
 STATUTORY INSTRUMENTS

1986 No. 666

ROAD TRAFFIC

The Goods Vehicles (Operators' Licences, Qualifications and Fees) (Amendment) Regulations 1986

<i>Made</i> - - - - -	7th April 1986
<i>Laid before Parliament</i>	10th April 1986
<i>Coming into Operation</i>	1st May 1986

The Secretary of State for Transport—

- (a) in exercise of the powers conferred by sections 89(1) and 91(1), (2) and (6) of the Transport Act 1968(a), and now vested in him (b) and of all other enabling powers, hereby makes regulations 3, 5, 6, 7, 8, 9 and 10 below and, in so far as they relate to those regulations, regulations 1 and 2 below; and
- (b) being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(c) 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 regulation 4 below and, in so far as they relate to that regulation, regulations 1 and 2 below,

having consulted representative organisations in accordance with section 91(8) of the Transport Act 1968.

1. These Regulations shall come into operation on 1st May 1986 and may be cited as the Goods Vehicles (Operators' Licences, Qualifications and Fees) (Amendment) Regulations 1986.

2. The Goods Vehicles (Operators' Licences, Qualifications and Fees) Regulations 1984(d) are hereby amended in accordance with the following provisions of these Regulations.

3. In regulation 4, for paragraph (2) substitute the following new paragraph—

“(2) Where a company (“the first company”) carries goods for hire or reward

(a) 1968 c. 73; sections 89(1) and 91(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) 1972 c. 68.

(d) S.I. 1984/176.

it shall hold a standard licence unless it is carrying goods the property of another company ("the second company") where the second company is either—

- (a) a subsidiary of the first company; or
- (b) a holding company for the first company; or
- (c) a subsidiary of a company which is a holding company for that subsidiary and for the first company.

In any case specified in sub-paragraph (a), (b) or (c) of this paragraph the first company may hold a restricted licence instead of a standard licence."

4.— (1) In regulation 13, for paragraph (2) substitute the following new paragraph—

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

(2) For Schedule 3, substitute the new Schedule set out in the Schedule to these Regulations.

5. In regulation 18, for sub-paragraph (b) substitute the following sub-paragraph:—

- "(b) (i) if made by an individual person, be signed by that person,
- (ii) if made by persons in partnership, be signed by all of the partners or by one of them with the authority of the others,
- (iii) if made by any other body or group of persons, be given under the common seal of the body or group if it has one, or be signed by one or more individual persons authorised for that purpose by the group or body if it does not have a common seal; and"

6. In regulation 19, in paragraph (1), for the word "within" substitute the words "not later than".

7. In regulation 35, for paragraphs (1) and (2) substitute the following paragraphs:—

"(1) In this regulation—

"authorised vehicle" means a motor vehicle the use of which is authorised under a licence; and

"specified vehicle" means an authorised vehicle which is specified in a licence.

(1A) The fee hereby prescribed in respect of the grant of a licence on or after 1st May 1986 is:—

- (a) £20; and
- (b) in respect of each specified vehicle, £5.

(1B) The fee hereby prescribed in respect of a variation of a licence is:—

- (a) subject to paragraph (1C) below, where the variation results in an addition to the number of specified vehicles, £5 multiplied by the additional number of specified vehicles; and
- (b) in any case where notice of the application for the variation is required to be published under section 68(4), £15.

(1C) The fee prescribed by paragraph (1B)(a) above shall not be payable if the number of specified vehicles after the variation is equal to or less than the highest number of such vehicles at any time between—

- (a) in the case of a licence granted before 1st May 1986, 1st May 1986 and the date when the variation takes effect; or
- (b) in any other case, the date of the grant of the licence and the date when the variation takes effect.

(1D) The fees prescribed in paragraphs (1A)(b) and (1B)(a) above relate to each period of 3 months or less of the term, or in the case of any variation the unexpired term, of the licence. The fees prescribed in paragraphs (1A)(a) and (1B)(b) above relate to the whole term, or in the case of a variation the unexpired term, of the licence. The fees prescribed in paragraphs (1A) and (1B) above shall be paid by the applicant for or, as the case may require, the holder of the licence before the grant, or variation, of the licence occurs.

(1E) The fee hereby prescribed in respect of the grant of a licence by virtue of section 67(5) is £10 in respect of each vehicle the use of which is authorised by the licence, and shall be paid by the applicant before the licence is granted.

(1F) The fee hereby prescribed in respect of a direction given by virtue of section 68(5) is £10 in respect of each vehicle the use of which is authorised by the direction, and shall be paid by the applicant before the direction is given.

(2) If a licence is surrendered the licensing authority who granted the licence shall refund to the person to whom the licence was granted or (if appropriate) who is the last person to have been deemed, pursuant to regulation 10, to be the holder of the licence any fee paid pursuant to paragraph (1A)(b) or (1B)(a) above in respect of any remaining period of 12 months during which the licence is expressed to be valid; any period of less than 12 months shall be disregarded for the purpose of the refund.”.

8. In regulation 36—

- (a) In paragraph (2)(a), for the words “for sub-paragraph (c) substitute” substitute the words “after sub-paragraph (b) insert”;
- (b) after paragraph (2) insert the following paragraph:—
 - “(2A) In section 68, in subsection (4), after paragraph (b) insert the following paragraph:—
 - “(bb) where an application is for a direction as referred to in subsection (1)(c) or (e) of this section; or””.

9. In Schedule 5, in paragraph 17, after sub-paragraph (a) insert the following sub-paragraph:—

“(aa) to be mixed by the machine, appliance, apparatus or contrivance with other goods not carried on the vehicle on a road in order to thrash, grade, clean or chemically treat grain,”.

10. In Schedule 6, for paragraph 3 substitute the following paragraphs:—

“3. References in this Instrument to professional competence are to the professional competence of an individual.

3A. A company satisfies the requirement as to professional competence if, and so long as, in respect of its road transport undertaking it has a transport manager, or such number of them as the licensing authority may require, who, or if more than one each of whom, is of good repute and professionally competent.”.

Nicholas Ridley,
Secretary of State for Transport.

7th April 1986.

SCHEDULE (see regulation 4)

(New Schedule 3 to the Goods Vehicles (Operators' Licences, Qualifications and Fees) Regulations 1984)

“SCHEDULE 3 (see regulation 13(2))

1. Information to be given in Notice of Application—

- (a) Name of applicant.
- (b) Trading name, if any.
- (c) Address for receipt of correspondence.
- (d) Whether the application is in respect of a new licence, the replacement of an existing licence, or the variation of an existing licence.
- (e) The place or places proposed to be used as an operating centre or centres (including, if available, the postal address or addresses).
- (f) The number of vehicles and trailers proposed to be kept at each operating centre or centres.
- (g) The number of vehicles and trailers now kept, if different.
- (h) In respect of an existing licence, details of any proposed changes to or removal of existing environmental conditions.

2. Every notice shall also contain the following wording:

“Owners or occupiers of land (including buildings) in the vicinity of the operating centre or centres who believe the use or enjoyment of the land will be prejudicially affected, may make written representations to the Licensing Authority at [address of Traffic Area Office] within the 21 days following the publication of this notice. Representors must at the same time send a copy of their representations to the applicant at the address given in this notice.”.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Goods Vehicles (Operators' Licences, Qualifications and Fees) Regulations 1984 as follows:—

(1) The requirements relating to the licences held by holding companies and subsidiaries are amended (regulation 3).

(2) The information to be given in the notice of application for the grant or variation of a licence is prescribed, but the form of the notice is no longer prescribed (regulation 4 and the Schedule).

(3) The prescribed manner for objections and representations is amended (regulation 5).

(4) Fees are prescribed to include handling charges (£20 on the grant of a licence, and £15 on a variation). Provision is made for the vehicle-related fees to be refunded if a licence is surrendered (regulation 7).

(5) Minor amendments to the exemptions from the requirements to publish notice of applications are made (regulation 8).

(6) The vehicles the operation of which are exempt from the requirements for an operator's licence are extended to include a vehicle fitted with a machine, appliance, apparatus or other contrivance provided the only goods carried on the vehicle are to be mixed by the machine, appliance, apparatus or other contrivance with other goods not carried on the vehicle on a road for the purpose of treating grain (regulation 9).

(7) The requirement for professional competence in relation to a company is amended so that every transport manager it is required to have must be of good repute and professionally competent (regulation 10).

(8) A minor amendment is made to clarify the time within which an objection to an application may be made (regulation 6).

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