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DRAFT STATUTORY INSTRUMENTS

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**2022 No.**

**The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022**

**PART 12**

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

**Insertion of regulation 13A (requirements for transport manager)**

**119.** Before the heading to regulation 14 (issue of notice to transport manager) insert—

*“Transport manager*

**Requirements for transport manager**

**13A.**—(1) A transport manager must be—

- (a) a resident of the United Kingdom;
- (b) of good repute (as determined in accordance with regulations 5 to 9);
- (c) professionally competent (as determined in accordance with regulation 11); and
- (d) able to manage effectively and continuously the operator’s transport service.

(2) An individual designated under section 12A(3)(a)(ii) of the 2010 Act, in addition to meeting the requirements set out in paragraph (1), must be—

- (a) the operator;
- (b) an employee, director, owner, or shareholder of the operator; or
- (c) any other individual the Department is satisfied has a genuine link to the operator.

(3) An individual designated under section 12A(3)(b) of the 2010 Act, in addition to meeting the requirements set out in paragraph (1), must—

- (a) be a party to a transport management contract linking the individual to the operator;
- (b) be able to—
  - (i) exercise the individual’s responsibilities as a transport manager independently of the operator; and
  - (ii) perform the tasks set out in the transport management contract solely in the interests of the operator; and
- (c) not be, subject to paragraph (4), at the same time designated under—

- (i) section 12A(3)(a)(ii) or (b) of the 2010 Act in relation to any other operator’s licence; or

- (ii) any corresponding law of England and Wales or Scotland in relation to a Great Britain-issued licence.
- (4) If the Department considers it appropriate, the Department may allow an individual to be designated in relation to an operator’s licence despite paragraph (3)(c) provided the individual is designated in relation to no more than four operators’ licences or Great Britain-issued licences authorising the use of a combined total fleet of no more than 50 motor vehicles or vehicle combinations.
- (5) In this regulation—
- “Great Britain-issued licence” means a licence issued under the law of England and Wales or Scotland that is equivalent to an operator’s licence;
  - “the operator” means the person who designated the individual under section 12A(3)(a)(ii) or (b);
  - “transport management contract” means a contract that—
    - (a) indicates the individual’s responsibilities as a transport manager; and
    - (b) specifies the tasks the individual is to perform as a transport manager for the operator, including those relating to—
      - (i) vehicle maintenance;
      - (ii) vehicle management;
      - (iii) verification of contracts and documents relating to the transport service;
      - (iv) basic accounting;
      - (v) the assignment to drivers and vehicles of transport services; and
      - (vi) the verification of safety procedures.”.