

2010 No. 455

ROAD TRAFFIC

**The Goods Vehicles (Licensing of Operators) (Amendment)
Regulations 2010**

Made - - - - - *23rd February 2010*

Laid before Parliament *2nd March 2010*

Coming into force in accordance with regulation 1

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by sections 2(2)(d) and 57(1),(2)(d), (5), (7) and (8) of the Goods Vehicles (Licensing of Operators) Act 1995(a).

The Secretary of State has consulted with such representative organisations as thought fit in accordance with section 57(12) of that Act.

The Administrative Justice and Tribunals Council has been consulted and that Council has consulted the Scottish and Welsh Committees, in accordance with section 44 of and paragraph 24 of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007(b).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2010 and shall come into force—

- (a) for all purposes except those of regulation 2(4) and (5) on 1st April 2010;
- (b) for the purposes of regulation 2(4) on 14th May 2010;
- (c) for the purposes of regulation 2(5) on 4th December 2011;

(2) In these Regulations, “the principal Regulations” means the Goods Vehicles (Licensing of Operators) Regulations 1995(c).

Amendments to the Goods Vehicles (Licensing of Operators) Regulations 1995

2.—(1) The principal Regulations are amended as follows.

(2) In regulation 3(2), after the definition of “keeper”, there is inserted—

(a) 1995 c.23. See section 58(1) for the meaning of “prescribed” and “regulations”.
(b) 2007 c.15. The Traffic Commissioners are a listed tribunal for the purposes of paragraph 24 of Schedule 7 by virtue of the Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007 (S.I. 2007/2951) and the Administrative Justice and Tribunals Council (Listed Tribunals) (Scotland) Order 2007 (S.S.I. 2007/436). The “Scottish Committee”, “Welsh Committee” and “procedural rules” are each defined in paragraph 28(1) of Schedule 7.
(c) S.I. 1995/2869, to which relevant modifications, in relation to foreign goods vehicles, have been made by S.I. 1996/2186 Schedule 6.

““interim licence” means a licence issued under section 24;
“interim direction” means a direction given by a traffic commissioner pursuant to section 25;”.

(3) In regulation 23—

- (a) in paragraph (2)(a), after “licence;” “and” is omitted;
- (b) in paragraph (2)(b), for “national transport operations only.”, there is substituted “national transport operations only;”;
- (c) after paragraph (2)(b), there is inserted—

“(c) where applicable, that the vehicle is being used under an interim licence, or pursuant to an interim direction, and in such a case, the date the interim licence was issued or the interim direction was given; and

(d) subject to paragraph (5)(b), the date on which the disc expires under paragraph (5)(a).”

(d) after paragraph (4), there is inserted—

“(5) (a) Subject to paragraph (b) and without prejudice to regulation 28, a disc will expire at the end of the last day of the month in which the continuation fee for a licence falls due.

(b) Neither paragraph (a) nor paragraph (2)(d) apply where a disc is issued under an interim licence or pursuant to an interim direction.

(6) For the purposes of paragraph (5)(a)—

(a) “continuation fee” means the fee numbered (iii) as specified in the Schedule to the Goods Vehicles (Licensing of Operators) (Fees) Regulations 1995(a); and

(b) the month in which such a fee falls due is determined in accordance with that Schedule.”.

(4) In Part I of Schedule 3, for paragraph 23 there is substituted:

“23. 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 the provisions of Council Regulation (EEC) No. 3118/1993 laying down conditions under which non-resident carriers may operate national road haulage services within a Member State (b) as it has effect with 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.(c)”.

(5) In Part I of Schedule 3, for paragraph 23 as substituted by paragraph (4) there is substituted:

“23. 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 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.”.

(6) The references in paragraph (3) to regulation 23(2) of the principal Regulations do not apply to the provision substituted in relation to certain goods vehicles by Part II of Schedule 6 to the Goods Vehicles (Licensing of Operators) (Temporary Use in Great Britain) Regulations 1996(d).

(a) S.I. 1995/3000 to which relevant amendments were made by S.I.2009/804

(b) O.J. L 279, 12.11.93, p.1. The instrument has been textually amended by Council Regulation (EC) No. 3315/94 of 22 December 1994 (O.J. L350, 31.12.94, p.9) and by Regulation (EC) No. 484/2002 of 1 March 2002 (O.J. L76, 19.3.2002, p. 1.)

(c) O.J. L300, 14.11.2009, p.72.

(d) S.I. 1996/2186 to which relevant amendments were made by S.I. 2004/462

Signed by authority of the Secretary of State

23rd February 2010

Paul Clark
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 23 of and Part I of Schedule 3 to the Goods Vehicles (Licensing of Operators) Regulations 1995 (“the principal Regulations”).

Regulation 23 prescribes matters in relation to the identification of motor vehicles used under a licence issued to the operator of a goods vehicle, pursuant to the Goods Vehicles (Licensing of Operators) Act 1995. It prescribes that vehicles should be identified by means of a disc. These Regulations make additional provisions with respect to the information to be specified on a disc.

For licences other than interim licences, there is a new requirement to indicate the expiry date of the disc (*regulation 2(3)(c)*, which inserts a new regulation 23(2)(d) into the principal Regulations). The disc will expire at the end of the last day of the month in which the fee for continuing a licence falls due under the Goods Vehicles (Licensing of Operators) (Fees) Regulations 1995, (*regulation 2(3)(d)* which inserts a new regulation 23(5) and (6) into the principal Regulations).

For discs issued under an interim licence, or pursuant to an interim direction, there is no requirement to indicate the expiry date of a disc. However, a disc issued in such circumstances must indicate this fact as well as the date of the relevant decision giving rise to the issue of the disc (*regulation 2(3)(c)* which inserts a new regulation 23(2)(c) into the principal Regulations).

Certain foreign goods vehicles are subject to a modified version of regulation 23 which is set out in Schedule 6 of the Goods Vehicles (Licensing of Operators) (Temporary Use in Great Britain) Regulations 1996. The amendments to regulation 23 of the principal Regulations, made by these Regulations do not apply to that modified version of regulation 23.

Schedule 3 of the principal Regulations specifies classes of vehicles the use of which is exempted from the requirement to hold an operator’s licence; paragraph 23 in Part I specifying vehicles permitted to carry out cabotage under Regulation (EEC) 3118/93.

The amendments to Schedule 3 are on account of the adoption of Regulation (EC) No. 1072 / 2009 of the European Parliament and of the Council on common rules for access to the international road haulage market.

Articles 8 and 9 of that Regulation (rules concerning goods vehicle cabotage) come into force on 14th May 2010 and the remaining provisions on 4th December 2011 when Council Regulation (EEC) 3118/93 laying down conditions under which non-resident carriers may operate national road haulage services within a Member State is repealed. In the interim, articles 8 and 9 will co-exist with Regulation (EEC) 3118/93, but applying new rules.

By virtue of *regulation 1* of this instrument, the amendment to Schedule 3 made by *regulation 2(4)* comes into force on 14th May 2010 and is replaced by that made by *regulation 2(5)* on 4th December 2011. *Regulation 2(4)* substitutes a new paragraph 23 of Schedule 3 of the principal Regulations which refers to cabotage conducted in accordance with Regulation (EEC) 3118/93 as it has effect with Regulation (EC) 1072/2009. *Regulation 2(5)* will replace this with a provision referring to the 2009 Regulation alone when that Regulation comes fully into force.

A full impact assessment has not been produced for this instrument as no impact on the private and voluntary sectors is foreseen. The effects of *regulations 2(2)* and *2(3)* of this instrument are cost neutral as the inclusion of dates on licence discs does not change the requirement to display discs. The effect of *regulations 2(4)* and *2(5)* of this instrument are cost neutral as vehicles permitted to undertake cabotage in the United Kingdom are currently exempted from the requirement to hold an operator's licence.

© Crown copyright 2010

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.00