
DRAFT STATUTORY INSTRUMENTS

2018 No.

**The International Road Transport
Permits (EU Exit) Regulations 2018**

PART 3

International road transport permits

Making an application

20.—(1) An operator must apply to the Secretary of State for a permit within the period specified by the Secretary of State for submitting an application for that permit.

(2) An application must—

- (a) include any information specified by the Secretary of State, and
- (b) be accompanied by the fee specified in Schedule 2.

(3) An application may only be made by a person who holds an operator's licence issued under section 15 of the 1995 Act or section 14 of the 2010 Act.

Further information in respect of an application made under regulation 20

21.—(1) If the Secretary of State considers that further information is required to determine an application, the Secretary of State may serve a notice on the applicant specifying the further information and the period within which it must be provided.

(2) If the applicant fails to provide the further information in accordance with that notice, the Secretary of State may serve a further notice on the applicant stating that the application is considered to be withdrawn.

(3) If an application is considered to be withdrawn, the applicant is not entitled to the return of any fee which accompanied it.

Withdrawing an application

22.—(1) An application may be withdrawn by the applicant before the permit is granted.

(2) If an application is withdrawn, the applicant is not entitled to the return of any fee which accompanied it.

Number of permits

23.—(1) Where a relevant international agreement with a relevant country or a relevant member State restricts the number of permits available for international journeys to, in or through that country or member State, the Secretary of State may designate—

- (a) the number of those permits available for determination under regulation 24; and

- (b) the number of those permits that the Secretary of State may grant in other circumstances, including in an emergency or for some other special need.
- (2) The Secretary of State may alter or remove a designation.

Determining an application

24.—(1) Before granting a permit designated under regulation 23(1)(a), the Secretary of State must consider, where relevant to the permit applied for—

- (a) the exhaust emissions level (for example, Euro 5, Euro 6 or other⁽¹⁾) of the goods vehicle or vehicles which the applicant intends to use on a journey under the permit applied for;
 - (b) the goods which the applicant intends to carry under the permit applied for;
 - (c) the frequency with which the applicant intends to use the permit applied for; and
 - (d) the proportion of the total number of journeys made by the applicant annually that are international journeys.
- (2) The Secretary of State may—
- (a) use random selection in addition to the considerations in paragraph (1) to determine whether to grant a permit designated under regulation 23(1)(a); and
 - (b) take into account any other matters that the Secretary of State considers appropriate in determining whether to grant a permit.
- (3) The Secretary of State must provide guidance to applicants on the policy that the Secretary of State will apply to determine applications.

Granting a permit

25.—(1) Subject to regulation 24, the Secretary of State may grant a permit falling within the number designated under regulation 23(1)(a).

- (2) The Secretary of State may grant a permit falling within the number designated under regulation 23(1)(b).
- (3) The Secretary of State may grant any other permit on a first come, first served basis.
- (4) The Secretary of State must give reasons for refusing to grant a permit.

Content of a permit

26. A permit must specify—

- (a) the international journey or journeys for which that vehicle may be used;
- (b) the operator to which the permit is granted;
- (c) the period for which the permit is granted; and
- (d) any other conditions that the operator must comply with.

Cancelling a permit

27.—(1) The Secretary of State may cancel a permit if—

- (a) the operator's licence is revoked, suspended or curtailed under section 26 or 27 of the 1995 Act or section 23 or 24 of the 2010 Act;

(1) EURO emissions standards are the emissions standards for goods vehicles. For example, Euro 6 is the category of goods vehicle which complies with the emissions limits referred to in Annex I of Regulation (EC) No. 595/2009 of the European Parliament and of the Council of 18th June 2009 on type approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information (OJ L 188, 18.7.2009, p. 1-13).

- (b) the operator breaches any condition attached to that permit and fails to remedy that breach within 20 working days of notification;
 - (c) the operator is guilty, in respect of that permit, of an offence—
 - (i) in Great Britain, under section 173 or 174 of the Road Traffic Act 1988⁽²⁾,
 - (ii) in Northern Ireland, under section 36 or 37 of the 2010 Act; or
 - (d) the operator requests the permit is cancelled.
- (2) Where the Secretary of State decides to cancel a permit, the Secretary of State must notify the operator of—
- (a) the reasons for cancelling the permit; and
 - (b) the date on which the permit will be cancelled, which must not be less than 20 working days after the date on which the operator is notified.
- (3) Unless the Secretary of State withdraws a cancellation notice, a permit ceases to have effect on the date specified in the notice.

Appeals

- 28.**—(1) Where the Secretary of State decides to cancel a permit, an operator may appeal—
- (a) in Great Britain, to a traffic commissioner; and
 - (b) in Northern Ireland, to the Upper Tribunal.
- (2) An appeal must be brought within 20 working days of the day on which the operator was notified of the decision to cancel the permit.
- (3) On an appeal to a traffic commissioner, the traffic commissioner must—
- (a) consider any written representations made and any evidence provided when the appeal is brought;
 - (b) inform the appellant of the outcome of the appeal within a period of 56 days, beginning with the day on which the appeal was brought; and
 - (c) provide reasons for the decision (“the determination”).
- (4) Without prejudice to the right of any person to make an application for judicial review—
- (a) a determination by a traffic commissioner is binding on all parties affected by the determination; and
 - (b) a traffic commissioner may give such directions as the traffic commissioner considers appropriate to give effect to the determination.
- (5) In this regulation—
- “traffic commissioner” has the same meaning as in the Public Passenger Vehicles Act 1981⁽³⁾; and
- “upper tribunal” means the Upper Tribunal constituted under section 3 of the Tribunal, Courts and Enforcement Act 2007⁽⁴⁾.

Fees

- 29.** The fee payable for a function and the time when that fee must be paid are set out in Schedule 2.

(2) 1988 c.52.
(3) 1981 c. 14.
(4) 2007 c.15.

Records

30.—(1) Where an operator is granted a permit under regulation 25, the operator must keep a record of any international journey made using that permit.

(2) The operator must provide the Secretary of State with a copy of any such record on request.