect as if made under that section.

*Issue of copies of operators' licences and identity discs*

**15.**—(1) If an operator's licence or an identity disc has during the currency thereof been lost, destroyed or defaced, the holder thereof shall forthwith

(**a**) 1960 c. 16. (**b**) 1972 c. 20.

notify in writing the licensing authority by whom such licence or disc was granted or issued.

(2) If—

(*a*) the licensing authority is satisfied that an operator's licence or identity disc has been lost, destroyed or defaced during the currency thereof, and

(*b*) in the case of any such licence or disc which has been defaced, such licence or disc is surrendered to the licensing authority,

the licensing authority shall issue a copy (so marked) which shall have effect as the original licence or disc.

(3) Where a licence or disc has been lost and after a copy has been issued the lost licence or disc is found by the holder of the licence, or is found by some other person and comes into the possession of the holder of the licence, the holder of the licence shall forthwith return the original licence or disc to the licensing authority.

*Return of operators' licences and identity discs to the licensing authority*

**16.**—(1) If during the currency of an operator's licence the holder thereof ceases to be the user of any vehicle specified in it he shall within 3 weeks notify the licensing authority by whom the licence was granted and return to that licensing authority the licence for variation and the identity disc relating to the vehicle.

(2) If an operator's licence is varied under section 68 of the Act, the holder of the licence shall, when required by the licensing authority so to do, return the licence and, if the number of vehicles specified in the licence has been reduced, the identity discs relating to those vehicles, to the licensing authority.

(3) If an operator's licence is revoked or for some other reason ceases to have effect otherwise than by the effluxion of time, or is suspended, terminated prematurely, or curtailed, or if a licensing authority has given a direction in respect of a licence under section 69(2) of the Act, the holder of the licence shall within 5 days after a notice to that effect has been delivered to him personally or sent to him by the recorded delivery service at the address shown in his application or last notified in accordance with Regulation 13 of these Regulations send or deliver to the licensing authority by whom the licence was granted the licence together with the identity discs relating to such of the vehicles specified in the licence as the licensing authority may specify, for cancellation, retention during the time of suspension, or alteration as the case may be.

*Expiry of operators' licences*

**17.** The dates for the expiration of operators' licences for the purposes of section 67(2) of the Act shall be the 24th March and the last day of every other month.

## PART V

## CERTIFICATE OF QUALIFYING EXPERIENCE (PROFESSIONAL COMPETENCE)

*Application for certificate of qualifying experience (professional competence)*

**18.**—(1) An application for a certificate of qualifying experience (professional competence) shall be in writing, shall state the full name and date of

birth of the applicant and shall indicate whether the applicant's claim to have been engaged in road transport operations before 1 January 1975 is based on his having been the holder or one of the joint holders of an operator's licence or on his having been a person in responsible road transport employment.

(2) Where an application is based on a claim to have been a person in responsible road transport employment before 1 January 1975, it shall be accompanied, so far as practicable, by a statement in writing, made by or on behalf of the applicant's employer during any period of such employment, certifying that the applicant was so employed.

(3) No application for a certificate of qualifying experience (professional competence) shall be made so as to reach the licensing authority after 30 November 1979.

(4) In this Regulation "responsible road transport employment" has the meaning given in Regulation 2(1) of the Qualifications Regulations, and Regulation 2(2) of those Regulations shall apply for determining, for the purpose of this Regulation, whether a person is engaged in road transport operations.

## PART VI
## SUPPLEMENTARY

*Definition of "relevant plated weight"*

**19.** The relevant plated weight of a vehicle, for the purposes of section 60(4) of the Act (definition of small goods vehicle) and section 71(6) of the Act (definition of large goods vehicle), so far as that subsection relates to the subsequent provisions of Part V of the Act relating to operators' licensing, is the gross weight not to be exceeded in Great Britain of the vehicle as shown on a Ministry plate as defined in Regulation 138 of the Motor Vehicles (Construction and Use) Regulations 1973(**a**), or, if no such plate has been issued in respect of that vehicle, the maximum gross weight of the vehicle as shown on a plate affixed to the vehicle by virtue of Regulation 39 of the said Regulations of 1973.

*Metrication of weights in section 60(4) of the Act*

**20.** For the weights of three and a half tons and thirty hundred-weight specified in paragraphs (*a*), (*b*) and (*c*) of section 60(4) of the Act (which defines a small goods vehicle as a goods vehicle not exceeding certain weights) there shall be respectively substituted the weights of 3.5 tonnes and 1525 kilograms.

*Death, bankruptcy, etc. of the holder of an operator's licence*

**21.** (1) Where owing to the death, incapacity, bankruptcy, or liquidation of the holder of an operator's licence or the sequestration of his estate or to the appointment of a receiver or manager or trustee in relation to his trade or business, he ceases to be the user of the vehicles authorised to be used by him under the licence, the person carrying on the trade or business of the holder shall be deemed to be the holder of the licence if—

(*a*) within 2 months, notice that the holder has ceased to be the user of those vehicles and of the reason therefor, and of the name of the person by whom the trade or business is being carried on, is sent to the licensing authority by whom the licence was granted, and

(*b*) within one month, (where the licence is a restricted operator's licence) or four months (where the licence is a standard operator's licence), of the sending of such notice, an application for a new licence is made.

(**a**) S.I. 1973/24 (1973 I, p. 93).

(2) The period during which a person shall be deemed to be the holder of a licence under paragraph (1) of this Regulation shall in no case extend beyond the date on which the licence would have expired but for the occurrence of the relevant event and shall terminate immediately the application for a new licence is disposed of.

(3) The provisions of paragraphs (1) and (2) of this Regulation are without prejudice, in a case where the licence is a standard operator's licence, to the provisions of Regulation 8 of the Qualifications Regulations (revocation of standard operators' licences).

*Holding companies and subsidiaries*

**22.** (1) A holding company may apply to the licensing authority for any traffic area—

(*a*) if it does not already hold an operator's licence in respect of that area, or if it desires to replace its existing licence in respect of that area with a new licence, for the grant of an operator's licence, or

(*b*) if it already holds an operator's licence in respect of that area and does not desire to replace such licence with a new licence, for the variation of its operator's licence by a direction under section 68(1)(*a*) of the Act,

which would have the effect, if the application is granted, of including in the licence to be issued to, or already held by, the holding company, goods vehicles belonging to or in the possession of a subsidiary of that company specified in the application.

(2) An application by a holding company under paragraph (1) of this Regulation shall, unless the subsidiary is not the holder of an operator's licence, or the licence or variation applied for by the holding company will not take effect until any operator's licence held by the subsidiary has expired by effluxion of time, be accompanied by an application by the subsidiary for the variation of the licence held by the subsidiary by a direction under section 68(1)(*b*) of the Act for the removal therefrom of all or some of the vehicles authorised to be used thereunder, being the vehicles to which the application of the holding company relates.

(3) Where a holding company, on an application under paragraph (1) of this Regulation, signifies to the licensing authority its desire that the provisions of this Regulation should have effect as respects a subsidiary of that company, then, in relation to the application and to any licence granted to the holding company, or held by the holding company and varied, on that application, and to the use of any vehicles authorised to be used under any such licence, Part V of the Act and these Regulations shall have effect subject to the modifications specified in Schedule 3 to these Regulations.

(4) The provisions of this Regulation shall cease to have effect as respects a holding company and its subsidiary—

(*a*) if the holding company gives notice to the licensing authority who granted or varied its licence that it desires that this Regulation should, as from any date, cease to apply to the holding company and that subsidiary, as from that date; or

(*b*) as from the date on which that subsidiary ceases to be a subsidiary of that holding company.

(5) Where by virtue of the provisions of paragraphs (1) to (3) of this Regulation a holding company holds an operator's licence which includes goods vehicles belonging to or in the possession of a subsidiary of that company, and the holding company gives notice under sub-paragraph (*a*) of paragraph (4) of this Regulation, then in relation to any application by the subsidiary for the grant of an operator's licence in respect of all or any of those vehicles, section 63 of the Act shall have effect as if for subsection (1) there were substituted the following subsection: —

"(1) The licensing authority may publish in the prescribed manner notice of any application to the authority for an operator's licence made by a company or other body corporate in pursuance of regulations made under section 85 of this Act."

(6) Where the provisions of this Regulation cease to have effect as respects a holding company and its subsidiary by virtue of sub-paragraph (*b*) of paragraph (4) of this Regulation, the company which was the holding company shall within 3 weeks of the event which caused the subsidiary to cease to be a subsidiary of that company notify the licensing authority by whom the licence was granted, supply all material details of the event, and return to the licensing authority the licence and the identity discs relating to the vehicles authorised to be used thereunder.

(7) In this Regulation and Schedule 3 to these Regulations "holding company" means a holding company as defined by section 154 of the Companies Act 1948(**a**).

*Computation of time*

**23.** In all cases in which any period of time is prescribed by these Regulations, the same shall be reckoned exclusively of the first day and inclusively of the last day, unless the last day shall happen to fall on a Sunday, Christmas Day, New Year's Day or Good Friday, or any day appointed by law to be a bank-holiday, or a day appointed for a public fast or thanksgiving, in which case the time shall be reckoned exclusively of that day also.

*Offences*

**24.** It is hereby declared that any contravention of or failure to comply with a provision of Regulations 11(3) and (4), 13, 14, 15(1) and (3), 16 and 22(6) of these Regulations is an offence and accordingly by virtue of section 91(6) of the Act a person who contravenes or fails to comply with such a provision is liable on summary conviction to a fine not exceeding £20.

*William Rodgers,*
Secretary of State for Transport.

25th October 1977.

(a) 1948 c. 38.

## SCHEDULE 1 (See Regulation 3)

### CASES IN WHICH AN OPERATOR'S LICENCE IS NOT REQUIRED

1. Any such vehicle (including a trailer drawn thereby) as is mentioned in paragraph 2(1) of Part I of Schedule 3 to the Vehicles (Excise) Act 1971(**a**) whilst being used solely for the haulage of such objects as are referred to in sub-paragraphs (*a*) to (*e*) of that paragraph.

2. A dual-purpose vehicle (as defined in Regulation 3(1) of the Motor Vehicles (Construction and Use) Regulations 1973(**b**)), and any trailer drawn thereby.

3. A vehicle used on a road only in passing from one part of any private premises to another or to other private premises in the immediate neighbourhood belonging (except in the case of a vehicle so used only in connection with excavation or demolition) to the same person, provided that the distance travelled on a road by any such vehicle does not exceed in the aggregate six miles in any one week.

4. A public service vehicle which is being used in pursuance of a public service vehicle licence granted under Part III of the Road Traffic Act 1960(**c**), and any trailer drawn thereby.

5. A motor vehicle constructed solely for the carriage of not more than fifteen passengers exclusive of the driver and their effects when adapted to draw or drawing a trailer, and any trailer drawn thereby.

6. A hackney carriage within the meaning of the Vehicles (Excise) Act 1971 which is being used as such a carriage.

7. A vehicle which is being used for the purposes of funerals.

8. A vehicle which is being used for police, fire brigade or ambulance purposes.

9. A vehicle which is being used under the provisions of section 72 of the Mines and Quarries Act 1954(**d**) (which makes provision as to fire-fighting and rescue operations at mines).

10. A vehicle upon which no permanent body has been constructed, which is being used only for carrying burden which either is carried solely for the purpose of test or trial, or consists of articles and equipment which will form part of the completed vehicle when the body is constructed.

11. A vehicle which is being used under a trade licence within the meaning of section 16 of the Vehicles (Excise) Act 1971.

12. A vehicle in the service of a visiting force or of a headquarters and a vehicle while hired, whether directly or through a contractor, by the Secretary of State for Defence or any Territorial Auxiliary and Volunteer Reserve Association, for naval, military or air force purposes or by the naval, military or air force authorities of a visiting force or headquarters for the purposes of a visiting force or headquarters in connection with the manning of any war stations in anticipation of enemy attack, or the mobilisation of the fighting services or of a visiting force or headquarters, or in connection with manoeuvres, exercises or training.

For the purposes of this paragraph, where a vehicle is so hired, the period of hire shall be deemed to include its journey to and from the war station or the area where the mobilisation, manoeuvres, exercises or training take place.

In this paragraph "visiting force", "headquarters" and "vehicle in the service of a visiting force or of a headquarters" have the same respective meanings as in the Visiting Forces and International Headquarters (Application of Law) Order 1965(**e**).

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(**a**) 1971 c. 10.
(**b**) S.I. 1973/24 (1973 I, p. 93).
(**c**) 1960 c. 16.
(**d**) 1954 c. 70.
(**e**) S.I. 1965/1536 (1965 II, p. 4462).

13. A trailer not constructed primarily for the carriage of goods but which is being used incidentally for that purpose in connection with the construction, maintenance or repair of roads.

14. A road roller and any trailer drawn thereby.

15. A vehicle while being used under the direction of H.M. Coastguard or of the Royal National Lifeboat Institution for the carriage of life-boats, life-saving appliances or crew.

16. A vehicle fitted with a machine, appliance, apparatus or other contrivance which is a permanent or essentially permanent fixture, provided that the only goods carried on the vehicle are such as are required for use in connection with the machine, appliance, apparatus or contrivance or the running of the vehicle.

17. A vehicle while being used by a local authority:—

(1) for road cleansing, road watering, snow-clearing or the collection or disposal of refuse, night-soil or the contents of cess-pools, or for the purposes of the enactments relating to weights and measures or the sale of food and drugs; or

(2) for the distribution of grit, salt or other materials on frosted, icebound or snow-covered roads or for going to or from the place where it is to be used for the said purposes or for any other purpose directly connected with those purposes.

18. A vehicle while being used by a local authority as defined in section 9 of the Civil Defence Act 1948(a) in the discharge of any function conferred on or exercisable by that authority under Regulations made under the said Act.

19. A vehicle while being used by a highway authority for the purposes of sections 160 and 200 of the Road Traffic Act 1972.

20. A tower wagon or trailer drawn by a tower wagon, provided in each case the only goods carried on the vehicle are such as are required for use in connection with the work on which the tower wagon is ordinarily used as such.

21. A vehicle while being used for the carriage of goods within an aerodrome within the meaning of section 23(1) of the Airports Authority Act 1975(b).

22. An electrically propelled vehicle.

23. A showman's vehicle and any trailer drawn thereby.

In this paragraph "showman's vehicle" means a vehicle registered under the Vehicles (Excise) Act 1971 in the name of a person following the business of a travelling showman and used solely by him for the purposes of his business and for no other purpose.

24. A vehicle first used before 1st January 1977 which has an unladen weight not exceeding 1525 kilograms and for which the maximum gross weight, as shown on a plate affixed to the vehicle by virtue of Regulation 39 of the Motor Vehicles (Construction and Use) Regulations 1973 or any provision which that Regulation replaced, exceeds 3.5 tonnes but does not exceed 3½ tons.

(a) 1948 c. 5.

(b) 1975 c. 78.

SCHEDULE 2 (see Regulation 9)

NOTICE OF OBJECTION

TRANSPORT ACT 1968 AND ROAD TRAFFIC ACT 1974

OPERATORS' LICENSING

NOTICE OF OBJECTION

To the LICENSING AUTHORITY, TRAFFIC AREA

We, being an objector under Section 63(3) of the Transport Act 1968 hereby give notice of objection to the application for the grant/variation of an operator's licence made by .....

and numbered ..... in Applications and Decisions dated ..... and numbered ..... on the following grounds:—

*(*a*) that the applicant is not a fit person to hold an operator's licence having regard to relevant activities of himself or others before the making of the application and/or relevant convictions of himself or others during the 5 years preceding the making of the application or since the application was made.

Details are as follows:— .....

.....

*(*b*) that the applicant will not make satisfactory arrangements for securing that Part VI of the Transport Act 1968 including the international rules (i.e. the provisions relating to the statutory limits on drivers' hours) will be complied with.

Details are as follows:— .....

.....

*(*c*) that the applicant will not make satisfactory arrangements for securing that his vehicles will not be overloaded.

Details are as follows:— .....

.....

*(*d*) (i) that the applicant will not provide satisfactory facilities and arrangements for maintaining his vehicles in a fit and serviceable condition or

(ii) that a place which is to be an operating centre for his vehicles is not suitable for that purpose.

Details are as follows:— .....

.....

*(*e*) that the provision of satisfactory maintenance facilities and arrangements and of a suitable operating centre by the applicant will be prejudiced by reason of his having insufficient financial resources.

Details are as follows:— .....

.....

*(*f*) that the application relates to a standard operator's licence and the applicant does not, and will not, have sufficient financial resources to ensure the proper administration of his road transport undertaking (including, where a new undertaking is being launched, the launching of that undertaking).

Details are as follows:— .....

.....

*(*g*) that the application relates to a standard operator's licence and neither the applicant nor the transport manager(s) on whom the applicant relies for the purpose, has/have the required professional competence.

Details are as follows:— .....

.....

A copy of this objection has been sent to the applicant.

Body or person by whom objection is made .....
Signature of (person authorised by*) the above-named objector.

.....

Position held by signatory .....

Address of objector .....

.....

Date .....

*Delete if not applicable. In each case where a ground of objection is included, give reasons.

## SCHEDULE 3 (see Regulation 22)

### MODIFICATIONS OF PART V OF THE ACT AND THESE REGULATIONS IN RELATION TO HOLDING COMPANIES AND SUBSIDIARIES

1. Part V of the Act and these Regulations shall have effect as if any reference in a provision thereof (except in this Schedule) to a provision which is modified by this Schedule were a reference to that provision as so modified.

2. Part V of the Act shall have effect:—

(*a*) as if goods vehicles belonging to, or in the possession of, the subsidiary, belonged to, or were in the possession of, the holding company;

(*b*) as if, where a goods vehicle is used in circumstances in which, but for the provisions of Regulation 22 of these Regulations, the subsidiary would be deemed to be the user thereof, the holding company were the user thereof;

(*c*) as if a trade or business carried on by the subsidiary were carried on by the holding company;

(*d*) as if the subsidiary were an applicant for the grant or variation of the licence;

(*e*) as if any operating centre of the subsidiary were an operating centre of the holding company;

(*f*) as if any person who is a director of the subsidiary were a director of the holding company;

(*g*) as if any person who is an employee of the subsidiary were an employee of the holding company;

(*h*) as if for section 63(1) there were substituted the following subsection:—

"(1) The licensing authority may publish in the prescribed manner notice of any application to the authority for an operator's licence made by a company or other body corporate in pursuance of regulations made under section 85 of this Act";

(*i*) as if in section 66(1) the reference in paragraph (*b*) to persons holding shares in the company included a reference to persons holding shares in the subsidiary, and the reference in paragraph (*c*) to the holder of the licence included a reference to the subsidiary;

(*j*) as if in section 67(4) for the words "by the holder of that licence for the grant to him of a new licence in substitution therefor, the existing licence" there were substituted the words "by a company or other body corporate in respect of a subsidiary of that company or other body corporate in pursuance of regulations made under section 85 of this Act, for the grant of a licence to take effect when a licence held by that subsidiary has expired by effluxion of time, the existing licence held by the subsidiary";

(*k*) as if in section 68(4) for the words from "Except in the following cases" to "the licensing authority shall publish" there were substituted the words "In the case of an application for a direction under subsection (1)(*a*) of this section made by a company or other body corporate in pursuance of regulations made under section 85 of this Act, the licensing authority may publish";

(*l*) as if in section 69(1) the references in paragraphs (*a*), (*c*), (*d*) and (*e*) to the holder of the licence included references to the subsidiary;

(*m*) as if in section 69(3A) the reference to the holder of the licence included a reference to the subsidiary;

(*n*) as if in section 69(4) the references to the holder of the licence or any servant or agent of his included references to the subsidiary or any servant or agent of it, and as if the reference in paragraph (*h*) to a vehicle of which the holder of the licence was the owner included a reference to a vehicle of which the subsidiary was the owner;

(*o*) as if in section 69(5) the reference to the holder of the licence included a reference to the subsidiary;

(*p*) as if in section 69(6) after sub-paragraph (ii) there were inserted the following sub-paragraph:—

"(iii) a company which is a subsidiary of such a company as aforesaid; or";

(*q*) as if in section 69(7) for the words "where that person was a company, in relation to any director of that company," there were substituted the words "where that person is a company or other body corporate which is the holder of the licence in respect of a subsidiary of that company or other body corporate in pursuance of regulations made under section 85 of this Act, in relation to any director of that company or other body corporate or of that subsidiary".

3. These Regulations shall have effect—

(*a*) as if in Regulation 4(1) the reference to an operating centre of the applicant included a reference to an operating centre of the subsidiary;

(*b*) as if in Regulation 14 the reference to the holder of the licence included a reference to the subsidiary.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations consolidate, with amendments, the Goods Vehicles (Operators' Licences) Regulations 1969, the Goods Vehicles (Operators' Licences) (Amendment) Regulations 1976 and the Goods Vehicles (Operators' Licences) (Amendment) (No. 2)) Regulations 1976.

The main amendments (which appear in Regulations 2, 4, 11, 18 and 22 and in Schedule 3) reflect the division of operators' licences into two classes (standard operators' licences and restricted operators' licences) made by the Goods Vehicle Operators (Qualifications) Regulations 1977 for the purpose of implementing Council Directive (EEC) 74/561 of 12 November 1974 on admission to the occupation of road haulage operator in national and international transport operations.

Regulation 3 and Schedule 1 prescribe exemptions from the requirement to have an operator's licence.

Regulations 4 to 10 and Schedule 2 prescribe various matters relating to the procedure for granting and varying operators' licences. In particular, Regulation 8 prescribes the trade unions and associations which may object to applications for the grant or variation of an operator's licence.

Regulations 11 to 23 and Schedule 3 prescribe various miscellaneous and supplemental matters relating to operators' licensing. In particular, Regulation 22 and Schedule 3 make provision for a body corporate which has a subsidiary to hold an operator's licence for the subsidiary's vehicles.

SI 1977/1737
ISBN 0-11-071737-6

