

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 (Text with EEA relevance)

CHAPTER II

CONDITIONS TO BE MET TO SATISFY THE REQUIREMENTS LAID DOWN IN ARTICLE 3

Article 5

Conditions relating to the requirement of establishment

[^{F1}1] In order to satisfy the requirement laid down in Article 3(1)(a), an undertaking [^{F2}that engages in the occupation of road passenger transport operator][^{F3}must]:

- (a) have an establishment situated in [^{F4}the United Kingdom] with premises in which it keeps its core business documents, in particular its accounting documents, personnel management documents, documents containing data relating to driving time and rest and any other document to which the competent authority must have access in order to verify compliance with the conditions laid down in this Regulation. [^{F5}The Minister] may require that establishments ^{F6}... also have other documents available at their premises at any time;
- (b) once an authorisation is granted, have at its disposal one or more vehicles which are registered or otherwise put into circulation ^{F7}... whether those vehicles are wholly owned or, for example, held under a hire-purchase agreement or a hire or leasing contract;
- (c) conduct effectively and continuously with the necessary administrative equipment its operations concerning the vehicles mentioned in point (b) and with the appropriate technical equipment and facilities at an operating centre situated in [^{F8}the United Kingdom].

[^{F9}2] In order to satisfy the requirement laid down in Article 3(1)(a), an undertaking that engages in the occupation of road haulage operator must satisfy the requirements set out in:

- a) if the undertaking is established in Great Britain, paragraph A1 of Schedule 3 to the 1995 Act; or
- b) if the undertaking is established in Northern Ireland, any regulations made for the purposes of section 12A(2)(a) of the 2010 Act.]

Textual Amendments

F1 Art. 5 renumbered as Art. 5(1) (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **8(1)**

F2 Words in Art. 5(1) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **8(2)**

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1071/2009 of the European Parliament and of the Council, Article 5. (See end of Document for details)

- F3** Word in Art. 5 substituted (31.12.2020) by The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708), regs. 1(1), **9(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 5(a) substituted (31.12.2020) by The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708), regs. 1(1), **9(6)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 5(a) substituted (31.12.2020) by The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708), regs. 1(1), **9(6)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 5(a) omitted (31.12.2020) by virtue of The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708), regs. 1(1), **9(6)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 5(b) omitted (31.12.2020) by virtue of The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708), regs. 1(1), **9(6)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 5(c) substituted (31.12.2020) by The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708), regs. 1(1), **9(6)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Art. 5(2) inserted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **8(3)**

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EC) No 1071/2009 of the European Parliament and of the Council, Article 5.