

**2010 No. 804**

**ROAD TRAFFIC**

**The Goods Vehicles (Licensing of Operators) (Temporary Use in Great Britain) (Amendment) Regulations 2010**

*Made* - - - - - *15th March 2010*

*Laid before Parliament* *18th 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 section 57(1), (6), (7) and (8) of the Goods Vehicles (Licensing of Operators) Act 1995(a).

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

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Goods Vehicles (Licensing of Operators) (Temporary Use in Great Britain) (Amendment) Regulations 2010 and come into force—

- (a) for all purposes except those of regulation 2, on 19th April 2010,
- (b) for the purposes of regulation 2(1),(2) and (3), on 14th May 2010, and
- (c) for the purposes of regulation 2(4) and (5), on 4th December 2011.

(2) In these Regulations the “Principal Regulations” means the Goods Vehicles (Licensing of Operators) (Temporary Use in Great Britain) Regulations 1996(b).

**Amendments concerning EU cabotage rules**

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

(2) In regulation 3 (interpretation), in paragraph (1)—

- (a) for the definition of “Community cabotage authorisation”, substitute—

““Council Regulation (EEC) No. 3118/93” means Council Regulation (EEC) No. 3118/93 of 25th October 1993 laying down conditions under which non-resident carriers may

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(a) 1995 c.23.

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

operate national road haulage services within a Member State<sup>(a)</sup> as it has effect with Regulation (EC) No. 1072/2009 of the European Parliament and of the Council of 21st October 2009 on common rules for access to the international road haulage market<sup>(b)</sup>”; and

- (b) in paragraph (d) of the definition of “foreign goods vehicle”, for the words “except in the case of use under a Community cabotage authorisation”, substitute “(except in the case of use in a cabotage operation permitted under Council Regulation (EEC) No. 3118/93)”.

(3) (a) In the heading immediately preceding regulation 7 (exemption for foreign goods vehicles, etc.), for the words “with Community cabotage authorisations”, substitute “being used to carry out Community cabotage operations”.

- (b) In regulation 7, for paragraph (1), substitute—

“(1) Notwithstanding anything in regulations 8 to 30E, section 2(1) of the Act shall not apply in the case of a foreign goods vehicle being used to carry out a cabotage operation consisting of national carriage for hire or reward on a temporary basis in Great Britain in accordance with the provisions of Council Regulation (EEC) No. 3118/93.”.

(4) In regulation 3 (interpretation), in paragraph (1)—

- (a) omit the definition of “Council Regulation (EEC) No. 3118/93”, as inserted by paragraph (2)(a) of these Regulations;

- (b) omit the definition of “Council Regulation No. 881/92<sup>(c)</sup>”;

- (c) in paragraph (d) of the definition of “foreign goods vehicle”, for the words “(except in the case of use in a cabotage operation permitted under Council Regulation (EEC) No. 3118/93)”, as inserted by paragraph (2)(b) of these Regulations, substitute—

“(except in the case of use in a cabotage operation permitted under Regulation (EC) No. 1072/2009)”;

- (d) for the definition of “international carriage”, substitute—

““international carriage” has the meaning which it bears in Article 2 of Regulation (EC) No. 1072/2009;”.

- (e) at the end of the definition of “Northern Ireland goods vehicles”, omit “and”; and

- (f) after the definition of “Northern Ireland goods vehicles”, insert—

““Regulation (EC) No. 1072/2009” means Regulation (EC) No. 1072/2009 of the European Parliament and of the Council of 21st October 2009 on common rules for access to the international road haulage market; and”.

(5) In regulation 7(1), for the words “Council Regulation (EEC) No. 3118/93”, substitute “Regulation (EC) No. 1072/2009”.

### **Amendments concerning Turkish goods vehicles**

3.—(1) For regulation 29 (exemption and modification for Turkish goods vehicles), substitute—

#### **“Exemption for Turkish goods vehicles**

**29.**—(1) In this regulation “Turkish goods vehicle” means a foreign goods vehicle—

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

(b) OJ No. L300, 14.11.2009, p.72.

(c) OJ No. L 95, 09.04.1992, p.1.

- (a) which, in the case of a motor vehicle, is registered in the Republic of Turkey; and
- (b) which, in the case of a trailer, is owned by or operated by or on behalf of a person who is authorised under Turkish law to use that vehicle for the carriage of goods in the Turkish Republic.

(2) Section 2(1) of the Act shall not apply to the use in Great Britain of a Turkish goods vehicle for the carriage of any goods.”.

Signed by authority of the Secretary of State

15th March 2010

*Paul Clark*  
Parliamentary Under Secretary of State  
Department for Transport

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Goods Vehicles (Licensing of Operators) (Temporary Use in Great Britain) Regulations 1996 (the “Temporary Use Regulations”).

*Regulation 2* amends regulations 3 and 7 of the Temporary Use Regulations 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 Regulation (EC) No. 1072/2009 (rules concerning goods vehicle cabotage) come into force on 14th May 2010 and the remaining provisions on 4th December 2011, when Council Regulation (EEC) No. 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) No. 3118/93. *Regulation 2(1), (2) and (3)* amends the Temporary Use Regulations from 14th May 2010 to take account of these changes in the transitional period.

Council Regulation (EEC) No. 881/92 will also be repealed on 4th December 2011 by Article 18 of Regulation (EC) No. 1072/2009. The definition of “international carriage” in Article 2(2) of Regulation (EC) No. 1072/2009 will then apply. *Regulation 2(4) and (5)* provides for these changes and therefore comes into force on 4th December 2011.

By virtue of *regulation 1*, the amendments made by *regulation 2(2)* will be replaced, with effect from 4th December 2011, by those made by *regulation 2(4)*. *Regulation 2(2)* substitutes a new reference to the EU rules concerning goods vehicle cabotage, referring to cabotage conducted in accordance with Regulation (EEC) No. 3118/93 as it has effect with Regulation (EC) No. 1072/2009. *Regulation 2(4)* will replace this with a provision referring to the 2009 Regulation alone.

*Regulation 3* substitutes regulation 29 of the Temporary Use Regulations. Regulation 29 exempted operators of Turkish goods vehicles used temporarily in Great Britain on international journeys from the requirement to hold an operator’s licence, under section 2(1) of the Goods Vehicles (Licensing of Operators) Act 1995, provided the goods being carried fell into one of a number of specified classes and provided a permit was held. The substitution made by *regulation 3* removes the requirement for a permit and removes the restrictions on the types of goods that may be carried. This change gives effect to a bilateral Agreement between the UK and Turkey signed in Ankara on 20th May 2009<sup>(a)</sup> which itself amended the Agreement signed on 9th September 1977 between the UK and Turkey concerning International Road Transport<sup>(b)</sup>.

An impact assessment has not been produced for this instrument as the only impact foreseen on the private or voluntary sectors is minimal savings to them. An explanatory memorandum is available alongside this instrument on the Office of Public Sector Information website at [www.opsi.gov.uk](http://www.opsi.gov.uk).

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