

Draft Regulations laid before the Assembly under Article 57(9) of the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010, for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2012 No.

ROAD TRAFFIC AND VEHICLES

**The Goods Vehicles (Licensing of Operators)
(Exemption) Regulations (Northern Ireland) 2012**

Made - - - -

Coming into operation

The Department of the Environment makes the following Regulations in exercise of the powers conferred by section 1(2)(d) and (3)(b) of the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010⁽¹⁾.

In accordance with section 57(11) of that Act the Department has consulted such representative organisations as it thinks fit.

Citation and Commencement

1. These Regulations may be cited as the Goods Vehicles (Licensing of Operators) (Exemption) Regulations (Northern Ireland) 2012 and shall come into operation on 2012.

Interpretation

2. In these Regulations—

“the 1995 Act” means the Goods Vehicles (Licensing of Operators) Act 1995⁽²⁾;

“the 2010 Act” means the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010;

“own account operator” means an operator who uses a goods vehicle on a road for the carriage of goods for or in connection with any trade or business carried on by the holder of the licence, other than that of carrying goods for hire or reward; and

“relevant plated weight” means the gross weight not to be exceeded of a loaded vehicle as defined in regulation 79 of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999⁽³⁾.

(1) 2010 c. 2 (N.I.)

(2) 1995 c.23

(3) S.R. 1999 No.454

Small goods vehicle

3.—(1) For the purposes of section 1(2)(a) of the 2010 Act a goods vehicle is a small goods vehicle if it forms part of a vehicle combination and complies with the conditions set out in paragraph (2)(a) or (b).

(2) The conditions referred to in paragraph (1) are that-

- (a) the vehicle and combination of vehicles used for hire and reward has a relevant plated weight up to and including 3.5 tonnes and complies with Regulation (EC) No.1071/2009(4); or
- (b) the vehicle and combination of vehicles used by an own account operator includes a towing vehicle that has a relevant plated weight which is no more than 3.5 tonnes.

(3) Paragraph (2) applies in spite of Article 1(4)(c) of Regulation (EC) No.1071/2009 (exemption for slow vehicles unless otherwise provided in national law).

Exemption from requirement to hold an Operator's Licence

4. The provisions of section 1(1) of the 2010 Act shall not apply to the use of vehicles of any class as set out in the Schedule.

Sealed with the Official Seal of the Department of the Environment on 2012



Name
A senior officer of the
Department of the Environment

SCHEDULE

Regulation 4

Use of vehicle of any class for which an operator's licence is not required

1. A vehicle constructed or adapted primarily for the carriage of passengers and their effects, and any trailer drawn by it, while being so used.
2. A vehicle which is being used for funerals.
3. An emergency vehicle which is being used for police, fire and rescue or ambulance purposes.
4. A vehicle being used in by the Serious Organised Crime Agency in exercise of its functions.
5. A vehicle which is being used under a trade licence issued under the Vehicle Excise and Registration Act 1994⁽⁵⁾.
6. A vehicle used by or under the control of Her Majesty's United Kingdom forces or a visiting force.
7. A vehicle being used under the direction of HM Coastguard or of the Royal National Lifeboat Institution (or similar) for the carriage of lifeboats, life-saving appliances or crew.
8. A vehicle being used solely on roads under the control of a harbour authority.
9. A vehicle being used by a local authority in the discharge of any function conferred on or exercisable by that authority under Regulations made under the Civil Contingencies Act 2004⁽⁶⁾.
10. A vehicle being used in an emergency by a public undertaking for the supply of water, electricity, gas or telephone services.
11. A vehicle proceeding to or from a vehicle testing centre⁽⁷⁾ for the purposes of an examination of that vehicle and/or its trailer, provided that the only load being carried is a load required for the purposes of the examination under the Goods Vehicles (Testing) Regulations (Northern Ireland) 2003⁽⁸⁾.
12. A vehicle fitted with a machine, appliance, apparatus or other contrivance which is a permanent or essentially permanent fixture for carrying out maintenance on the road, water, electricity or gas networks and provided that the only goods carried on the vehicle are—
 - (a) required for use in connection with the function of the machine, appliance, apparatus or contrivance or the running of the vehicle; or
 - (b) mud, including contents of road gullies, or other matter swept up from the surface of a road by the use of the machine, appliance, apparatus or other contrivance.
13. A tower wagon, mobile elevated platform or trailer drawn thereby, provided that the only goods carried on the trailer are goods required for use in connection with the work on which the tower wagon or mobile elevated platform is ordinarily used as such.
14. A vehicle which is being used for snow clearing, or for the distribution of grit, salt or other materials on frosted, icebound or snow-covered public roads or for going to or from the place where it is to be used for the said purposes or for any other purpose directly connected with those purposes.
15. A showman's goods vehicle and any trailer drawn thereby.
16. An agricultural tractor as defined under regulation 2 of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999⁽⁹⁾ and used on the public roads solely for—

(5) 1994 c.22

(6) 2004 c.36

(7) S.I. 1995/2994 (N.I. 18) see Article 73

(8) S.R. 2003 No. 304

(9) S.R. 1999 No. 454

- (a) agriculture, horticulture or forestry purposes;
- (b) activities falling within cutting verges bordering public roads; and
- (c) cutting hedges or trees bordering public roads or bordering verges which border public roads.

17. An agricultural vehicle which is—

- (a) designed for off road use;
- (b) designed to lift and load; and
- (c) used only in agriculture, horticulture or forestry.

18. A limited use vehicle which is used solely for the purposes relating to agriculture, horticulture or forestry and—

- (a) is used on public roads only in passing between different areas of privately-owned land; and
- (b) the distance it travels on public roads in passing between any two such areas does not exceed 1.5 km.

19.—(1) A motor vehicle authorised to carry goods for hire and reward or in connection with a trade or business elsewhere than in the United Kingdom—

- (a) which if it were used in Great Britain for purposes or in circumstances corresponding to those for which it is used in Northern Ireland, would by virtue of regulations made for the purpose of implementing any Community obligation or any agreement relating to the international carriage of goods by road which has been applied to Northern Ireland, be exempt from the requirement for the user to hold an operator's licence under section 2 of the 1995 Act; or
- (b) which carries a permit valid for the journey on which the goods are being carried issued with the authority of the Secretary of State for Transport such as, if the vehicle were used in Great Britain for purposes and in circumstances corresponding to those for which it is being used in Northern Ireland, would satisfy the requirements of section 2 of the 1995 Act, as amended by regulations made for the purposes of implementing any Community obligation or any agreement relating to the international carriage of goods by road which has been applied to Northern Ireland.

(2) A motor vehicle which is authorised under section 2 of the 1995 Act to carry goods for hire or reward in Great Britain and which is being used in Northern Ireland to carry goods for hire and reward shall be exempt from the provisions of section 1 of the 2010 Act.

20. A vehicle proceeding to or from or engaged in a practical test of competence to drive that vehicle under Article 5 of the Road Traffic (Northern Ireland) Order 1981⁽¹⁰⁾, provided that the only load being carried is the load required to be carried on the vehicle for the purposes of the test, as prescribed in regulation 26 of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996⁽¹¹⁾.

21. A vehicle being used for the instruction of drivers who have not passed the practical test of competence to drive the vehicle under Article 5 of the Road Traffic (Northern Ireland) Order 1981, provided that the only load being carried is the load required to be carried on the vehicle for the purposes of the test, as prescribed in regulation 26 of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996.

(10) S.I. 1981/154 (N.I. 1)

(11) S.R. 1996 No. 542

22. A vehicle being used in the course of a driving lesson, periodic training or driving test for the purpose of enabling that person to obtain a CPC within the meaning of the Vehicle Drivers (Certificate of Professional Competence) Regulations 2007(12), provided that no goods are being carried other than those allowed to be carried for the purposes of the initial CPC test as prescribed in regulation 5A of those Regulations(13).

23. A vehicle from another EU member state used in the UK under EU cabotage regulations.

24. A vehicle which is constructed or permanently adapted primarily for any one or more of the purposes of lifting, towing and transporting a disabled vehicle when it is carrying out one of the following functions—

- (a) the recovery of a disabled vehicle;
- (b) the removal of a disabled vehicle from the place where it became disabled to premises at which it is to be repaired or scrapped; and
- (c) the removal of a disabled vehicle from premises to which it was taken for repair to other premises at which it is to be repaired or scrapped.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations clarify which vehicles fall outside the scope of the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010.

The Regulations specify which vehicles will not require the operator to obtain an operator's licence due to the weight or combined weight of the vehicles being used (regulation 3).

The Regulations also set out the vehicles that are exempt from the requirement of an operator's licence due to their construction or function (regulation 4 and the Schedule).

An Explanatory Memorandum has been produced and is available from Road Safety and Vehicle Regulation Division, Department of the Environment, Clarence Court, 10-18 Adelaide Street, Town Parks, Belfast BT2 8GB or viewed online at <http://www.legislation.gov.uk/nisr>

(12) S.I. 2007 No. 605

(13) Regulation 5A was inserted by regulation 7 of S.I. 2008/1965