



Haulage Permits and Trailer Registration Act 2018

2018 CHAPTER 19

PART 1

HAULAGE

Licensing of operators of goods vehicles: temporary exemptions etc

11 Licensing of operators in Great Britain

- (1) The Goods Vehicles (Licensing of Operators) Act 1995 is amended as follows.
- (2) In section 2(1) (obligation to hold operator's licence), for "section 4" substitute "sections 3A and 4".
- (3) In section 3(6) (offence relating to restricted licence), for "section 4" substitute "sections 3A and 4".
- (4) After section 3 insert—

"3A Temporary exemptions for international operators

- (1) The Secretary of State may grant an international operator a temporary exemption from any requirement to hold a standard licence which would otherwise be imposed by sections 2 and 3, for the purpose of—
 - (a) enabling an emergency to be dealt with, or
 - (b) enabling some other special need to be met.
- (2) A temporary exemption under subsection (1) may be granted—
 - (a) by giving a notice in writing to the operator to whom it relates, or
 - (b) by publishing a notice specifying the class of operators to whom it relates.

- (3) A notice under subsection (2) must specify—
 - (a) the vehicle or class of vehicles to which it relates;
 - (b) the transport operations to which it relates, or that it relates to all transport operations.
- (4) A temporary exemption under subsection (1) permits the person to whom it relates to use the specified vehicle or (as the case may be) any vehicle of the specified class for the carriage of goods for the purposes of the transport operations to which it relates.
- (5) Accordingly, sections 2(1) and 3(6) do not to that extent apply to that person’s use of goods vehicles.
- (6) In this section “international operator” means a person who is not established in the United Kingdom.
- (7) For the purposes of subsection (6) a person is established in the United Kingdom if the person has an effective and stable establishment in the United Kingdom (as determined in accordance with Article 5 of the 2009 Regulation).”
- (5) In section 4 (temporary exemptions relating to certain national transport operations)—
 - (a) in the heading, at the beginning, insert “Other”;
 - (b) after subsection (1) insert—
 - “(1A) Where the traffic commissioner considers it appropriate (for example because an exemption is to be granted to all persons falling within subsection (2)), an exemption under subsection (1) may be granted by publishing a notice in writing instead of by giving notice in writing to the persons to whom the exemption is granted.”
- (6) In section 46(3)(a) (provisions that may not be modified etc under section 46), after “3,” insert “3A,”.
- (7) In Schedule 2 (information about, and convictions of, applicants for and holders of operators’ licences), in paragraph 5(g), for the words after “an offence under” substitute “section 8 of the Haulage Permits and Trailer Registration Act 2018 (offences relating to international road transport permits)”.

12 Licensing of operators in Northern Ireland

- (1) The [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2 \(N.I.\)\)](#) is amended as follows.
- (2) In section 1(1) (operator’s licenses), for “section 3” substitute “sections 2A and 3”.
- (3) In section 2(6) (offence relating to restricted licence), for “section 3” substitute “sections 2A and 3”.
- (4) After section 2 insert—

“2A Temporary exemptions for international operators

- (1) The Department for Infrastructure may grant an international operator a temporary exemption from any requirement to hold a standard licence which would otherwise be imposed by sections 1 and 2, for the purpose of—
 - (a) enabling an emergency to be dealt with, or
 - (b) enabling some other special need to be met.
 - (2) A temporary exemption under subsection (1) may be granted—
 - (a) by giving a notice in writing to the operator to whom it relates, or
 - (b) by publishing a notice specifying the class of operators to whom it relates.
 - (3) A notice under subsection (2) must specify—
 - (a) the vehicle or class of vehicles to which it relates;
 - (b) the transport operations to which it relates, or that it relates to all transport operations.
 - (4) A temporary exemption under subsection (1) permits the person to whom it relates to use the specified vehicle or (as the case may be) any vehicle of the specified class for the carriage of goods for the purposes of the transport operations to which it relates.
 - (5) Accordingly, sections 1(1) and 2(6) do not to that extent apply to that person’s use of goods vehicles.
 - (6) In this section “international operator” means a person who is not established in the United Kingdom.
 - (7) For the purposes of subsection (6) a person is established in the United Kingdom if the person has an effective and stable establishment in the United Kingdom (as determined in accordance with Article 5 of the 2009 Regulation).”
- (5) In section 3 (temporary exemptions relating to certain national transport operations)—
- (a) in the heading, at the beginning, insert “Other”;
 - (b) after subsection (1) insert—

“(1A) Where the Department for Infrastructure considers it appropriate (for example because an exemption is to be granted to all persons falling within subsection (2)), an exemption under subsection (1) may be granted by publishing a notice in writing instead of by giving notice in writing to the persons to whom the exemption is granted.”