
 STATUTORY INSTRUMENTS

1984 No. 176

ROAD TRAFFIC

The Goods Vehicles (Operators' Licences, Qualifications and Fees) Regulations 1984*Made* - - - - 20th February 1984*Laid before Parliament* 5th March 1984*Coming into Operation* 1st June 1984

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The Secretary of State for Transport—

- (a) in exercise of the powers conferred by sections 60(2) and (4), 63(1), (3) and (4), 67(2), 69(4), 69C(2), 69D(3), 69E(1), 69G(2) and (3), 71(6), 85(1) and (2), 86, 87(4), 89(1) and 91(1), (2), (3), (5) and (6) of the Transport Act 1968(a), and now vested in him(b) and of all other enabling powers, hereby makes the Regulations specified in Part I of Schedule 1; and
- (b) being a Minister designated(c) for the purposes of section 2(2) of the European Communities Act 1972(d) in relation to the regulation and supervision of qualifications of persons engaged in road transport, in exercise of the powers conferred by that section, hereby makes the Regulations specified in Part II of Schedule 1,

having consulted with representative organizations in accordance with section 91(8) of the Transport Act 1968, and the Council on Tribunals in accordance with the requirements of section 10 of the Tribunals and Inquiries Act 1971(e).

(a) 1968 c. 73; sections 60(4) and 71(6) have been amended by the Road Traffic Acts 1960 (c. 16) and 1972 (c. 20), Road Traffic Regulation Act 1967 (c. 76) and Transport Act 1968 (Metrication) Regulations 1981 (S.I. 1981/1373); sections 67(2) and 69(4) have been amended by Schedule 4 to the Road Traffic Act 1974 (c. 50); sections 69C(2), 69D(3), 69E(1), 69G(2) and (3) were added by Schedule 4 to the Transport Act 1982 (c. 49); sections 71(6), 85(1), 86, 89(1) and (2) have been amended by Part II of Schedule 9 to the Transport Act 1980 (c. 34).

(b) S.I. 1970/1681, 1979/571 and 1981/238.

(c) S.I. 1975/1707.

(d) 1972 c. 68.

(e) 1971 c. 62.

PART I

GENERAL

Commencement and citation

1. These Regulations shall come into operation on 1st June 1984, and may be cited as the Goods Vehicles (Operators' Licences, Qualifications and Fees) Regulations 1984.

Revocation

2.—(1) Save as provided in paragraph (2), the Regulations specified in Schedule 2 are hereby revoked.

(2) The Regulations specified in Schedule 2 shall, on and after 1st June 1984, continue to apply in respect of any matter which—

- (a) has been started, but not finished, before that date, and
- (b) is to be finished, as provided in the Transport Act 1982 (Commencement No. 5) Order 1984(a), as if the new provisions (as defined in Article 4 of that Order) had not come into force

until such matter has been finished.

Interpretation

3.—(1) In these Regulations, unless the context otherwise requires, any reference to—

- (a) a numbered section is a reference to the section bearing that number in the Transport Act 1968;
- (b) a numbered Part is a reference to the Part bearing that number in the Transport Act 1968;
- (c) a numbered Regulation or Schedule is a reference to the Regulation or, as the case may be, the Schedule bearing that number in these Regulations; and
- (d) a numbered paragraph is a reference to the paragraph bearing that number in the Regulation in which the reference appears.

(2) In these Regulations, unless the context otherwise requires—

“application” means an application for an operator’s licence of which publication is required by section 63(1) or an application for the variation of an operator’s licence for which publication is required by section 68(4) or 69D(3);

“Applications and Decisions” means the statement issued by a licensing authority under Regulation 24;

“company”, “holding company” and “subsidiary” shall be construed as provided in section 154 of the Companies Act 1948(b);

(a) S.I. 1984/175.

(b) 1948 c. 38.

“disc” means a disc issued in accordance with Regulation 25(1) and (2) or 29(2);

“dual purpose vehicle” has the same meaning as in Regulation 3(1) of the Motor Vehicles (Construction and Use) Regulations 1978(a);

“goods vehicle” has the same meaning as in section 92(1) but excludes a small goods vehicle as described in section 60(4);

“goods vehicle examiner” has the same meaning as in section 56(1) of the Road Traffic Act 1972;

“hackney carriage” has the same meaning as in section 38(1) of the Vehicles (Excise) Act 1971(b);

“holder” in relation to a licence means the person to whom the licence was granted;

“international transport operation” means a transport operation involving the use, for carrying goods for hire or reward, of a goods vehicle on a journey which takes place in part in the United Kingdom and in part elsewhere;

“licence” means an operator’s licence (whether standard or restricted) as defined in section 60(1);

“licensing authority” has the meaning given by section 59(1);

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;

“maintenance” in relation to a vehicle includes inspection, repair and fuelling;

“national transport operation” means a transport operation involving the use, for carrying goods for hire or reward, of a goods vehicle on a journey in the United Kingdom only;

“public service vehicle” has the same meaning as in section 1 of the Public Passenger Vehicles Act 1981(c);

“relevant conviction” means—

- (i) any conviction mentioned in section 69(4), or
- (ii) any conviction of contravening any provision of the law of Northern Ireland or of a country or territory outside the United Kingdom corresponding to any of the said convictions,

not in either case being a spent conviction within the meaning of the Rehabilitation of Offenders Act 1974(d);

“restricted licence” means a licence under which goods vehicles may be used 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, not being the trade or business of carrying goods for hire or reward;

“road transport undertaking” means an undertaking which involves the use of goods vehicles under an operator’s licence, or in accordance with the law of Northern Ireland or of any Member State of the European Economic Community other than the United Kingdom;

(a) S.I. 1978/1017, to which there are amendments not relevant to these Regulations.

(b) 1971 c. 10, as amended by section 5(4) of the Schedule 5 to the Finance Act 1982 (c. 39).

(c) 1981 c. 14.

(d) 1974 c. 53.

“showman’s goods vehicle” has the same meaning as in Schedule 4 to the Vehicles (Excise) Act 1971; and

“standard licence” means a licence under which goods vehicles may be used on a road for the carriage of goods—

- (i) for hire or reward, or
- (ii) for or in connection with any trade or business carried on by the holder of the licence;

“the 1974 Council Directive” means Council Directive (EEC) 74/561 of 12th November 1974(a) on admission to the occupation of road haulage operator in national and international transport operations;

“the 1977 Council Directive” means Council Directive (EEC) 77/796 of 12th December 1977(b) aiming at the mutual recognition of diplomas, certificates and other evidence of formal qualifications for goods haulage operators and road passenger transport operators, including measures intending to encourage these operators effectively to exercise their right to freedom of establishment;

“tower wagon” has the same meaning as in Schedule 4 to the Vehicles (Excise) Act 1971;

“trade licence” has the same meaning as in section 38(1) of the Vehicles (Excise) Act 1971;

“traffic area” means a traffic area constituted for the purposes of the Public Passenger Vehicles Act 1981(c);

“transport manager”, in relation to a business, means an individual who is in, or who is engaged to enter into, the full time employment of the holder of a standard licence and who, either alone or jointly, with one or more other persons, has continuous and effective responsibility for the management of the transport operations of the business in so far as they relate to the carriage of goods; and

“visiting force”, “headquarters” and “vehicle in the service of a visiting force or a headquarters” have the same meanings as in the Visiting Forces and International Headquarters (Application of Law) Order 1965(d).

(3) For the purposes of these Regulations a person who is an applicant for, or a holder of, a standard licence, or who is a transport manager, shall be regarded as being engaged in a road transport undertaking if the person in question is—

- (a) the holder or, if an individual, one of the joint holders, of a licence, or
- (b) the subsidiary of the holder of a licence being a subsidiary to which goods vehicles used under the licence belong or in whose possession they are, or
- (c) if an individual, in the employment of a person who carries on a road transport undertaking and which gives the individual responsibility for the operation of goods vehicles used under a licence.

(4) For the purposes of these Regulations, the driver of a vehicle, if it

(a) O.J. L308/18 of 19.11.74.

(b) O.J. L334/37 of 24.12.77.

(c) 1981 c. 14, as amended by the Traffic Areas (Reorganisation) (No. 2) Order 1983 (S.I. 1983/1714).

(d) S.I. 1965/1536.

belongs to him or is in his possession under an agreement for hire, hire purchase or loan, and in any other case the person whose servant or agent the driver is, shall be regarded as the person using the vehicle; and references to using the vehicle shall be construed accordingly.

(5) The relevant plated weight of a vehicle, for the purposes of section 60(4) (definition of small goods vehicle) and section 71(6) (definition of large goods vehicle) is the gross weight not to be exceeded in Great Britain of the vehicle as shown on a Ministry plate as defined in Regulation 3(1) of the Motor Vehicles (Construction and Use) Regulations 1978(a), or if no such plate has been issued in respect of that vehicle, the maximum gross weight of the vehicle as shown on a plate affixed to the vehicle by virtue of Regulation 42 of the said Regulations of 1978.

PART II

PROVISIONS AS TO LICENCES RELATIVE TO THE COUNCIL DIRECTIVES

Classification of licences

4.—(1) For the purposes of enabling the 1974 Council Directive to be implemented in Great Britain licences granted under Part V are divided into two classes, namely—

- (a) standard licences; and
- (b) restricted licences.

(2) Where the holder of a licence is a company, any trade or business carried on by—

- (a) the holding company of that company, or
- (b) a subsidiary of that company, or
- (c) another company which is also a subsidiary of that company's holding company,

shall, for the purposes of paragraph (1), be regarded as a trade or business carried on by the holder of the licence.

(3) Standard licences may authorise goods vehicles to be used for the carriage of goods—

- (a) on both international and national transport operations, or
- (b) on national transport operations only.

(4) A statement shall appear—

- (a) on the face of each licence, indicating whether it is a standard licence or a restricted licence, and
- (b) on the face of each standard licence, indicating whether it covers both international and national transport operations or national transport operations only.

(a) S.I. 1978/1017; the relevant amending instrument is S.I. 1982/1576.

Qualifications of applicants

5.—(1) A licensing authority shall refuse to grant a standard licence unless he is satisfied that the relevant requirements of—

- (a) good repute;
- (b) appropriate financial standing; and
- (c) professional competence

are satisfied.

A refusal of a standard licence shall be regarded as a refusal under section 64(3).

(2) The provisions of Schedule 6 apply for the purpose of supplementing the provisions of paragraph (1).

(3) In a case where the applicant for a standard licence is persons in partnership, the applicant shall be regarded as professionally competent if one or more of the partners are professionally competent, and a partner who is professionally competent will be responsible for the operation of the vehicles to be used under the licence.

(4) Every application for a standard licence shall be made on a form supplied by the licensing authority and an applicant shall give to that authority such information as he may reasonably require for disposing of the application.

(5) Where particulars of a transport manager are, in accordance with paragraph (4), included in an application, the applicant shall forthwith notify the licensing authority if there occurs, in the interval referred to in section 62(4A), any event affecting any information given pursuant to paragraph (4). As regards any conviction of a kind referred to in section 62(4A), section 62(4B) shall apply in relation to this paragraph as it applies in relation to section 62(4A).

Certificates of qualification

6.—(1) Subject to the provisions of this paragraph, on an application by a person who wishes to engage in a road transport undertaking in Northern Ireland or a Member State other than the United Kingdom the licensing authority shall issue to the applicant a certificate of qualification as to such matters relating to the applicant's repute, professional competence and, where relevant, his financial standing within the meaning of the 1974 Council Directive as—

- (a) he is satisfied that he may properly certify, and
- (b) appear to him to be of assistance to the applicant in satisfying the requirements of the law of the other Member State or of Northern Ireland as to those requirements.

(2) A certificate of qualification shall be in such form as may be specified by the Secretary of State for Transport and shall have effect for the purposes of Article 3, Article 4 or, as the case may be, Article 5 of the 1977 Council Directive.

(3) The fee for a certificate of qualification is £20 and shall be paid before the certificate is issued.

(4) A person applying for a certificate of qualification shall give to the licensing authority such information as he may reasonably require for the discharge of his duties in relation to the application.

Conditions to be attached to standard licences

7.—(1) Subject to paragraph (3), a licensing authority, when granting a standard licence, shall attach to the licence—

- (a) a condition requiring the holder of the licence to inform the licensing authority of any event which could affect the satisfaction by the holder of the requirements of good repute, appropriate financial standing and professional competence, and to do so within 28 days of the event, and
- (b) a condition requiring the holder of the licence to inform the licensing authority of any event which could affect satisfaction of the requirements of good repute and professional competence by any transport manager employed by that holder and relied on by him to satisfy the requirement of professional competence, and to do so within 28 days of the event coming to that holder's knowledge.

(2) A condition attached by a licensing authority to a standard licence under paragraph (1) shall, for the purpose of Part V, be regarded as having been attached under section 66.

(3) A condition attached by a licensing authority to a standard licence under paragraph (1), in a case where the holder of the licence is a company, shall not require the holder to inform the licensing authority of any change in the persons holding shares of the company unless the change is such as to cause a change in the control of the company.

(4) For the purposes of paragraph (3) a change in the control of a company occurs when the controlling interest (as defined in section 69(11)) passes from one person to another person or from one group of persons to a wholly or substantially different group of persons.

Variation of licences

8.—(1) The provisions of Regulations 5 and 7 apply to an application to vary a restricted licence by directing that it shall be converted into a standard licence, to the making of the direction and to the imposition of conditions as those provisions respectively apply to an application for a standard licence, the decision to grant such a licence and the imposition of conditions on the occasion of the grant of such a licence, and for the purposes of the said application the references in those Regulations to the application or the applicant for, or the grant of, a standard licence shall be construed respectively as references to the application or the applicant for such variation or to the making of such variation.

(2) If the holder of a standard licence which covers national transport operations applies for the licence to be varied so that it shall also cover international transport operations—

- (a) the applicant shall include in his application the particulars about professional competence on which he intends to rely, and
- (b) the licensing authority shall refuse to direct the variation applied for

unless satisfied that the professional competence on which the applicant proposes to rely is sufficient for the purposes of international transport operations.

Revocation of standard licences

9.—(1) Subject to the provisions of paragraphs (2) and (4) a licensing authority by whom a standard licence was granted shall revoke the licence if it appears to that authority at any time that the holder no longer satisfies the requirement to be of good repute, the requirement to be of appropriate financial standing or the requirement as to professional competence, and the provisions of Schedule 6 shall apply for the purposes of this subsection as they apply for the purposes of Regulation 5.

(2) Before acting under paragraph (1) the licensing authority shall give notice in writing to the holder of the licence that he is considering its revocation, and shall state in the notice the grounds on which revocation is being considered and that written representations may be made by the holder of the licence to the licensing authority with respect thereto, so as to be received by the licensing authority within 21 days from the date of the notice, and the licensing authority shall consider all such representations duly made.

(3) The provisions of section 70(1) shall be deemed to apply in relation to a revocation under paragraph (1) as they apply as specified in that subsection.

(4) Nothing in this Regulation restricts the power of a licensing authority to direct the revocation of a standard licence under section 69(1) where that authority would do so if this Regulation had not been made.

Death, bankruptcy etc of licence holder or applicant.

10.—(1) In any event specified in paragraph (5) a standard licence shall cease to have effect save in a case specified in paragraph (6).

(2) In any event specified in paragraph (5)(a)(i) to (iii), (b)(i) to (iv) and (c)(i) and (ii) a restricted licence shall cease to have effect save in a case specified in paragraph 6(a).

(3) In any event specified in paragraph (5) an application for a standard licence shall fail save in a case specified in paragraph (6).

(4) In any event specified in paragraph (5)(a)(i) to (iii), (b)(i) to (iv) and (c)(i) and (ii) an application for a restricted licence shall fail save in a case specified in paragraph (6)(a).

(5) The events referred to in paragraphs (1) to (4) are—

- (a) where a licence is held, or an application is made, by an individual,
 - (i) he dies,
 - (ii) he is adjudged bankrupt or, in Scotland, has his estate sequestrated,
 - (iii) he becomes a patient within the meaning of Part VII of the

- Mental Health Act 1983(a) or, in Scotland, becomes incapable of managing his own affairs, or
- (iv) the requirement of professional competence ceases to be satisfied;
- (b) where a licence is held, or an application is made, by a body corporate—
- (i) a winding-up order is made in respect of the body;
 - (ii) a resolution for voluntary winding up is passed in respect of the body;
 - (iii) a receiver or manager of the body's undertaking is appointed;
 - (iv) any property of the body comprised in or subject to any debenture secured by a floating charge is taken into possession by or on behalf of the holder of the debenture; or
 - (v) the requirement of professional competence ceases to be satisfied,
- so, however, that parts (i) to (iv) of this sub-paragraph do not apply in the case of a voluntary liquidation for the purpose of reconstruction;
- (c) where the licence is held, or an application is made, by persons in partnership—
- (i) the partnership is dissolved,
 - (ii) one of such persons becomes a patient, within the meaning of Part VII of the Mental Health Act 1983 or, in Scotland, becomes incapable of managing his own affairs, with the result that only one other of such persons who is not such a patient or so incapable remains in the firm, or
 - (iii) one of such persons who alone satisfies, as regards the firm, the requirements of professional competence ceases to be a member of the partnership (either by death or otherwise) or becomes a patient or incapable as mentioned in sub-paragraph (ii) above.
- (6) The cases referred to in paragraphs (1) to (4) are—
- (a) where any licence is held—
- (i) within 2 months of the event in question, notice that the person to whom the licence was issued has ceased to be the user of the vehicles which are authorised vehicles under the licence, and the reason for such cessation, and of the name of the person by whom the trade or business is being carried on, is sent to the licensing authority by whom the licence was granted, and
 - (ii) within 1 month, (where the licence is a restricted licence) or 4 months (where the licence is a standard licence), of the sending of such notice, an application for a new licence is made by that person,
- the licence shall, subject to the provisions specified in paragraphs (7) and (8), continue in force for the benefit of that person (who shall so long as the licence so continues be deemed to be the holder thereof for the purposes of section 60);
- (b) where a standard licence is held and the requirement of professional

(a) 1983 c. 20.

competence ceases to be satisfied the licensing authority shall not be required to revoke the licence during such period, not exceeding 1 year from the date of such cessation, or during such further period, not exceeding 6 months from the end of that first period, as the licensing authority may determine; this provision applies to a successor mentioned in sub-paragraph (a) above as well as to the person to whom the licence was granted.

(7) The provisions of paragraphs (6)(a) do not apply so as to continue in force a licence beyond the date on which it would have expired but for the occurrence of the relevant event or after the application for the new licence is disposed of.

(8) The provisions of sections 62(4)(d) and (e) and 64(2)(c) to (e) apply in respect of a person by whom the trade or business is being carried on in the same manner as they apply in respect of an applicant for a licence.

PART III

APPLICATIONS

Manner of applications

11.—(1) Every application shall—

- (a) be made on a form supplied by the licensing authority to whom the application is made and contain the information required by that form;
- (b) be signed—
 - (i) if made by an individual person, by that individual,
 - (ii) if made by persons in partnership, by one of the partners with the authority of the others, and
 - (iii) if made by a body corporate, by an individual person authorised for the purpose by the body or under its common seal;
- (c) if made for the grant of a licence, state whether it relates to a standard licence or to a restricted licence and, if it relates to a standard licence, state whether the licence is to cover—
 - (i) both national transport operations and international operations, or
 - (ii) national transport operations only.

Time of applications

12. Every application shall be sent to the licensing authority so as to reach him not less than 9 weeks before the time at which the applicant desires the licence or variation applied for to take effect.

Notice of applications

13.—(1) The prescribed manner in which a notice of any application for a licence as mentioned in section 63 or for a variation as mentioned in section 68 or 69D shall be published by a licensing authority is that a summary of the application which adequately specifies the subject-matter of the application shall be published in Applications and Decisions as mentioned in Regulation 24.

(2) The notice of an application to be published in accordance with section 69E shall be in the form specified in Schedule 3 and shall give the information required by that form.

Dispensations as to applications

14. The licensing authority may consider applications notwithstanding that the requirement specified in Regulation 12 has not been complied with.

Restrictions on applications

15.—(1) No person shall make an application for a licence to any licensing authority while another application for a licence by him to that authority has not been disposed of.

(2) A separate application for a licence shall be made in respect of each traffic area in which the applicant has an operating centre but no licence.

(3) Only one application for the grant of a licence shall be made in respect of all the operating centres of the applicant in one traffic area.

(4) No person shall include in any application any vehicle—

(a) which is specified in—

- (i) an existing licence unless the application is for a licence to replace the licence in which the vehicle is specified or is for the purpose of having the vehicle deleted from one licence and added to another;
- (ii) another application which is still under consideration by any licensing authority, unless the applications are for the purpose of having the vehicle deleted from one licence and added to another; or
- (iii) a licence which was issued to him but which has been suspended under section 69;

(b) which has ceased to be an authorised vehicle under a licence which was issued to him but which has been curtailed under section 69.

Inspections of applications

16.—(1) The licensing authority by whom an application is received shall, until the application has been determined make available for inspection—

(a) to any person authorised to make the inspection by a local authority, chief officer of police or trade union or association specified in Regulation 17, such part of the application (or the whole of it) as any such person in writing requests to see; and

- (b) to any person who is, by virtue of section 69B(2) entitled to make representations in respect of the application, or a person authorised by such a person to make the inspection on his behalf, such part of the application as is, in the opinion of the licensing authority, relevant to the representation.
- (2) A licensing authority by whom a licence is granted shall, during the currency of the licence, make a copy of it available for inspection by any person who appears to the licensing authority to have reasonable grounds for making such an inspection.
- (3) A licensing authority shall satisfy his obligation under paragraph (1) by—
- (a) making the application or, as the case may be, part of it, available for inspection at his offices, or
 - (b) on prior receipt of his expenses in that behalf, by posting a copy of the application or, as the case may be, part of it, to the address given for that purpose by the person wanting to make the inspection.
- (4) A licensing authority shall satisfy his obligation under paragraph (2) by—
- (a) making a copy of the licence or, as the case may require, part of it, available for inspection at his offices, or
 - (b) on prior receipt of his expenses in that behalf, by posting a copy of the licence or, as the case may require, part of it, to the address given for that purpose by the person requesting to make the inspection.

PART IV

OBJECTIONS AND REPRESENTATIONS

Prescribed trade unions and associations

17.—(1) The trade unions and associations specified in paragraph (2), being trade unions or associations whose members consist of or include persons holding licenses or employees of any such persons, are hereby prescribed as persons who may object as provided in section 63(3), either as applied by section 68(4) or not.

- (2) Those trade unions and associations are:—
- The British Association of Removers;
 - The Freight Transport Association;
 - The General and Municipal Workers' Union;
 - The National Union of Railwaymen;
 - The Road Haulage Association;
 - The Transport and General Workers' Union;
 - The Union of Shop, Distributive and Allied Workers; and
 - The United Road Transport Union;

Manner of objections and representations

18. The prescribed manner in which an objection to, or a representation about, an application shall be made is that it shall—

- (a) be written;
- (b) be signed—
 - (i) if made by an individual person, by that person;
 - (ii) if made by persons in partnership, by one of the partners with the authority of the others, and
 - (iii) if made by any other body or group of persons, by an individual person authorised for that purpose by the body or group under its common seal; and
- (c) state the grounds on which it is made.

A copy of every objection or representation shall be sent by the objector, or the person making the representation, to the applicant at the same time as it is sent to the licensing authority.

Time of making objections and representations

19.—(1) An objection to an application shall be made so as to be received by the licensing authority within 21 days from the date on which notice of the application is published in Applications and Decisions.

(2) A representation in respect of an application shall be made so as to be received by the licensing authority within 21 days from the date on which notice of the application is published as required by Regulation 13(2).

Consideration of objections and representations

20.—(1) The licensing authority shall consider every objection made as specified in Regulations 18 and 19(1) in considering whether or not—

- (a) to hold an inquiry as provided in section 87 and,
- (b) to grant an application or take any action in a matter to which the objection relates.

(2) The licensing authority may, in circumstances which he considers to be exceptional, consider any objection notwithstanding all or any of the requirements specified in Regulations 18 and 19(1) are not complied with.

(3) The licensing authority shall consider every representation made as specified in Regulations 18 and 19(2) in considering whether or not—

- (a) to hold an inquiry as provided in section 87, and
- (b) to grant an application or take any action in a matter to which the representation relates.

(4) The licensing authority may, in circumstances which he considers to be exceptional, consider any representation notwithstanding all or any of the requirements specified in Regulations 18 and 19(2) are not complied with.

PART V

OPERATING CENTRES

Conditions which may be attached to a licence

21. The conditions which may be attached under section 69C to a licence are conditions regulating—

- (a) the number, type and size of authorised vehicles which may at any one time be at any operating centre of the holder of the licence in the area of the authority for the purposes of maintenance and parking;
- (b) the parking arrangements to be provided for authorised vehicles at or in the vicinity of every such operating centre;
- (c) the times between which there may be carried out at every such operating centre any maintenance or movement of any authorised vehicle and the times at which any equipment may be used for any such maintenance or movement; and
- (d) the means of ingress to and egress from every such operating centre for any authorised vehicle.

Considerations relevant to determinations

22.—(1) The considerations prescribed as relevant to any determination of a kind specified in section 69G(3)(a), (b) or (c) are—

- (a) the nature and the use of any other land in the vicinity of the land used or proposed to be used as an operating centre, and any effect which the use of the land as an operating centre has or, in the case of an application for a licence, would be likely to have, on the environment of that vicinity;
- (b) in a case where the land proposed to be used as an operating centre is, or has previously been, used as an operating centre, the extent to which the grant of the application would result in any material change as regards that operating centre, or its use, which would adversely affect the environment of the vicinity of that land;
- (c) in the case of an application which, if granted, would result in land which has not previously been used as an operating centre being used as one, any information known to the licensing authority to whom the application is made about any planning permission or application for planning permission relating to the land or any other land in the vicinity of that land;
- (d) the number, type and size of authorised vehicles;
- (e) the arrangements for the parking of authorised vehicles or, in the case of an application for a licence, the proposed or likely arrangements for such parking;
- (f) the nature and the times of the use of the land for the purpose of an operating centre or, in the case of an application for a licence, the proposed nature and times of the use of the land proposed to be used for that purpose;
- (g) the nature and the times of the use of any equipment installed on the land used as an operating centre for the purpose of the use of that land

as an operating centre or, in the case of an application for a licence, of any equipment proposed or likely to be installed on the land proposed to be used as an operating centre for that purpose; and

- (h) the means and frequency of vehicular ingress to, and egress from, the land used as an operating centre or, in the case of an application for a licence, the proposed means and frequency of such ingress to, and egress from, the land proposed to be used as an operating centre.

(2) In this Regulation:—

“authorised vehicles” includes any one or more vehicles and, in relation to an application for a licence, any one or more vehicles which would be authorised vehicles if the application were granted;

“land” shall be construed in accordance with Schedule 1 to the Interpretation Act 1978(a);

“operating centre” includes part of an operating centre and, in relation to an application for a licence, the place which would be the operating centre if the application were granted; and

“planning permission” has the same meaning, as regards England and Wales, as in section 290(1) of the Town and Country Planning Act 1971(b), and, as regards Scotland, as in section 274(1) of the Town and Country Planning (Scotland) Act 1972(c).

PART VI

INQUIRIES

Provisions about inquiries and notification of decisions

23.—(1) Attendance at an inquiry held by a licensing authority in pursuance of section 87 may, so far as the inquiry relates to the appropriate financial standing of an applicant, be restricted in such manner as the licensing authority directs, provided that a member of the Council on Tribunals or its Scottish Committee shall be entitled to attend.

(2) At an inquiry held by a licensing authority in relation to an application for a licence or a variation of a licence any person who is—

- (a) the applicant,
- (b) a person who has objected to the application,
- (c) a person who has duly made representations in respect of the application, or
- (d) a person referred to in section 69(9) who has requested the inquiry

shall be entitled to appear at the inquiry and either be heard in person or represented by Counsel, a solicitor or, at the discretion of the licensing authority, by any other representative.

(3) Subject to the provisions of the Transport Act 1968 and these

(a) 1978 c. 30.

(b) 1971 c. 78.

(c) 1972 c. 52.

Regulations a licensing authority may regulate the procedure of any inquiry which he holds under section 69(9) or 87 and may, in particular and without prejudice to the foregoing provisions of this paragraph, exclude any submission or evidence on the ground that he considers it to be vexatious, frivolous or irrelevant.

(4) Where a licensing authority refuses an application for, or for the variation of, an operator's licence or grants such an application otherwise than in the terms applied for, it shall be his duty to furnish to the applicant and any objector a statement, either written or oral, of the reasons for his decision; and to furnish such a statement to any person who has made a representation in accordance with Regulations 18 and 19 and who asks the licensing authority for that statement.

PART VII

APPLICATIONS AND DECISIONS

Statement to be issued by the licensing authority

24.—(1) The licensing authority shall issue and cause to be published as occasion may require "Applications and Decisions" which shall contain (unless previously notified)—

- (a) as regards applications—
 - (i) notices of the applications,
 - (ii) the dates on which and the places at which he proposes to hold inquiries and the applications which he proposes to consider at those inquiries, and
 - (iii) the licensing authority's decisions on the applications, other than decisions to grant interim licences under section 67(5);
- (b) any direction to revoke, suspend, terminate prematurely or curtail a licence given under section 69; and
- (c) the dates on which and the places at which he proposes to hold any inquiries other than those mentioned in sub-paragraph (a)(ii) above.

(2) The publication of the date of any inquiry in Applications and Decisions shall not prevent the licensing authority from adjourning, cancelling or postponing the consideration of any application and in particular any inquiry held or proposed to be held in connection with the application.

(3) Copies of Applications and Decisions may be inspected at the office of the licensing authority by whom it was issued and at such other places (if any) as he may determine and copies of the whole or the relevant parts thereof shall be supplied to any person requiring them on payment of such sum as the licensing authority may require to cover the cost of supplying the copy.

PART VIII

OTHER MATTERS

Identification of vehicles

25.—(1) The licensing authority shall, when any motor vehicle to be used

under a licence is specified in the licence, issue to the holder of the licence a disc in respect of the vehicle.

(2) Those discs shall distinguish—

- (a) between a vehicle specified in a standard licence and a vehicle specified in a restricted licence, and
- (b) in the case of a vehicle specified in a standard licence, between one specified in a licence which covers both international and national transport operations and one specified in a licence which covers national transport operations only.

(3) The holder of a licence shall, during such time as any motor vehicle is specified in the licence and whether or not for the time being the vehicle is being used for the purpose for which a licence is required, cause a disc appropriate to the vehicle to be affixed to that vehicle in a waterproof container—

- (a) in the case of a vehicle fitted with a front windscreen, on the near side and near the lower edge of the windscreen with the obverse side facing forwards;
- (b) in the case of a vehicle not fitted with a front windscreen, in a conspicuous position on the front or near side of the vehicle.

(4) At all times while a disc is affixed to a vehicle in accordance with the requirements of paragraph (3) the person for the time being in control of that vehicle shall keep that disc readily legible, and at no time shall any person except the licensing authority, or a person authorised to do so on his behalf, write on or make any other alteration to a disc.

Temporary addition of a vehicle

26. Where—

- (a) a motor vehicle specified in an operator's licence ("the specified vehicle") has been rendered unfit for service, or withdrawn from service for overhaul or repair, and the holder of the licence informs the licensing authority of his desire to have a variation of the licence specifying, until it is rendered fit for service again, a motor vehicle in his possession or to be hired without a driver ("the additional vehicle") or
- (b) the specified vehicle has been rendered fit for service again, and the holder of the licence informs the licensing authority of his desire to have a variation of the licence whereby the additional vehicle will cease to be specified in the licence,

the provisions of Regulations 11 and 12 shall not apply and the holder of the licence shall return to the licensing authority the disc for the specified vehicle, or the additional vehicle, as the case may be.

Notification of change of address

27. If during the currency of a licence its holder changes his address for the service of notice as notified in his application or as subsequently notified under

this Regulation he shall within 21 days from the date of such change notify such change to the licensing authority by whom the licence was granted.

Production of licence for examination

28.—(1) The holder of a licence shall produce the licence for inspection by—

- (a) a constable,
- (b) goods vehicle examiner, or
- (c) a person authorised in that behalf by the licensing authority

on being required by such a person to do so, and the holder may do so at any operating centre covered by the licence or at his head or principal place of business within the traffic area in which any such operating centre lies or, if the requirement is made by a constable, at a police station chosen by the holder.

(2) The holder of a licence shall comply with any requirement mentioned in paragraph (1) within 14 days of the day on which the requirement is made.

Issue of copies of licences and discs

29.—(1) If a licence or disc has been lost, destroyed or defaced, the person to whom it was issued shall forthwith notify in writing the licensing authority by whom the licence or disc was granted or issued.

(2) If—

- (a) the licensing authority is satisfied that a licence or disc has been lost, destroyed or defaced, and
- (b) in the case of a licence or disc which has been defaced, it is surrendered to the licensing authority,

the licensing authority shall issue a copy (so marked) which shall have effect as the original licence or disc.

(3) Where a licence or disc has been lost and after a copy has been issued the lost licence or disc is found by or comes into the possession of the holder of the licence he shall forthwith return the original licence or disc to the licensing authority.

Return of licences and discs

30.—(1) If the holder of a licence ceases to use under the licence any vehicle specified in the licence he shall within 21 days notify the licensing authority by whom the licence was granted and return to that licensing authority the licence for variation and the disc relating to the vehicle.

(2) If a licence is varied under section 68 or 69D its holder shall, when required by the licensing authority so to do, return to the licensing authority—

- (a) the licence, and
- (b) if the number of vehicles specified in the licence has been reduced, the disc relating to any vehicle no longer specified in the licence.

(3) If a licence is revoked, suspended, terminated prematurely or curtailed,

or if a licensing authority has given a direction in respect of a licence under section 69(2), the holder of the licence shall within 7 days after a notice to that effect has been delivered to him personally or sent to him by the recorded delivery service at the address shown in his application or last notified in accordance with Regulation 27 send or deliver to the licensing authority by whom the licence was granted—

- (a) the licence, and
- (b) the disc relating to any vehicle which the licensing authority may specify

for cancellation, retention during the time of suspension, or alteration as the case may be.

Expiry of licences

31. The dates for the expiry of operators' licences for the purposes of section 67(2) are the last day of every month.

Holding companies and subsidiaries

32.—(1) A holding company may apply to the licensing authority for any traffic area—

- (a) if it does not already hold a licence in respect of that area, or if it desires to replace its existing licence in respect of that area with a new licence, for the grant of a licence, or
- (b) if it already holds a licence in respect of that area and does not desire to replace such licence with a new licence, for a variation of its licence by a direction under section 68(1)(a)

which would have the effect, if the application were granted, or including in the licence to be issued to, or already held by, the holding company, vehicles belonging to or in the possession of a subsidiary of that company specified in the application.

(2) An application by a holding company under paragraph (1) shall, unless the subsidiary is not the holder of a licence, or the licence or variation applied for by the holding company will not take effect until any licence held by the subsidiary has expired by effluxion of time, be accompanied by an application by the subsidiary for the variation of the licence held by the subsidiary by a direction under section 68(1)(b) for the removal therefrom of all or some of the vehicles authorised to be used thereunder, being the vehicles to which the application of the holding company relates.

(3) Where a holding company, on an application under paragraph (1) signifies to the licensing authority its desire that the provisions of this Regulation should have effect as respects a subsidiary of that company, then, in relation to the application and to any licence granted to the holding company, or held by the holding company and varied, on that application, and to the use of any vehicles authorised to be used under any such licence, Part V of the Transport Act 1968 and these Regulations shall have effect subject to the modifications specified in Schedule 4.

(4) The provisions of this Regulation shall cease to have effect as respects a holding company and its subsidiary—

- (a) if the holding company gives notice to the licensing authority who granted or varied its licence that it desires that this Regulation should, as from any date, cease to apply to the holding company and that subsidiary, as from that date; or
- (b) as from the date on which that subsidiary ceases to be a subsidiary of that holding company.

(5) Where by virtue of the provisions of paragraphs (1) to (3) a holding company holds a licence which includes goods vehicles belonging to or in the possession of a subsidiary of that company, and the holding company gives notice under paragraph (4)(a) then in relation to any application by the subsidiary for the grant of a licence in respect of all or any of those vehicles, section 63 shall have effect as if for sub-section (1) there were substituted the following sub-section—

- “(1) The licensing authority may publish in the prescribed manner notice of any application to the authority for an operator’s licence made by a company or other body corporate in pursuance of regulations made under section 85 of this Act.”.

(6) Where the provisions of this Regulation cease to have effect as respects a holding company and its subsidiary by virtue of paragraph 4(b) the company which was the holding company shall within 21 days of the event which caused the subsidiary to cease to be a subsidiary of that company notify the licensing authority by whom the licence was granted, supply all material details of the event, and return to the licensing authority the licence and the discs relating to the vehicles authorised to be used thereunder, and in so far as the holding company fails to satisfy that requirement the company which was the subsidiary company shall on being so directed by the licensing authority, within 7 days of that direction supply the details, or return the licence and the discs, as the case may require.

(7) In a case where the applicant for, or the holder, of a standard licence is a holding company and the goods vehicles used, or to be used, under the licence belong to, or are in the possession of, a subsidiary of that holding company, the provisions of these Regulations apply as if—

- (a) the road transport undertaking and any operating centre of the subsidiary were the road transport undertaking and an operating centre of the holding company,
- (b) for purposes of, or relating to, the reputation and financial standing of the holding company, the activities, relevant convictions and financial resources of the subsidiary were activities, convictions and resources of the holding company, and
- (c) in relation to a transport manager, his employment by the subsidiary were employment by the holding company.

Offences

33.—(1) Any contravention of, or failure to comply with, a provision in Regulations 25(3), 25(4), 27, 28, 29(1), 29(3), 30(1), 30(2), 30(3) or 32(6) is, by virtue of section 91(6), hereby declared to be an offence and subject to a fine as provided in section 91(6).

- (2) A person who uses a goods vehicle under a restricted licence for carrying

goods for hire or reward shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

(3) A person who uses a goods vehicle under a standard licence, which covers carrying goods for hire or reward on national transport operations only, for carrying goods for hire or reward on international transport operations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

(4) The above provisions of this Regulation do not apply in relation to offences committed before the date on which these Regulations come into operation.

Classes of vehicle for which a licence is not required

34. The classes of vehicle specified under section 60(2)(b) as those to which section 60(1) does not apply are the classes mentioned in Schedule 5.

PART IX

FEEs

Fees in respect of licences

35.—(1) There shall be paid—

- (a) by a person before a licence is issued to him under section 67(5), a fee of £5 in respect of each motor vehicle specified in the licence;
- (b) by a person who requests a direction under section 68(5) before a direction is made pursuant to his request a fee of £5 in respect of each motor vehicle to be specified in the direction;
- (c) by the holder of, or an applicant for, a licence in respect of each motor vehicle to be specified on the licence, and before the vehicle is so specified, for each period of 3 months or less of the unexpired term of the licence, a fee of £5.

(2) If—

- (a) a motor vehicle ceases to be specified in a licence, and
- (b) the holder of the licence within 28 days of the date when the vehicle ceased to be so specified makes a signed and written application for a refund of part of the fee paid under paragraph (1)(c) and surrenders any disc issued in respect of the vehicle

the licensing authority who granted the licence shall refund to the holder such part of the fee as is attributable to the remaining number of periods of three months during which the licence is expressed to be valid, and any period of less than three months shall be disregarded for the purpose of the refund.

PART X

AMENDMENT OF ENACTMENTS

Amendments consequent to the Council Directives

36.—(1) In section 64 (Decision on application for operator's licences), in paragraph (2), the matters mentioned in sub-paragraph (a) shall, in relation to an application for a standard licence, be deemed to include the good repute, appropriate financial standing and professional competence of the applicant as mentioned in Regulation 5(1).

(2) In section 68 (variation of operator's licences), in subsection (1)—

(a) for sub-paragraph (c) substitute—

“(c) that an alteration or addition be made in or to any of the matters specified for the purposes of the Goods Vehicles (Operators' Licences, Qualifications and Fees) Regulations 1984 in a standard licence as defined in Regulation 3(2) of those Regulations”,

(b) after sub-paragraph (d) add—

“or (e) that a restricted licence as defined in Regulation 3(2) of the said Regulations of 1984 be converted into a standard licence as defined in that Regulation, or vice versa”.

(3) In section 69 (which relates to revocation of operators' licences)—

(a) in sub-section (1)(b)(i) for “paragraphs (a) to (f)” substitute “paragraphs (a) to (fff)”;

(b) after sub-section (3) insert—

“(3A) Where the ground mentioned in sub-section (1) of this section consists of a conviction mentioned in paragraph (ff) of sub-section (4) of this section and there has been, within the 5 years preceding that conviction, a previous conviction of the holder of the licence of the offence referred to in that paragraph, the licensing authority shall give a direction under this section to revoke the licence”; and

(c) in sub-section (4), after paragraph (f), insert—

“(ff) a conviction of the holder of a licence of an offence under Regulation 33(2) of the Goods Vehicles (Operators' Licences Qualifications and Fees) Regulations 1984;

(fff) a conviction of the holder of the licence of an offence under Regulation 33(3) of the said Regulations of 1984.”.

(4) In section 84 (evidence by certificate) the reference to Part V includes a reference to these Regulations, and references to that Part in sections 87 (inquiries), 88 (Transport Tribunal), 90 (appointment of officers etc), 91 (regulations and orders) and 92 (interpretation) shall be construed as references to it as modified or supplemented by these Regulations.

(5) The provisions in section 91 (regulations for the purposes of Part V) include provisions for the Secretary of State—

(a) to require a person who applies for—

-
- (i) a licence to state in his application whether the application is for a standard licence or a restricted licence, and
 - (ii) a standard licence, to state in his application whether the licence is to cover both international and national transport operations or national transport operations only; and
- (b) to make provision with respect to—
- (i) the means by which vehicles may be identified as being used under a restricted licence or a standard licence and, if under a standard licence, whether it may be used for both international and national transport operations or for national transport operations only, and
 - (ii) the form of licence to demonstrate those distinctions.

(6) Without prejudice to paragraph (4), the power of the Secretary of State to make Regulations under section 91 for the purposes of carrying Part V into effect may be exercised for the purposes of carrying into effect that Part as modified or supplemented by the provisions of these Regulations.

(7) Part V, and any regulations thereunder, have effect in relation to standard licences subject to the provisions of these Regulations.

(8) Except as provided in this Regulation, the provisions of these Regulations do not affect the application of Part V or of any regulations thereunder, to restricted licences.

(9) In section 233 (forgery) and 235(1) (false statements) of the Road Traffic Act 1960(a), construed as provided in Part I of Schedule 10 to the Transport Act 1968, the references to Part V shall be construed as references to that Part as modified by these Regulations and the references to a licence under Part V include references to a certificate, and a diploma of qualifications referred to in paragraph 6 of Schedule 6.

(10) In section 56 of the Road Traffic Act 1972(b) (power to inspect goods vehicle for certain purposes) the reference to Part V includes a reference to these Regulations.

20th February 1984.

Nicholas Ridley,
Secretary of State for Transport.

(a) 1960 c. 16.
(b) 1972 c. 20.

SCHEDULE 1

(EXERCISE OF POWERS)

PART I

The Regulations made under the Transport Act 1968, amended as mentioned in the citation to these Regulations, are Regulations 10 (in part), 11 to 31, 32(1) to (6), 33(1) and (4), 34, 35 and, so far as relating to the said Regulations, Regulations 1 to 3 and 36.

PART II

The Regulations made under the European Communities Act 1972 are Regulations 4 to 9, 10 (in part), 32(7), 33(2) and (3), 36 and, so far as relating to the said Regulations, Regulations 1 to 3.

SCHEDULE 2

(REGULATIONS REVOKED BY REGULATION 2)

Title	Year and Number
The Goods Vehicle Operators (Qualifications) Regulations 1977	S.I. 1977/1462
The Goods Vehicles (Operators' Licences) Regulations 1977	S.I. 1977/1737
The Goods Vehicles (Operators' Licences) (Fees) Regulations 1979	S.I. 1979/1732
The Goods Vehicle Operators (Qualifications) (Amendment) Regulations 1980	S.I. 1980/1787
The Goods Haulage Operators' (Certificates of Qualification) Regulations 1980	S.I. 1980/1788
The Goods Vehicles (Operators' Licences) (Amendment) Regulations 1982	S.I. 1982/226

SCHEDULE 3 (see Regulation 13(2))

(Form of Notice of application)

GOODS VEHICLES OPERATOR'S LICENCE

Notice of application for [grant] [variation]

- (1)
- [(trading as)]
- whose address is (2)
- (3) is applying for—

[an operator's licence under which the land described below will be used as an operating centre formotor vehicles andtrailers]

[the variation of an operator's licence which would enable the land described below to be used as an operating centre for motor vehicles andtrailers instead of motor vehicles and trailers]

[the variation of an operator's licence which would result in a condition that would [cease to apply] [apply with the effect that]]

(4) The land mentioned above is (5)

.....
Any person who is entitled and wishes to make representations against the grant of the application on environmental grounds should make those representations in writing to the Licensing Authority at the Traffic Area Office at

.....
within 21 days of the date on which this Notice is published. Further information about the application and any entitlement to make representations may be obtained from that Traffic Area Office. A copy of the representations must be sent to the applicant at his above address.

Notes: Delete words in square brackets as appropriate. Blanks must be completed to give adequate information.

- (1) Name of applicant
- (2) Address of applicant
- (3) These parts must be repeated in respect of each place in the locality and
- (4) which is affected by the application: each separate advertisement need only give details of operating centres in the locality
- (5) Address of operating centre.

SCHEDULE 4 (See Regulation 32)

MODIFICATIONS IN RELATION TO HOLDING COMPANIES AND SUBSIDIARIES

1. Part V and these Regulations have effect as if any reference (except in this Schedule) to a provision which is modified by this Schedule were a reference to that provision as so modified.

2. Part V has effect as if:—

- (a) goods vehicles belonging to, or in the possession of, the subsidiary, belonged to, or were in possession of, the holding company;
- (b) where a goods vehicle is used in circumstances in which, but for the provisions of Regulation 32 the subsidiary would be deemed to be the user, the holding company were the user;
- (c) a trade or business carried on by the subsidiary were carried on by the holding company;
- (d) the subsidiary were an applicant for the grant or variation of the licence;

- (e) any operating centre of the subsidiary were an operating centre of the holding company;
- (f) any person who is a director of the subsidiary were a director of the holding company;
- (g) any person who is an employee of the subsidiary were an employee of the holding company;
- (h) for section 63(1) there were substituted the following sub-section:—
 - “(1) The licensing authority may publish in the prescribed manner notice of any application to the authority for an operator’s licence made by a company or other body corporate in pursuance of regulations made under section 85 of this Act”;
- (i) in section 66(1) the reference in paragraph (b) to persons holding shares in the company included a reference to persons holding shares in the subsidiary, and the reference in paragraph (c) to the holder of the licence included a reference to the subsidiary;
- (j) in section 67(4) for the words “by the holder of that licence for the grant to him of a new licence in substitution therefor, the existing licence” there were substituted the words “by a company or other body corporate in respect of a subsidiary of that company or other body corporate in pursuance of regulations made under section 85 of this Act, for the grant of a licence to take effect when a licence held by that subsidiary has expired by effluxion of time, the existing licence held by the subsidiary”;
- (k) in section 68(4) for the words from “Except in the following cases” to “the licensing authority shall publish” there were substituted the words “In the case of an application for a direction under sub-section (1)(a) of this section made by a company or other body corporate in pursuance of regulations made under section 85 of this Act, the licensing authority may publish”;
- (l) in section 69(1) the references in paragraphs (a), (c), (d) and (e) to the holder of the licence included references to the subsidiary;
- (m) in section 69(3A) the reference to the holder of the licence included a reference to the subsidiary;
- (n) in section 69(4) the references to the holder of the licence or any servant or agent of his included references to the subsidiary or any servant or agent of it, and as if the reference in paragraph (h) to a vehicle of which the holder of the licence was the owner included a reference to a vehicle of which the subsidiary was the owner;
- (o) in section 69(5) the reference to the holder of the licence included a reference to the subsidiary;
- (p) in section 69(6) after sub-paragraph (ii) there were inserted the following sub-paragraph:—
 - “(iii) a company which is a subsidiary of which a company; or”;
- (q) in section 69(7) for the words “where that person was a company in relation to any director of that company” there were substituted the words “where that person is a company or other body corporate which is the holder of the licence in respect of a subsidiary of that company or other body corporate in pursuance of regulations made under

section 85 of this Act, in relation to any director of that company or other body corporate or of that subsidiary.”

3. These Regulations shall have effect as if:—
- (a) in Regulation 15 the reference to an operating centre of the applicant included a reference to an operating centre of the subsidiary;
 - (b) in Regulation 28 the reference to the holder of the licence included a reference to the subsidiary.

SCHEDULE 5 (See Regulation 34)

CASES IN WHICH A LICENCE IS NOT REQUIRED

1. Any vehicle (including a trailer drawn by it) mentioned in paragraph 2(1) of Part I of Schedule 3 to the Vehicles (Excise) Act 1971 whilst being used solely for the haulage of such objects as are referred to in that paragraph.
2. A dual-purpose vehicle and any trailer drawn by it.
3. A vehicle used on a road only in passing from private premises to other private premises in the immediate neighbourhood belonging (except in the case of a vehicle so used only in connection with excavation or demolition) to the same person, provided that the distance travelled on a road by any such vehicle does not exceed in the aggregate six miles in any one week.
4. A public service vehicle.
5. A motor vehicle constructed solely for the carriage of not more than sixteen passengers exclusive of the driver and their effects when adapted to draw or drawing a trailer, and any trailer drawn by it.
6. A hackney carriage.
7. A vehicle which is being used for funerals.
8. A vehicle which is being used for police, fire brigade or ambulance purposes.
9. A vehicle which is being used for fire-fighting or rescue operations at mines.
10. A vehicle on which no permanent body has been constructed, which is being used only for carrying burden which either is carried solely for the purpose of test or trial, or consists of articles and equipment which will form part of the completed vehicle when the body is constructed.
11. A vehicle which is being used under a trade licence.
12. A vehicle in the service of a visiting force or of a headquarters.
13. A vehicle being used by the Secretary of State for Defence for naval, military or air force purposes.
14. A trailer not constructed primarily for the carriage of goods but which is

being used incidentally for that purpose in connection with the construction, maintenance or repair of roads.

15. A road roller and any trailer drawn by it.

16. A vehicle while being used under the direction of HM Coastguard or of the Royal National Lifeboat Institution for the carriage of life-boats, life-saving appliances or crew.

17. A vehicle fitted with a machine, appliance, apparatus or other contrivance which is a permanent or essentially permanent fixture, provided that the only goods carried on the vehicle are—

- (a) required for use in connection with the machine, appliance, apparatus or contrivance or the running of the vehicle,
- (b) to be mixed by the machine, appliance, apparatus or contrivance with other goods not carried on the vehicle in order to make fodder for animals, or
- (c) mud or other matter swept up from the surface of a road by the use of the machine, appliance, apparatus or other contrivance.

18. A vehicle while being used by a local authority—

- (a) for road cleansing, road watering, snow-clearing or the collection or disposal of refuse, night-soil or the contents of cess-pools, septic tanks, or for the purposes of the enactments relating to weights and measures or the sale of food and drugs; or
- (b) for the distribution of grit, salt or other materials on frosted, icebound or snow-covered 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.

19. A vehicle while 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 Defence Act 1948(a).

20. A steam-propelled vehicle.

21. A tower wagon or trailer drawn thereby, provided in each case the only goods carried on the tower wagon or trailer are required for use in connection with the work on which the tower wagon is ordinarily used as such.

22. A vehicle while being used for the carriage of goods within an aerodrome within the meaning of section 23(1) of the Airports Authority Act 1975(b).

23. An electrically propelled vehicle.

24. A showman's goods vehicle and any trailer drawn thereby.

25. A vehicle first used before 1 January 1977 which has an unladen weight not exceeding 1525 kilograms and for which the maximum gross weight, as shown on a plate affixed to the vehicle by virtue of Regulation 42 of the Motor

(a) 1948 c. 5, (12, 13 & 14 Geo. 6).
(b) 1975 c. 78.

Vehicles (Construction and Use) Regulations 1978 or any provision which that Regulation replaced, exceeds 3.5 tonnes but does not exceed $3\frac{1}{2}$ tons.

26. A vehicle while being used by a highway authority for the purposes of section 160 or 200 of the Road Traffic Act 1972.

27. A vehicle being held ready for use in an emergency by an undertaking for the supply of water, electricity, gas or telephone services.

SCHEDULE 6 (Regulations 5 and 9)

QUALIFICATIONS FOR LICENCE

Good repute

1.—(1) In determining whether an individual is of good repute, a licensing authority shall have regard to any matter, and in particular—

- (a) relevant convictions of the individual and his employees and agents; and
- (b) such other information as the authority may have as to his previous conduct, appearing to relate to his fitness to hold a licence.

(2) In determining whether a company is of good repute, a licensing authority shall have regard to all the material evidence and in particular to—

- (a) relevant convictions of the company, its officers, employees and agents; and
- (b) such other information as the authority may have as to previous conduct of—
 - (i) the company's officers, employees and agents appearing to relate to the company's fitness to hold a licence; and
 - (ii) each of the company's directors, in whatever capacity, appearing to relate to the company's fitness to hold a licence.

Appropriate financial standing

2. Being of appropriate financial standing in relation to an applicant for, or holder of, a licence consists in having available sufficient financial resources to ensure the establishment and proper administration of the road transport undertaking carried on, or proposed to be carried on, under the licence.

Professional competence

3. References in this Instrument to professional competence are to the professional competence of an individual. A company satisfies the requirement as to professional competence if, and so long as, it has a transport manager of its road transport undertaking who is of good repute and professionally competent.

4. Where an individual is not himself professionally competent, the requirement as to professional competence shall be regarded as satisfied in

relation to him if, and so long as, he has a transport manager of his road transport undertaking who is of good repute and professionally competent.

5. Where the holder of a standard licence relies on a transport manager to satisfy the requirement as to professional competence and that manager—

- (a) dies or ceases by reason of physical disability or mental disorder to be capable of discharging his duties as transport manager;
- (b) ceases to work for the business; or
- (c) ceases to be of good repute,

the holder shall nevertheless not be treated as failing to satisfy that requirement until the expiry of such period (not exceeding 18 months) as in the opinion of the relevant licensing authority is reasonably required for the appointment of a new transport manager.

6. An individual shall be regarded as professionally competent for the purposes of this Instrument if, and only if—

- (a) he is the holder of a certificate issued by an approved body to the effect that he possesses the requisite skills; or
- (b) he is the holder of any other certificate of competence, diploma or other qualification recognised for the purposes of this paragraph by the Secretary of State.

7. In paragraph 6 above “approved body” means—

- (a) a body approved by the Secretary of State for the purposes of that paragraph; or
- (b) a body approved by the Department of Environment for Northern Ireland for the purposes of section 46A(5)(c) of the Transport Act (Northern Ireland) 1967(a); or
- (c) a body or authority designated by another Member State for the purposes of Article 3.4 of the 1974 Council Directive;

and “the requisite skills” means skills in the subjects listed in Part A of the Annex to that Directive and, in the case of a licence to cover international operations, also skills in the subjects listed in Part B of that Annex.

(a) 1967 c. 37 (N.I.).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These Regulations are made partly under powers conferred by the Transport Act 1968 (see Part I of Schedule 1) and partly under powers conferred by the European Communities Act 1972 (see Part II of Schedule 1).

2. These Regulations consolidate, with amendments summarised in paragraph 13 below, the Goods Vehicles (Operators' Licensing) Regulations 1977, the Goods Vehicle Operators (Qualifications) Regulations 1977, the Goods Vehicles (Operators' Licences) (Fees) Regulations 1979, and the other Instruments specified in Schedule 2 (see Regulation 2). These regulations also prescribe matters relating to the environmental control of goods vehicle operating centres, mainly in Regulations 21 and 22, as provided for by section 52 of, and Schedule 4 to, the Transport Act 1982.

3. Regulation 3 contains interpretation provisions. In so far as is expedient to achieve consistency and avoid excessive repetition terms are defined by reference to other enactments.

4. Part II (Regulations 4 to 10) and Schedule 6 prescribe various matters relating to the Council Directive (EEC) 74/561 on admission to the occupation of road haulage operator in national and international transport operations, and, in relation to the occupation of goods haulage operator or transport manager of a goods haulage undertaking, the Council Directive (EEC) 77/796 aiming at the mutual recognition of diplomas, certificates and other evidence of formal qualifications for goods haulage operators and road passenger transport operators. In particular:—

- (a) Regulation 4 divides operators' licences into two classes, standard licences and restricted licences;
- (b) Regulation 5 requires the licensing authority to refuse to grant a standard licence unless he is satisfied as to the applicant's good repute, financial standing and professional competence, and provides for the applicant for a standard licence to include such information as the licensing authority may require in his application;
- (c) Regulation 6 provides for the issue by the licensing authority of certificates as to good repute, professional competence and, where relevant, financial standing to persons wishing to engage in a road transport undertaking in other Member States or in Northern Ireland;
- (d) Regulation 7 requires the licensing authority to attach certain conditions to a standard licence;
- (e) Regulation 8 deals with cases where the holder of a restricted licence applies to have it converted into a standard licence or where the holder of a standard licence which covers national transport operations only applies to have it extended to cover international transport operations;
- (f) Regulation 9 deals with the revocation of a standard licence;
- (g) Regulation 10 enables the licensing authority to defer the revocation or refusal of a licence in the circumstances specified in that Regulation in relation to an individual, a body corporate or persons in partnership; and

- (h) Schedule 6 contains provisions explaining how the requirements as to good repute, financial standing and professional competence are to be met.

5. Part III (Regulations 11 to 16) and Schedule 3 prescribe matters relating to the applications for licences. In particular—

- (a) Regulation 11 requires applications to be made on a form supplied by the licensing authority, to contain information required by that form and to be executed as specified in that Regulation;
- (b) Regulation 12 requires an application to reach the licensing authority not less than 9 weeks before the licence or variation applied for is to take effect;
- (c) Regulation 13 makes provision for the licensing authority to publish a summary of the application in “Applications and Decisions” (a statement issued by a licensing authority under Regulation 24) and for the applicant to publish notice of the application in a local newspaper circulating in each locality affected by the application in the form specified in Schedule 3;
- (d) Regulation 14 provides that the licensing authority may consider applications even though the requirements of Regulation 12 are not complied with;
- (e) Regulation 15 imposes restrictions on applications; and
- (f) Regulation 16 provides that the licensing authority shall make licence applications (or parts of them) available for inspection to persons specified in that Regulation and shall make licences available for inspection by persons who appear to the licensing authority to have reasonable grounds for inspection.

6. Part IV (Regulations 17 to 20) prescribes various matters relating to objections and representations. In particular—

- (a) Regulation 17 prescribes the trade unions and associations which may object to applications for licences;
- (b) Regulation 18 prescribes the manner in which objections or representations shall be made;
- (c) Regulation 19 makes provision about the timing of objections and representations; and
- (d) Regulation 20 provides that the licensing authority may in exceptional circumstances consider objections or representations, even though the requirements set out in Regulations 18 and 19 are not complied with.

7. Part V contains provisions about operating centres. Regulation 21 prescribes the conditions, in respect of operating centres, which may be attached to a licence under section 69C of the Transport Act 1968, which provides that a licensing authority may attach such prescribed conditions as appear to him to be appropriate for the purpose of preventing or minimising any adverse effects on environmental conditions arising from the use for

authorised vehicles under the licence of any operating centre. Pursuant to section 69G(3) of the Transport Act 1968, Regulation 22 prescribes the considerations relevant to the licensing authority's determinations with respect to—

- (a) the suitability of any place on environmental grounds for use as an operating centre for authorised vehicles under an operator's licence,
- (b) attaching any condition under section 69C of the Act to an operator's licence or varying or removing any condition so attached, and
- (c) the effect on environmental conditions in any locality of the use of any operating centre.

8. Part VI (Regulation 23) prescribes various matters relating to inquiries held by licensing authorities under section 87 of the 1968 Act, including a provision that a person who has made representations about a licence application may appear at the inquiry and either be heard in person or be represented.

9. Part VII (Regulation 24) prescribes matters relating to the content, publication and availability of copies of "Applications and Decisions".

10. Part VIII (Regulations 25 to 34) and Schedules 4 and 5 prescribe other matters relating to licences. In particular—

- (a) Regulation 25 provides for a motor vehicle being used under a licence to be identified as such by a disc;
- (b) Regulation 26 provides for the temporary use of a motor vehicle under a licence when a vehicle specified in a licence has become unfit for service or is restored;
- (c) Regulation 27 provides for licensing authorities to be notified of changes of address of holders of licences;
- (d) Regulation 28 requires that the holder of a licence shall produce the licence for inspection in certain circumstances, and that the holder of a licence shall comply with such a requirement within 14 days;
- (e) Regulation 29 provides for the issue by the licensing authority in certain circumstances of copy licences, or discs;
- (f) Regulation 30 provides that if the holder of a licence ceases to use a vehicle under a licence he shall return the licence and the relevant discs, and the same shall be varied, cancelled or retained during a suspension as the case may require;
- (g) Regulation 31 provides that the dates for the expiry of licences for the purposes of section 67(2) of the 1968 Act are the last day of every month;
- (h) Regulation 32 and Schedule 4 reproduce provisions about holding companies and subsidiaries;
- (i) pursuant to section 91(6) of the 1968 Act any contravention of, or failure to comply with a provision in Regulation 33(1) is declared to be an offence subject to a fine as provided in that subsection. Pursuant to

section 2 of, and Schedule 2 to the European Communities Act 1972 the carrying of goods under a restricted licence for hire or reward is, by virtue of Regulation 33(2) an offence punishable on summary conviction with a fine not exceeding level 4 on the standard scale, and the carrying of goods under a standard licence which covers national transport operations only for international transport operations is, by virtue of Regulation 33(3), an offence punishable on summary conviction with a fine not exceeding level 4 on the standard scale; and

- (j) Regulation 34 and Schedule 5 prescribe exemptions from the requirement to have an operator's licence.

11. Part IX makes provisions about fees. Under Regulation 35(1) fees are payable:—

- (a) by a person before an interim licence under section 67(5) of the 1968 Act is issued to him, £5 (formerly £3) in respect of each motor vehicle specified in the interim licence;
- (b) by a person who requests a direction under section 68(5) of the 1968 Act to continue in force until an application has been determined, £5 (formerly £3) in respect of each motor vehicle specified in the direction; and
- (c) by the holder of a licence, or an applicant for a licence in respect of each motor vehicle to be specified on the licence, £5 for each 3 months or less of the unexpired term of the licence.

Regulation 35(2) contains provisions about refunds of fees.

12. Part X (Regulation 36) brings forward amendments relating to the Council Directives.

13. The summary of amendments mentioned in paragraph 2 above is as follows:—

- (a) definitions of the expressions "goods vehicle", "international transport operation", "licence", "licensing authority", "motor vehicle", "maintenance", "tower wagon" and "traffic area" are introduced and definitions of "dual purpose vehicle", "public service vehicle" are amended (Regulation 3(2));
- (b) the maximum penalty for using a goods vehicle under a restricted licence for carrying goods for hire or reward is increased from £200 to £500, (Regulation 33(2)) and the maximum penalty for using a goods vehicle under a standard licence which covers carrying goods for hire or reward on national transport operations only on international transport operations is increased from £200 to £500 (Regulation 33(3));
- (c) the trades unions and associations who may make objections under sections 63(3) and 68(4) of the Transport Act 1968 include the British Association of Removers (Regulation 17);
- (d) special provisions relating to the computation of time (formerly S.I. 1977/1737, Regulation 23) are omitted but in the case of the time limit for the return of an operator's licence as mentioned in Regulation 30(3) the time limit is 7 days instead of the 5 days in the corresponding provision in S.I. 1977/1737, Regulation 16(3);

- (e) the time within which an application for a refund of a fee paid in respect of the use of a vehicle under a licence in the event of the vehicle ceasing to be specified in the licence is reduced from 3 months to 28 days (Regulation 35(2));
- (f) the fee payable for a licence under section 67(5) of the 1968 Act or for a direction under section 68(5) of that Act is increased from £3 to £5 (Regulation 35);
- (g) a time limit of 21 days is imposed as regards the time within which written representations may be made by the holder of a standard licence against a proposal to revoke the licence (Regulation 9(2));
- (h) a form of notice of an application for a licence is prescribed (Regulation 13(2) and Schedule 3);
- (i) provision is made for prior receipt by a licensing authority of its expenses for making available by post copies of the whole or part of an application (Regulation 16(3)) or a licence (Regulation 16(4));
- (j) a maximum period of 14 days is prescribed for the production of an operator's licence for inspection (Regulation 28(2));
- (k) a maximum period of 7 days is prescribed for the return of a licence by a company which was, but has ceased to be, subsidiary to a holding company where the holding company fails to return the licence (Regulation 32(6));
- (l) the cases in which an operator's licence is not required are varied so that—
 - (i) the minimum number of passengers in a motor vehicle constructed solely for the carriage of passengers when adapted to draw, or drawing, a trailer, and any trailer drawn by it is 16 instead of 15;
 - (ii) steam propelled vehicles and certain vehicles being held ready for used in an emergency are added; and
- (m) the exemption relating to a showman's vehicle has been replaced by an exemption relating to a showman's goods vehicle.

14. Regulations 2(2) and 33(4) contain transitional provisions.

15. A refusal in accordance with Regulation 5(1) by a licensing authority to grant a standard licence shall, by virtue of Regulation 5(1), be deemed to be a refusal under section 64(3) of the Transport Act 1968. A condition attached to a standard licence in accordance with Regulation 7(1) shall, by virtue of Regulation 7(2), for the purposes of Part V of the Transport Act 1968, be regarded as having been attached under section 66 of that Act. By virtue of Regulation 9(3) the provisions of section 70(1) of that Act shall be deemed to apply in relation to a revocation under Regulation 9(1) as they apply as specified in that subsection.

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