

Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No.

**EXITING THE EUROPEAN UNION
ROAD TRAFFIC**

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

Made - - - - *****

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018⁽¹⁾.

In accordance with paragraph 1(1) and (2)(a) and (d) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introduction

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 and come into force on exit day.

(2) Except as provided for in paragraphs (3) and (4) these Regulations extend to the United Kingdom.

(3) Regulations 2, 4, 5, and 7 extend to Great Britain.

(4) Regulations 3, 6, 7, 8 and 12 extend to Northern Ireland.

PART 2

Licensing of Operators

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

- 2.—(1) The Goods Vehicles (Licensing of Operators) Act 1995(2) is amended as follows.
- (2) In section 2(3)—
- (a) omit subsection (2)(b);
 - (b) after subsection (2) insert—

“(2A) A class of vehicles that may be specified in regulations under subsection (2) (d) includes goods vehicles used for international carriage by a haulier established in a member State.”; and
 - (c) in subsection (3)(4) for, “(2)(b) and (c)” substitute “(2)(c) and (2A)”.
- (3) In Schedule 3, in paragraph 13(3), in the definition of “approved body”—
- (a) in paragraph (a), at the end insert “or”;
 - (b) in paragraph (b), for “or” substitute “and”; and
 - (c) omit paragraph (c).

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

- 3.—(1) The Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010(5) is amended as follows.
- (2) In section 1—
- (a) omit subsection (2)(b);
 - (b) after subsection (2), insert—

“(2A) A class of vehicles that may be specified in regulations under subsection (2) (d) includes goods vehicles used for international carriage by a haulier established in a member State.”;
 - (c) in subsection (4), for “(2)(b) and (c)” substitute “(2)(c) and (2A)”.
- (3) In section 49(1)—
- (a) in the words before paragraph (a), omit “other than the United Kingdom”;
 - (b) in the words after paragraph (c), omit “other”.
- (4) In section 58(1), in the definition of “road transport undertaking”, omit “other than the United Kingdom”.

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

- 4.—(1) The Goods Vehicles (Licensing of Operators) Regulations 1995(6) are amended as follows.
- (2) In Part 1 of Schedule 3—
- (a) after paragraph 22, insert—

(2) [1995 c. 23](#).

(3) Section 2 has been amended but none of these amendments are relevant to these Regulations.

(4) Subsection (3) was substituted by [S.I. 2011/2632](#), regulation 8(1) and Schedule 2 paragraphs 1, 2(1) and (4).

(5) [2010 c. 2\(N.I.\)](#).

(6) [S.I. 1995/2869](#).

A goods vehicle used for international haulage by a haulier established in a member State who holds a Community licence issued under Article 4 of Regulation (EC) No 1072/2009(7) of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market as it has effect in EU law as amended from time to time.”;

- (b) in paragraph 23A(1)(a) and (2)(8), for “driver attestation” substitute “EU driver attestation”.

Amendment of the Goods Vehicles (Community Licences) Regulations 2011

5.—(1) The Goods Vehicles (Community Licences) Regulations 2011(9) are amended as follows.

(2) In regulation 3(2)—

- (a) in the definition of “Community licence”, for “1072/2009” substitute “(EC) No 1072/2009(10) of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market as it has effect in EU law as amended from time to time”;
- (b) after the definition of “driver attestation”, insert—

““EU driver attestation” means a driver attestation issued under Article 5 of Regulation (EC) No 1072/2009(11) of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market as it has effect in EU law as amended from time to time;

“exit day” has the meaning given in section 20 of the European Union (Withdrawal) Act 2018;”;

- (c) after the definition of “standard operator’s licence”, insert—

““UK licence for the Community” means a licence issued under Article 4 of Regulation 1072/2009.”.

(3) In regulation 4, after “Community licence” insert “etc.”.

(4) In regulation 5(1)(a), for “Community licence” substitute “UK licence for the Community”.

(5) In regulation 6—

- (a) in the heading and in paragraph (1) for “Community licence” substitute “UK licence for the Community”;

(b) for paragraph (2), substitute—

“(2) On and after exit day a Community licence issued by a competent authority referred to in regulation 5 is treated as a UK licence for the Community.”;

(c) for paragraph (3), substitute—

“(3) Subject to regulation 12(1) (supply of information), the holder of a UK licence for the Community is entitled to be issued with a driver attestation if the holder complies with the requirements of Article 5(1A) of Regulation 1072/2009.

(4) On and after exit day any driver attestation issued by the Secretary of State under the provisions of Article 5(1) of Regulation (EC) No 1072/2009(12) of the European

(7) OJNo. L 300, 14.11.2009, p. 72.

(8) Paragraph 23A was inserted by S.I. 2013/1750.

(9) S.I. 2011/2633.

(10) OJ No. L 300, 14.11.2009, p. 72.

(11) OJ No. L 300, 14.11.2009, p. 72.

(12) OJ No. L 300, 14.11.2009, p. 72.

Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market is treated as a driver attestation for the purposes of Article 5(1A) of Regulation (EC) No 1072/2009.”.

- (6) In regulation 7—
 - (a) in the heading, for “Community licence” substitute “UK licence for the Community”;
 - (b) in paragraph (1)—
 - (i) for each occurrence of “Community licence” substitute “UK licence for the Community”; and
 - (ii) after “Great Britain of” omit “Community”;
 - (c) in paragraph (2), for “Community licence” substitute “UK licence for the Community” and for “competent authority” substitute “Secretary of State”.
- (7) In regulation 8, for each occurrence of “Community licence” substitute “UK licence for the Community”.
- (8) In regulation 12—
 - (a) for each occurrence of “Community licence” substitute “UK licence for the Community”;
 - (b) for each occurrence of “competent authority” and “authority” substitute “relevant authority”; and
 - (c) after paragraph (3), insert—
 - “(4) In this regulation “relevant authority” means—
 - (a) the competent authority in relation to a UK licence for the community;
 - (b) the Secretary of State in relation to any driver attestation.”.
- (9) In regulation 13(1), before “Community licence” insert “UK licence for the Community or a”.
- (10) In regulation 14, in the heading and in paragraph (1), for “Community licence” substitute “UK licence for the Community”.

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

6.—(1) The Goods Vehicles (Licensing of Operators) (Exemption) Regulations (Northern Ireland) 2012⁽¹³⁾ are amended as follows.

- (2) In the Schedule —
 - (a) after paragraph 22, insert—

A goods vehicle used for international haulage by a haulier established in a member State who holds a Community licence issued under Article 4 of Regulation (EC) No 1072/2009⁽¹⁴⁾ of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market as it has effect in EU law as amended from time to time.”;

- (b) for 23, substitute—

A vehicle which is being used to carry out a cabotage operation consisting of national carriage for hire or reward on a temporary basis in the United Kingdom in accordance with

⁽¹³⁾ S.R. 2012 No. 256.

⁽¹⁴⁾ OJ No. L 300, 14.11.2009, p. 72.

the provisions of 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.”.

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

7.—(1) The Goods Vehicles (Qualification of Operators) Regulations (Northern Ireland) 2012⁽¹⁵⁾ are amended as follows.

(2) In regulation 1, after the definition of “other relevant person” insert—

““Department” means the Department for Infrastructure.”.

(3) In regulation 11(4), in the definition of “approved body”, for paragraph (b), substitute—

“(b) a body approved by the Department for Infrastructure for the purposes of Article 8(3) of Regulation 1071/2009; and”.

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

8.—(1) The Goods Vehicles (Community Licence), Regulations (Northern Ireland) 2013⁽¹⁶⁾ are amended as follows.

(2) In regulation 2(1)—

(a) in the definition of “Community Licence”, for “1072/2009” substitute “(EC) No 1072/2009⁽¹⁷⁾ of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market as it has effect in EU law as amended from time to time”;

(b) in the definition of “Department”, for “of the Environment” substitute “for Infrastructure”;

(c) after the definition of “driver attestation”, insert—

““EU driver attestation” means a driver attestation issued under Article 5 of Regulation (EC) No 1072/2009⁽¹⁸⁾ of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market as it has effect in EU law as amended from time to time;

“exit day” has the meaning given in section 20 of the European Union (Withdrawal) Act 2018;”;

(d) after the definition of “standard operator’s licence”, insert

““UK licence for the Community” means a licence issued under Article 4 of Regulation 1072/2009.”.

(3) In regulation 3, after “Community licence” insert “etc.”.

(4) In regulation 5—

(a) in the heading and in paragraph (1), for “Community licence” substitute “UK licence for the Community”;

(b) for paragraph (2), substitute—

“(2) On and after exit day a Community licence issued by a competent authority referred to in regulation 4 is treated as a UK licence for the Community.”;

⁽¹⁵⁾ S.R. 2012 No. 257, amended by S.R. 2012 No. 261.

⁽¹⁶⁾ S.R. 2013 No. 115.

⁽¹⁷⁾ OJ No. L 300, 14.11.2009, p. 72.

⁽¹⁸⁾ OJ No. L 300, 14.11.2009, p. 72.

(c) for paragraph (3), substitute—

“(3) Subject to regulation 11(1) (supply of information), the holder of a UK licence for the Community is entitled to be issued with a driver attestation if the holder complies with the requirements of Article 5(1A) of Regulation 1072/2009.”;

(d) after paragraph (3), insert—

“(4) On and after exit day any driver attestation issued by the DEpartment under the provisions of Article 5(1) of 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 is treated as a driver attestation for the purposes of Article 5(1A) of Regulation (EC) No 1072/2009.”.

(5) In regulation 6—

(a) in the heading and in the regulation, for each occurrence of “Community licence” substitute “UK licence for the Community”; and

(b) in paragraph (1), after “Northern Ireland of” omit “Community”.

(6) In regulation 7, in the heading and in paragraphs (1) to (3), for each occurrence of “Community licence” substitute “UK licence for the Community”.

(7) In regulation 11, for each occurrence of “Community licence” substitute “UK licence for the Community”.

(8) In regulation 12, in the heading and in paragraph (1), for each occurrence of “Community licence” substitute “UK licence for the Community”.

Amendment of Regulation (EC) 1071/2009

9.—(1) 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 is amended as follows.

(2) In Article 1—

(a) in paragraph 2, for “Community” substitute “United Kingdom”;

(b) omit paragraph 3;

(c) in paragraph 4, in point (a) omit “Member States may, however, lower this limit for all or some categories of road transport operations”;

(d) omit paragraph 5.

(3) In Article 2—

(a) after paragraph 6, insert—

“**6A.** ‘traffic commissioner’ has the same meaning as in the Public Passenger Vehicles Act 1981(19);

6B. ‘the Northern Ireland department’ means the Department for Infrastructure;”;

(b) for paragraph 7, substitute—

“**7.** ‘competent authority’ means in Great Britain, a traffic commissioner, and in Northern Ireland, the Northern Ireland department;”;

(c) omit paragraph 8;

(d) after paragraph 8, insert—

“9. ‘Minister’ means—

- (a) in relation to England, Scotland or Wales, the Secretary of State;
- (b) in relation to Northern Ireland, the Northern Ireland department;

10. ‘Community licence’ means a licence issued under Article 4 of Regulation (EC) No 1072/2009(20) of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market.”.

(4) In Article 3—

- (a) in paragraph 1, in point (a), for “a Member State” substitute “the United Kingdom”;
- (b) omit paragraph 2.

(5) In Article 4—

- (a) in paragraph 1, in point (c) and in paragraph 2, point (a), for “Community” substitute “United Kingdom or a Member State”;
- (b) in paragraph 2, in point (c), omit “Member States may decide to lower the number of undertakings and/or the size of the total fleet of vehicles which that person may manage”;
- (c) in paragraph 3, for “Member States” substitute “A competent authority”.

(6) In Article 5—

- (a) in the first paragraph, for “shall, in the Member State concerned” substitute “must”;
- (b) in point (a)—
 - (i) for “that Member State” substitute “the United Kingdom”;
 - (ii) for “Member States” substitute “The Minister”;
 - (iii) omit “on their territory”;
- (c) in point (b), omit “in conformity with the legislation of that Member State,”;
- (d) in point (c), for “that Member State” substitute “the United Kingdom”.

(7) In Article 6—

- (a) in paragraph 1—
 - (i) in the first subparagraph, for “Member States shall” substitute “the Minister must”;
 - (ii) in the second subparagraph—
 - (aa) for “Member States shall” substitute “the competent authority may”;
 - (bb) for each of the subsequent occurrences of “Member State” substitute “competent authority”;
 - (iii) in the third subparagraph, in point (b), omit “in one or more Member States” and “of Community rules”;
- (b) in paragraph 2—
 - (i) in point (a)—
 - (aa) for the first subparagraph, substitute—
 - “(a) where the transport manager or the transport undertaking has in the United Kingdom, or in one or more Member States, been convicted of a serious criminal offence or incurred a penalty for one of the most serious infringements of rules as set out in Annex 4, the competent authority must carry out in an appropriate and timely manner a duly completed administrative procedure, which may

- include, if appropriate, a check at the premises of the undertaking concerned.”;
- (bb) in the third subparagraph, for “report referred to in Article 26(1)” substitute “annual reports which the traffic commissioners make under section 55 of the Public Passenger Vehicles Act 1981”;
- (ii) in point (b)—
- (aa) for the first and second subparagraphs, substitute—
- “(b) the competent authorities must take into account any information on the categories, types and degrees of seriousness of any infringements referred to in Annex IV and Commission Regulation (EU) 2016/403, including information received from Member States, when setting the priorities for checks pursuant to Article 12(1).
- Additional measures, designed to amend non-essential elements of this Regulation by supplementing it and which relate to this list, may be adopted by the Minister.”;
- (bb) in the third subparagraph for “Commission shall” substitute “Minister may by regulations”.
- (c) after paragraph 3, insert—
- “4. Regulations under this Article may—
- (a) include supplementary, incidental, consequential, transitional, transitory or saving provision: and
- (b) make different provision for different cases.”.
- (8) In Article 7—
- (a) in paragraph 1—
- (i) in the first subparagraph, for “EUR 9000” substitute “£8,000” and for “EUR 5000” substitute “£4,500”;
- (ii) omit the second subparagraph;
- (b) in paragraph 3, for “Member State in which an authorisation has been applied for and not those of any other entity established in any other Member State” substitute “UK and not those of any entity established in any other country”.
- (9) In Article 8—
- (a) in paragraph 1—
- (i) omit “, if a Member State so decides.”;
- (ii) for “To this end, Member States may decide to impose” substitute “The person concerned may require”;
- (b) in paragraph 2—
- (i) for the first subparagraph substitute—
- “2. The persons concerned must sit the examination in the United Kingdom if this is where they have their normal residence when working.”;
- (ii) in the third subparagraph, for “two” substitute “the United Kingdom and one” and after “living in” insert “the United Kingdom or”;
- (c) for paragraph 3, substitute—

- “3. Only the authorities or bodies duly authorised for this purpose in the United Kingdom, in accordance with defined criteria, may organise and certify the written and oral examinations referred to in paragraph 1. A competent authority must regularly verify that the conditions under which those authorities or bodies organise the examinations are in accordance with Annex I.”;
- (d) in paragraph 4—
- (i) for “Member States may duly authorise, in accordance with criteria defined by them” substitute “A competent authority may duly authorise, in accordance with criteria defined by it”;
- (ii) for “Such Member States shall” substitute “A competent authority must”;
- (e) in paragraphs 5 and 6, for “Member States” substitute “A competent authority”;
- (f) in paragraph 7, in subparagraphs one and two, for each occurrence of “A Member State” substitute “A competent authority” and for each occurrence of “that Member State” substitute “the United Kingdom”;
- (g) for paragraph 9, substitute—
- “9. The Minister may by regulations adapt Annexes 1, 2 and 3 due to technical progress.”;
- (h) after paragraph 9, insert—
- “9A. Regulations under this Article may—
- (a) include supplementary, incidental, consequential, transitional, transitory or saving provision: and
- (b) make different provision for different cases.”;
- (i) omit paragraph 10.
- (10) Omit Article 9.
- (11) In Article 10, in paragraph 1, for the words before point (a), substitute—
- “1. A competent authority may:”.
- (12) In Article 11—
- (a) in paragraph 4—
- (i) omit the first subparagraph;
- (ii) in the second subparagraph, for “From 1 January 2013, when” substitute “When” and for “, in one of the Member States,” substitute “as”;
- (iii) omit the third subparagraph;
- (b) in paragraph 5, omit “as determined by the Member State of establishment,”.
- (13) In Article 12—
- (a) for paragraph 1, substitute—
- “1. A competent authority must monitor whether undertakings which they have authorised to engage in the occupation of road transport operator continue to fulfil the requirements laid down in Article 3. To that end, the competent authority must carry out checks targeting those undertakings which are classed as posing an increased risk.”;
- (b) omit paragraph 2;
- (c) in paragraph 3, for “Member States shall” substitute “A competent authority must” and for each occurrence of “Commission” substitute “Minister”.

(14) In Article 14, in paragraph 2, omit “in accordance with the relevant provisions of national law” and “in any Member State”.

(15) In Article 15—

- (a) in paragraph 1, in the first subparagraph, omit “of the Member States”;
- (b) in paragraph 2—
 - (i) for, “Member States shall take steps to ensure that undertakings” substitute “Undertakings”;
 - (ii) for, “to at least one independent and impartial body or a court of law” substitute “as provided for in domestic legislation”.

(16) In Article 16—

- (a) in paragraph 1—
 - (i) for the first subparagraph substitute—

“1. For the purposes of the implementation of this Regulation, and in particular Articles 11 to 14 thereof, the competent authority must keep a national electronic register of road transport undertakings which have been authorised to engage in the occupation of road transport operator. The data contained in that register must be processed under the supervision of the Minister. The relevant data contained in the national electronic register must be accessible to any competent authority.”;
 - (ii) omit the second subparagraph;
- (b) in paragraph 2—
 - (i) in the first subparagraph, in the words before point (a), for “National electronic registers shall” substitute “The national electronic register must”;
 - (ii) in point (d), for “Community licence and of the certified copies” substitute “UK licence for the Community or of the Community licence⁽²¹⁾ and of their certified copies”;
 - (iii) omit the second subparagraph;
 - (iv) in the third subparagraph, for “Member States” substitute “The Minister” and omit “of the Member State in question”;
- (c) in paragraph 4, for “Member States shall” substitute “The Minister must”;
- (d) omit paragraphs 5, 6 and 7.

(17) In Article 17, in the words before point (a), for “[Directive 95/46/EC](#), Member States shall” substitute “Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing [Directive 95/46/EC](#) (General Data Protection Regulation), the Minister must”.

(18) Omit Article 18.

(19) In Article 19—

- (a) in paragraph 1—
 - (i) for “Without prejudice to Article 11(4), Member State of establishment shall” substitute “The Minister must”;
 - (ii) for “in the Member State” substitute “in a Member State”;

⁽²¹⁾ “Community licence” and “UK licence for the Community” have the same meaning as in Article 2(8) and Article 4 respectively of Regulation (EC) 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.

- (b) for paragraph 2, substitute—

“2. Where the Minister imposes on United Kingdom nationals certain conditions relating to good repute, and proof that these conditions are met cannot be provided by means of the document referred to in paragraph 1, the Minister must accept as sufficient proof for nationals of Member States a certificate issued by a competent judicial or administrative authority in the Member State(s) where the transport manager or any other relevant person used to reside stating that these conditions have been met. Such certificate must relate to the specific information taken into consideration in the United Kingdom.”;

- (c) after paragraph 4, insert—

“5. In this Article and in Article 20, ‘competent administrative authority’ means a national, regional or local authority in a Member State which, for the purpose of authorising the pursuit of the occupation of road transport operator, verifies whether an undertaking satisfies the conditions laid down in Regulation (EC) No 1071/2009(22) as it has effect in EU law as amended from time to time, and which is empowered to grant, suspend or withdraw an authorisation to pursue the occupation of road transport operator.”.

- (20) For the paragraph in Article 20, substitute—

“Where the Minister imposes on United Kingdom nationals certain conditions relating to financial standing in addition to those set out in Article 7, the Minister must accept as sufficient proof for nationals of Member States a certificate issued by a competent administrative authority in the Member State(s) where the transport manager or any other relevant person used to reside stating that these conditions have been met. Such certificate must relate to the specific information taken into consideration in the United Kingdom.”.

- (21) In Article 21—

- (a) in the heading, after “competence” insert “issued in a Member State”;
- (b) for paragraph 1 and 2, substitute—

“1. A competent authority must recognise as sufficient proof of professional competence a certificate which complies with the model certificate set out in Annex III of Regulation (EC) No 1071/2009(23) as it has effect in EU law as amended from time to time and which is issued by the authority or body duly authorised in a Member State for that purpose.

2. A certificate issued before 4 December 2011 as proof of professional competence pursuant to the provisions in force until that date shall be deemed to be equivalent to a certificate which complies with the model certificate set out in Annex III of Regulation (EC) No 1071/2009 as it has effect in EU law as amended from time to time and shall be recognised as proof of professional competence in the UK. Holders of certificates of professional competence valid only for national transport may be required to pass the examinations, or parts of examinations, referred to in Article 8(1).”.

- (22) In Article 22—

- (a) omit paragraph 1;
- (b) in paragraph 2, for “referred to in paragraph 1 shall include, in particular,” substitute “for infringements of this Regulation must include, in particular, provision in relation to”.

- (23) Omit Articles 23 to 25.

- (24) After Article 25, insert—

(22) OJ No. L 300, 14.11.2009, p. 51.

(23) OJ No. L 300, 14.11.2009, p. 51.

“Article 25A

Regulations made by the Secretary of State: consultation and procedure

1. Any power to make regulations conferred on the Secretary of State by this Regulation is exercisable by statutory instrument.
2. Before the Secretary of State makes regulations under Article 6 or Article 8 which apply to Great Britain, the Secretary of State must consult—
 - (a) the traffic commissioners for England, Scotland and Wales;
 - (b) such other persons as the Secretary of State considers appropriate.
3. Before the Secretary of State makes regulations under Article 6 or Article 8 which apply to Northern Ireland, the Secretary of State must consult—
 - (a) the Northern Ireland department;
 - (b) such other persons as the Secretary of State considers appropriate.
4. A statutory instrument containing whether alone or with other provision regulations under Article 8 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
5. Any other statutory instrument containing regulations under these Regulations is subject to annulment in pursuance of a resolution of either House of Parliament.

Article 25B

Regulations made by the Northern Ireland department: consultation and procedure

1. Any power to make regulations conferred on the Northern Ireland department by this Regulation is exercisable by statutory rule for the purpose of the Statutory Rules (Northern Ireland) Order 1979(24).
 2. Before the Northern Ireland department makes regulations under Article 6 or Article 8, the Northern Ireland department must consult such other persons as that department considers appropriate.
 3. Regulations may not be made by the Northern Ireland department under Article 8 of this Regulation unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
 4. Any other regulations made by the Northern Ireland department under these Regulations are subject to negative resolution within the meaning given by section 41(6) of the Interpretation Act (Northern Ireland) 1954(25).”
- (25) Omit Articles 26 to 28 and 30.
- (26) In Annex I—
- (a) in Part I—
 - (i) in the first paragraph, for “the Member States” substitute “a competent authority”;
 - (ii) omit the second paragraph;
 - (iii) in the section headed “C. Social law”, for points 4 and 5 substitute—
 - “4. the rules applicable to driving time, rest period and working time, and in particular the provisions of—

(24) S.I. 1979/1573 (N.I. 12); relevant amending instrument is S.I. 1999/663.

(25) 1954 c. 33 (2 & 3 Eliz 2).

- (a) Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85;
 - (b) Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport;
 - (c) the Road Transport (Working Time) Regulations 2005(26);
 - (d) the Road Transport (Working Time) Regulations (Northern Ireland) 2005(27);
 - (e) the practical measures for applying the provisions in paragraphs (a) to (d); and
5. the rules applicable to the initial qualification and continuous training of drivers as set out in the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007(28).”;
- (iv) in the section headed “G. Technical standards and technical aspects of operation”—
 - (aa) in point 1, before “Member States” insert “United Kingdom and”;
 - (bb) in point 8, for “Directive 2008/68/EC” substitute “the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009(29), or the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010(30)”;
 - (v) in the section headed “H. Road safety”—
 - (aa) in point 2, for “different” substitute “the United Kingdom and”;
 - (bb) in point 6, before “Member States” insert “United Kingdom and”;
- (b) in Part II—
- (i) in paragraph 1, for “Member States will organise a compulsory written examination which they may supplement by” substitute “A competent authority must organise a compulsory written examination which they may supplement with”;
 - (ii) in point (b) of paragraph 1, for “Member States” substitute “a competent authority”;
 - (iii) in paragraph 2—
 - (aa) in the first subparagraph, for “Member States also organise” substitute “a competent authority also organises”;
 - (bb) in the second subparagraph, for “Member States organise” substitute “a competent authority organises”;
 - (iv) in paragraph 3, for “a Member State” substitute “a competent authority”.

(26) S.I. 2005/639, amended by S.I. 2007/853, 2012/991.

(27) S.I. 2005/241, amended by S.I. 2012/169, 2016/49.

(28) S.I. 2007/605, amended by S.I. 2008/506, 1965, 2009/1885, 2010/865, 1111, 2011/996, 2324, 2013/602, 1753, 2667, 2014/1816, 2264, 2015/583, 2024, 2018/1004.

(29) S.I. 2009/1348, amended by S.I. 2011/1885, 2013/119, 235, 2014/469, 1638, 1639, 2015/1682, 2016/721, 2017/1075.

(30) S.R. 2010 No.160, amended by S.R. 2013 No.235, 2017 No. 229.

(27) For Annex III, substitute Annex 3 in Schedule 1.

PART 3

International Road Haulage

Amendment of the Road Traffic (Foreign Vehicles) Act 1972

10. In Schedule 1 to the Road Traffic (Foreign Vehicles) Act 1972(**31**) (provisions conferring functions on examiners), in column 1, in the entry relating to Article 4(6) of Regulation (EC) No 1072/2009, after “haulage market” insert “as it has effect in EU law(**32**)”.

Amendment of the HGV Road User Levy Act 2013

11. In section 4(8) of the HGV Road User Levy Act 2013(**33**) (liability for a levy from Community licence holders), after “haulage market” insert “as it has effect in EU law(**34**)”.

Amendment of the Road Traffic (Northern Ireland) Order 1981

12.—(1) The Road Traffic (Northern Ireland) Order 1981(**35**) is amended as follows.

(2) In Schedule 1, in column 1, in the entry relating to Article 4(6) of Regulation (EC) No 1072/2009(**36**), after “haulage market” insert “as it has effect in EU law”.

(3) In Schedule 2, in column 2, in the entry relating to regulation 3 of the Goods Vehicles (Community Licence) Regulations (Northern Ireland) 2013(**37**), for “Community licence” substitute “UK licence for the Community, Community licence, driver attestation or an EU driver attestation”.

Amendment of Regulation (EC) 1072/2009

13.—(1) 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 is amended as follows.

(2) In Article 1—

(a) for paragraph 1 and 2, substitute—

“**1.** This Regulation applies to the international carriage of goods by road for hire or reward for journeys partly carried out within the United Kingdom.

2. In the event of carriage from the United Kingdom to a Member State or to a third country and vice versa, this Regulation applies to any part of the journey within the territory of the United Kingdom.”;

(b) omit paragraph 3;

(c) in paragraph 5, in the words before point (a), before “Community licence” insert “UK licence for the Community or a”;

(31) 1972 c. 27. A relevant amendment to column 1 of Schedule 1 was made by regulation 16(2)(b) of the Goods Vehicles (Community Licences) Regulations 2011 (S.I. 2011//2633).

(32) OJ No. L 300, 14.11.2009, p. 72.

(33) 2013 c. 7.

(34) OJ No. L 300, 14.11.2009, p. 72.

(35) S.I. 1981/154 (N.I. 1).

(36) Entry inserted by S.R. 2013 No. 115.

(37) Entry inserted by S.R. 2013 No. 115.

(d) in paragraph 6, for “Member State authorises its nationals to” substitute “UK nationals may”.

(3) In Article 2—

(a) in paragraph 1, after each occurrence of the words “registered in” insert “the United Kingdom or”;

(b) in paragraph 2, for points (a) to (d) substitute—

“(a) a laden journey undertaken by a vehicle where the point of departure is in the United Kingdom and the point of arrival is in a Member State, or vice versa, with or without transit through the United Kingdom or one or more Member States or third countries;

(b) a laden journey undertaken by a vehicle from the United Kingdom to a third country or vice versa with or without transit through the United Kingdom or one or more Member States or third countries;

(c) a laden journey undertaken by a vehicle where the point of departure is a Member State and the point of arrival is a third country, or vice versa, with transit through the United Kingdom;

(d) a laden journey undertaken by a vehicle between third countries, with transit through the United Kingdom;

(e) a laden journey undertaken by a vehicle between two Member States, with transit through the United Kingdom; or

(f) an unladen journey in conjunction with the carriage referred to in points (a) to (e);”;

(c) for paragraph 3, substitute—

“**3.** ‘host State’ means a State, including the United Kingdom or a Member State, in which the haulier operates other than the haulier’s State of establishment;”;

(d) in paragraph 4 and 6, omit “Member”;

(e) in paragraph 7—

(i) for “Community road transport legislation” substitute “retained EU law”;

(ii) before “Community licence” insert “UK licence for the Community or a”;

(f) after paragraph 7, insert—

“**8.** ‘Community licence’ means a licence issued under Article 4 of Regulation (EC) No 1072/2009⁽³⁸⁾ of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market as it applies in EU law as amended from time to time;

9. ‘the Northern Ireland department’ means the Department for Infrastructure;

10. ‘competent authority’ means in Great Britain, a traffic commissioner, and in Northern Ireland, the Northern Ireland department;

11. ‘EU driver attestation’ means a driver attestation issued under Article 5 of Regulation (EC) No 1072/2009⁽³⁹⁾ of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market as it has effect in EU law as amended from time to time;

12. ‘Minister’ means—

⁽³⁸⁾ OJ No. L 300, 14.11.2009, p. 72.

⁽³⁹⁾ OJ No. L 300, 14.11.2009, p. 72.

- (a) in relation to England, Scotland or Wales, the Secretary of State;
- (b) in relation to Northern Ireland, the Northern Ireland department;

13. ‘traffic commissioner’ has the same meaning as in the Public Passenger Vehicles Act 1981⁽⁴⁰⁾;

14. ‘Regulation (EC) No 1071/2009’ means 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.”.

(4) For the paragraph in Article 3, substitute—

“International carriage shall be carried out subject to possession of a UK licence for the Community or a Community licence issued by a Member State and, if the driver is a national of a third country, in conjunction with a driver attestation issued in accordance with this Regulation or an EU driver attestation.”.

(5) In Article 4—

- (a) in the heading, for “Community licence” substitute “UK licence for the Community”;
- (b) for paragraphs 1 to 3, substitute—

1. The UK licence for the Community must be issued by a competent authority in accordance with this Regulation to any haulier carrying goods by road for hire or reward who:

- (a) is established in the area, region, or country within the UK for which that competent authority exercises its powers in accordance with UK legislation; and
- (b) is entitled, in accordance with UK legislation concerning admission to the occupation of road haulage operator, to carry out the international carriage of goods by road.

2. A UK licence for the Community must be issued for renewable periods of up to 10 years.

Community licences and certified copies issued to hauliers established in the United Kingdom under Regulation (EC) 1071/2009⁽⁴¹⁾ and valid before the exit day will remain valid and treated as a UK licence for the Community until the date of their expiry.

The Minister may by regulations adjust the period of validity of the UK licence for the Community to take account of technical progress, in particular, in the national electronic registers of road transport undertakings as provided for in Article 16 of Regulation (EC) No 1071/2009.

3. A competent authority must issue the holder with the original of the UK licence for the Community, which must be kept by the haulier, and the number of certified true copies corresponding to the number of vehicles at the disposal of the holder of the UK licence for the Community, whether those vehicles are wholly owned or, for example, held under a hire purchase, hire or leasing contract.”;

(c) in paragraph 4—

- (i) in the first subparagraph, for “Community licence” substitute “UK licence for the Community”;
- (ii) for the second subparagraph substitute—

⁽⁴⁰⁾ 1981 c. 14.

⁽⁴¹⁾ OJ No. L 300, 14.11.2009, p. 51.

- “The Minister may by regulations adapt Annexes 1 and 2 to take account of technical progress.”;
- (d) in paragraph 5, for every occurrence of “Community licence” substitute “UK licence for the Community” and for “issuing authority” substitute “competent authority”;
 - (e) in paragraph 6, for every occurrence of “Community licence” substitute “UK licence for the Community”;
 - (f) after paragraph 6, insert—
 - “7. Regulations under this Article may—
 - (a) include supplementary, incidental, consequential, transitional, transitory or saving provision: and
 - (b) make different provision for different cases.”.
- (6) In Article 5—
- (a) omit paragraph 1 and after it insert—
 - “1A. A driver attestation must be issued by the Minister in accordance with this Regulation to any haulier who:
 - (a) is the holder of a UK licence for the Community;
 - (b) employs a driver who is lawfully permitted to seek employment in the United Kingdom; and
 - (c) has employed that driver in compliance with any conditions of employment and vocational training laid down in the United Kingdom.”;
 - (b) omit paragraph 2 and after it insert—
 - “2A. The driver attestation must be issued, at the request of the holder of the UK licence for the Community, for each driver who is not a national of the United Kingdom, a Member State or the EEA, nor a person lawfully in the United Kingdom who has a right to work in the United Kingdom whom that haulier lawfully employs, or who is put at the disposal of the haulier. Each driver attestation must certify that the driver named therein is employed in accordance with the conditions laid down in paragraph 1.”;
 - (c) for paragraph 4, substitute—
 - “4. The Minister may by regulation adapt Annex 3 to take account of technical progress.”;
 - (d) for paragraphs 6 and 7, substitute—
 - “6. The driver attestation shall belong to the haulier, who puts it at the disposal of the driver designated therein when that driver drives a vehicle using a UK licence for the Community issued to that haulier. A certified true copy of the driver attestation issued under this Regulation shall be kept at the haulier’s premises. An EU driver attestation shall be presented to any authorised inspecting officer if that officer requests it.
 - 7. The Minister must determine the period of validity of a driver attestation, subject to a maximum validity of 5 years.

The driver attestation must be valid only as long as the conditions under which it was issued are satisfied. If those conditions are no longer satisfied, the Minister may require the haulier to return the driver attestation immediately.”;
 - (e) after paragraph 7, insert—
 - “8. Regulations under this Article may—

- (a) include supplementary, incidental, consequential, transitional, transitory or saving provision: and
 - (b) make different provision for different cases.”.
- (7) In Article 6—
 - (a) in paragraph 1—
 - (i) for each reference to “Community licence” substitute “UK licence for the Community”;
 - (ii) for “authorities of the Member State of establishment” substitute “authority”;
 - (b) in paragraph 2—
 - (i) for “competent authorities of the Member State of establishment shall” substitute “Minister must”;
 - (ii) omit the words “in that Member State”.
- (8) In Article 7—
 - (a) in the heading, for “Community licence” substitute “UK licence for the Community”;
 - (b) for paragraph 1 substitute—

“1. If the conditions laid down in Article 4(1) are not satisfied, the competent authority must reject an application for the issue or renewal of a UK licence for the Community by means of a reasoned decision in each case. If the conditions referred to in Article 5(1) are not satisfied, the Minister must reject an application to issue a driver attestation by means of a reasoned decision in each case.”;
 - (c) in paragraph 2—
 - (i) for the words before point (a) substitute—

“2. A competent authority must withdraw a UK licence for the Community, or the Secretary of State or the Northern Ireland department must withdraw a driver attestation, where the holder.”;
 - (ii) in point (b), for “Community licence” substitute “UK licence for the Community”.
- (9) In Article 8—
 - (a) in paragraph 1, after “operations” insert “within the United Kingdom”;
 - (b) in paragraph 2—
 - (i) in the first subparagraph, for every reference to “host Member State” substitute “United Kingdom”;
 - (ii) for the second subparagraph substitute—

“Within the time limit referred to in the first subparagraph, hauliers are limited to carrying out one cabotage operation out of the three cabotage operations permitted in the United Kingdom within 3 days of the unladen entry into the territory of the United Kingdom.”;
 - (c) in the first subparagraph of paragraph 3, for “host Member State” substitute “United Kingdom”.
- (10) In Article 9—
 - (a) in paragraph 1—
 - (i) in the words before point (a)—
 - (aa) for “Community legislation” substitute “retained EU law”; and
 - (bb) for “host Member State” substitute “United Kingdom”;

(ii) for the second subparagraph, substitute—

“The weights and dimensions referred to in point (b) of the first subparagraph may, where appropriate, exceed those applicable in the haulier’s Member State of establishment, but they may under no circumstances exceed the limits set by the United Kingdom.”;

(b) in paragraph 2, for “host Member State” substitute “United Kingdom”.

(11) In Article 10—

(a) for paragraph 1, substitute—

“1. In the event of serious disturbance of the national transport market in a given geographical area due to, or aggravated by, cabotage, the Secretary of State may consider whether or not safeguard measures are necessary and may by Order provide for measures as regards operations carried on by resident or non-resident hauliers.”;

(b) in paragraph 2, for the definition of “geographical area” substitute—

“‘geographical area’ means an area covering all or part of the territory of any part of the United Kingdom.”;

(c) in paragraph 3—

(i) for subparagraph 1, substitute—

“3. The Secretary of State may consider whether or not safeguard measures are necessary with a view to adopting them if they are necessary.”;

(ii) omit subparagraph 4;

(d) for paragraph 4, substitute—

“4. The Secretary of State must consult the competent authority and such other persons as the Secretary of State thinks fit before making any Order under paragraph 1.”

(e) omit paragraph 5;

(f) before paragraph 6, insert—

“5A. Where the Secretary of State considers that the measures adopted by Order pursuant to paragraph 1 need to be prolonged beyond the period provided for in the third subparagraph of paragraph 3, the Secretary of State must publish a consultation document relating to the proposal to so extend the measures. The proposals must set out:

(a) the reasons why it is necessary to extend the measures;

(b) the forecasted economic impact of the measures on hauliers;

(c) the expected time after which the need for measures to continue must be reviewed.”;

(g) omit paragraph 6;

(h) after paragraph 6, insert—

“7. If after considering the responses to the consultation carried out in accordance with paragraph 5A, the Secretary of State decides that it is appropriate to continue the safeguard measures beyond the period provided in paragraph 3, or to institute alternative measures, the Secretary of State may by regulations continue those measures or adopt alternative measures.

8. The powers conferred by this Article on the Secretary of State shall be exercisable by statutory instrument except in the case of any Order made under paragraph 1 or renewed under paragraph 3.

9. Any regulations under this Article may—

- (a) include supplementary, incidental, consequential, transitional, transitory or saving provision: and
- (b) make different provision for different cases.”.

(12) Omit Article 11.

(13) In Article 12—

(a) in the heading, delete “by the Member State of establishment”;

(b) in paragraph 1—

(i) for the words before point (a), substitute—

“**1.** In the event that a competent authority is notified of a serious infringement of this Regulation, or Regulation (EC) 1072/2009⁽⁴²⁾ as it applies in the EU and amended from time to time, by any haulier who is established in the United Kingdom, the appropriate competent authority for that haulier must take appropriate action which may include a warning to pursue the matter which may lead, inter alia, to the imposition of the following administrative penalties:”;

(ii) from point (a) to the end of paragraph 1, for each reference to “Community licence” substitute “UK licence for the Community”;

(c) in paragraph 2—

(i) for the first words before point (a), substitute—

“**2.** In the event that the Minister, is notified of a serious infringement regarding any misuse whatsoever of driver attestations by a haulier who is established in the UK, the Minister must impose appropriate penalties, such as:”;

(ii) from point (d) to the end of paragraph 2, for each reference to “Community licence” substitute “UK licence for the Community”;

(d) in paragraph 3—

(i) in the first subparagraph, for “competent authorities of the Member State of establishment shall communicate to the competent” substitute “relevant UK authorities must communicate to the relevant”;

(ii) in the second subparagraph, for “competent authorities of the Member State of establishment shall” substitute “relevant UK authorities must”;

(e) in paragraph 4, for “competent authorities shall” substitute “relevant UK authorities must”;

(f) for paragraph 5, substitute—

“**5.** The relevant UK authority may also bring proceedings against the haulier before a competent national court or tribunal. The relevant UK authority must inform the relevant authority of the host Member State of any decisions taken to this effect.”;

(g) in paragraph 6, for “Member States shall ensure that hauliers” substitute “Hauliers”;

(h) after paragraph 6, insert—

“**7.** In this Article, ‘relevant UK authority’ means:

- (a) a competent authority dealing with any matter for the purposes of paragraph 1;
- (b) the Minister dealing with any matter for the purposes of paragraph 2.”.

(42) OJ No. L 300, 14.11.2009, p. 72.

(14) In Article 13—

(a) in paragraph 1—

(i) for the words before point (a), substitute—

“1. Where the Minister is aware of a serious infringement of this Regulation or of any retained direct EU legislation attributable to a non-resident haulier, the Minister must transmit to the relevant authorities of the haulier’s Member State of establishment, as soon as possible and at the latest within 6 weeks of the Minister’s final decision on the matter, the following information:”;

(ii) in the second subparagraph—

(aa) for “competent authorities of the host Member State may request the competent”, substitute “Minister may request the relevant”;

(bb) after “Article 12” insert “of Regulation (EC) 1072/2009 as it has effect in EU law”;

(b) omit paragraphs 2 and 3.

(15) For the paragraph in Article 14, substitute—

“The Minister must ensure that serious infringements of United Kingdom or EU road transport legislation committed by hauliers established in the United Kingdom, which have led to the imposition of a penalty by the United Kingdom or any Member State, as well as any temporary or permanent withdrawal of a UK licence for the Community or of a certified true copy thereof, are recorded in the national electronic register of road transport undertakings. Entries in the register which concern a temporary or permanent withdrawal of a UK licence for the Community must remain in the database for 2 years from the time of the expiry of the period of withdrawal, in the case of temporary withdrawal, or from the date of withdrawal, in the case of permanent withdrawal.”.

(16) Omit Article 15.

(17) After Article 15, insert—

“Article 15A

Regulations made by the Secretary of State: consultation and procedure

1. Any power to make regulations conferred on the Secretary of State by this Regulation is exercisable by statutory instrument.

2. Before the Secretary of State makes regulations under Article 4, Article 5 or Article 10, which apply to Great Britain, the Secretary of State must consult—

(a) the traffic commissioners for England, Scotland and Wales;

(b) such other persons as the Secretary of State considers appropriate.

3. Before the Secretary of State makes regulations under Article 4, Article 5 or Article 10, which apply to Northern Ireland, the Secretary of State must consult—

(a) the Northern Ireland department;

(b) such other persons as the Secretary of State considers appropriate.

4. A statutory instrument containing regulations under these Regulations may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Article 15B

Regulations made by the Northern Ireland department: consultation and procedure

1. Any power to make regulations conferred on the Northern Ireland department by this Regulation is exercisable by statutory rule for the purpose of the Statutory Rules (Northern Ireland) Order 1979(43).

2. Before the Northern Ireland department makes regulations under Article 4 or Article 5, the Northern Ireland department must consult such other persons as that department considers appropriate.

3. Regulations may not be made by the Northern Ireland department under these Regulations unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.”.

(18) Omit Articles 16, 17 and 19.

(19) In the heading to Annex I and in Annex I, before each occurrence of “Community licence” insert “UK licence for the Community”.

(20) For Annex II and III substitute Annex 2 and 3 in Schedule 2.

Signed by authority of the Secretary of State for Transport

Date

Name
Parliamentary Under Secretary of State
Department for Transport

SCHEDULES

SCHEDULE 1

Reg 9(27)

Annex substituted for Annex III of regulation (EC) 1071/2009

“

Annex 3

Model of the certificate of professional competence

UNITED KINGDOM

(Colour Pantone stout fawn 467, or as close as possible to this colour, format DIN A4 cellulose paper 100 g/m² or more.)

(Text in English or Welsh)

UK

NAME OF THE UK COMPETENT AUTHORITY⁽¹⁾

CERTIFICATE OF PROFESSIONAL COMPETENCE IN ROAD HAULAGE/ PASSENGER TRANSPORT⁽²⁾

No
We
hereby certify that⁽³⁾
born on in
has successfully passed the tests for the examination (year:; session:)⁽⁴⁾
necessary for the award of the certificate of professional competence in road haulage/passenger
transport⁽⁵⁾ in accordance with Regulation (EC) No 1071/2009 establishing common rules concerning the
conditions to be complied with to pursue the occupation of road transport operator.

This certificate constitutes the sufficient proof of professional competence referred to in Article 21 of
Regulation (EC) No 1071/2009.

Issued by on⁽⁵⁾



⁽¹⁾ Competent authority for the region for which the certificate is issued.

⁽²⁾ Delete as appropriate.

⁽³⁾ Surname and forename; place and date of birth.

⁽⁴⁾ Identification of the examination.

⁽⁵⁾ Signature of the authority issuing the certificate and date of issue.

”

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 No. 708*

SCHEDULE 2

Reg 13(20)

Annexes substituted for Annex II and III of Regulation (EU) 1072/2009

“

Annex 2

UK licence for the Community model

(a)

(Colour Pantone light blue, format DIN A4 cellulose paper 100 g/m2 or more)

(First page of the licence)

(Text in English or Welsh)

UK	NAME OF THE UK COMPETENT AUTHORITY ⁽¹⁾
----	---

LICENCE No:

or

CERTIFIED TRUE COPY No:

for the international carriage of goods by road for hire or reward

This licence entitles ⁽²⁾ _____

to engage in the international carriage of goods by road for hire or reward by any route, for journeys or parts of journeys carried out for hire or reward within the territory of the UK or a Member State as laid down in Regulation (EC) 1072/2009.

Particular remarks:	
This licence is valid from	To.....
Issued by	on..... ⁽³⁾
.....	

⁽¹⁾ Competent authority for the relevant region for which the certificate is issued.

⁽²⁾ Name or business name and full address of the haulier.

⁽³⁾ Signature of the authority issuing the certificate and date of issue.

”

“

(b)

(Second page of the licence)

(Text in English or Welsh)

GENERAL PROVISIONS

This licence is issued under Regulation (EC) No 1072/2009.

It entitles the holder to engage in the international carriage of goods by road for hire or reward by any route for journeys or parts of journeys carried out within the territory of a Member State and, where appropriate, subject to the conditions laid down herein:

- where the point of departure and the point of arrival are situated in:
 - two different countries, one of which is the United Kingdom and the other is a Member State with or without transit through one or more other Member States or third countries; or
 - two different Member States, with or without transit through the United Kingdom or one or more other Member States or third countries,
 - from the United Kingdom or a Member State to a third country or vice versa, with or without transit through one or more Member States or third countries,
 - between third countries with transit through the territory of the United Kingdom or one or more Member States,
- and unladen journeys in connection with such carriage.

In the case of carriage from the United Kingdom or a Member State to a third country or vice versa, this licence is valid for that part of the journey carried out within the territory of any Member State.

The licence is personal to the holder and is non-transferable.

It may be withdrawn by a traffic commissioner or the Department for Infrastructure (Northern Ireland), for example, where the holder has:

- not complied with all the conditions for using the licence,
- supplied incorrect information with regard to the data needed for the issue or extension of the licence.

The original of the licence must be kept by the haulage undertaking.

A certified copy of the licence must be kept in the vehicle⁽¹⁾. In the case of a coupled combination of vehicles it must accompany the motor vehicle. It covers the coupled combination of vehicles even if the trailer or semi-trailer is not registered or authorised to use the roads in the name of the licence holder or if it is registered or authorised to use the roads in another State.

The licence must be presented at the request of any authorised inspecting officer.

Within the territory of the United Kingdom or each Member State, the holder must comply with the laws, regulations and administrative provisions in force in that State, in particular with regard to transport and traffic.

⁽¹⁾ ‘Vehicle’ means a motor vehicle registered in the United Kingdom or a Member State, or a coupled combination of motor vehicles the motor vehicle of which at least is registered in the United Kingdom or a Member State, used exclusively for the carriage of goods.

”

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 No. 708

Annex 3

Driver attestation model

(a)

(Colour Pantone pink, format DIN A4 cellulose paper 100 g/m2 or more)

(First page of the attestation)

(Text in English or Welsh)

UK	TITLE OF THE MINISTER ⁽¹⁾
----	--------------------------------------

DRIVER ATTESTATION No:

for the carriage of goods by road for hire or reward under a UK licence for the Community Regulation (EC) No 1072/2009

This attestation certifies that on the basis of the documents presented by:

The following driver

Name and forename	
Date and place of birth	Nationality
Type and reference number of identity paper	
Date of issue	Place of issue
Driving licence number	
Date of issue	Place of issue
Social security number	

is employed, in accordance with the laws, regulations or administrative provisions and rules applicable in Great Britain or Northern Ireland on the conditions of employment and of vocational training of drivers that must be met in order to carry out road transport operations.

Particular remarks:

This attestation is valid from	to
Issued by	on ⁽²⁾

⁽¹⁾ Secretary of State as regards Great Britain or Minister for the Department for Infrastructure (Northern Ireland).

⁽²⁾ Name or business name and full address of the haulier.

⁽³⁾ Signature of the authority issuing the certificate and date of issue..

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(b)

(Second page of the licence)

(Text in English or Welsh)

GENERAL PROVISIONS

This licence is issued under Regulation (EC) No 1072/2009.

It certifies that the driver named therein is employed, in accordance with the laws, regulations or administrative provisions and rules applicable in the United Kingdom on the conditions of employment and of vocational training of drivers that must be met in order to carry out road transport operations.

The driver attestation shall belong to the haulier, who puts it at the disposal of the driver designated therein when that driver drives a vehicle⁽¹⁾ engaged in carriage using a UK licence for the Community issued to that haulier. The driver attestation is not transferable. The driver attestation shall be valid only as long as the conditions under which it was issued are still satisfied and must be returned immediately by the haulier to the issuing authorities if these conditions are no longer met.

It may be withdrawn by a traffic commissioner or the Department for Infrastructure (Northern Ireland), for example, where the holder has:

- not complied with all the conditions for using the attestation,
- supplied incorrect information with regard to the data needed for the issue or extension of the attestation.

A certified true copy of the attestation must be kept by the haulage undertaking.

An original attestation must be kept in the vehicle and must be presented by the driver at the request of any authorised inspecting officer.

⁽¹⁾ 'Vehicle' means a motor vehicle registered in the United Kingdom or a Member State, or a coupled combination of motor vehicles the motor vehicle of which at least is registered in the United Kingdom or a Member State, used exclusively for the carriage of goods.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under paragraphs (a) to (d) and (g) of section 8(2)) arising from the withdrawal of the UK from the European Union.

These Regulations make amendments to legislation in the field of transportation of passengers and goods between the Member States of the EU and EEA and the United Kingdom. In particular, they amend legislation relating to the standards and requirements to be complied with by road transport operators engaging in the international transportation. Part 2 amends primary, subordinate and directly applicable EU legislation in relation to the licensing of operators. Part 3 amends the primary and directly applicable EU legislation relating to the international road haulage of goods.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.