
STATUTORY INSTRUMENTS

2011 No. 2632

The Road Transport Operator Regulations 2011

PART 1

General

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Road Transport Operator Regulations 2011 and come into force on 4th December 2011.

(2) Except for regulation 4(2), these Regulations do not extend to Northern Ireland.

Purpose and interpretation

2.—(1) These Regulations implement Regulation 1071/2009.

(2) In these Regulations —

“the commencement date” means 4th December 2011;

“Regulation 1071/2009” means Regulation (EC) No. 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC(1);

“the 1981 Act” means the Public Passenger Vehicles Act 1981(2);

“the 1995 Act” means the Goods Vehicles (Licensing of Operators) Act 1995(3).

(1) OJ No L 300, 14. 11.09, p 51.

(2) 1981 c.14. Section 4 was amended by the Transport Act 1985 (c.67), section 3(2) and by the Local Transport Act 2008 (c.26), section 2(1) to (6). Section 12 was amended by the Transport Act 1985, section 1 and Schedule 1, paragraph 4 and section 3 and Schedule 2, Part II. Section 14 was amended by the Transport Act 1985, section 3 and Schedule 2, Part II and by the Deregulation and Contracting Out Act 1994 (c.40), sections 59 and 68 and Schedule 14, paragraph 2. Section 14A was inserted by the Transport Act 1985, section 25 and was amended by the Deregulation and Contracting Out Act 1994, sections 60, 68 and 81 and Schedule 14, paragraph 3 and Schedule 17. Section 16A was inserted by S.I. 1999/2431, regulation 5. Section 17 was amended by the Transport Act 1985, sections 3 and 139(2) and Schedule 2, Part II, paragraph 4(8) and Schedule 7, paragraph 21(5) and (6) and by the Deregulation and Contracting Out Act 1994, sections 62, 68 and 81 and Schedules 14 and 17. Section 17A was inserted by the Transport Act 1985, section 5. Section 57 was amended by the Transport Act 1985, sections 1 and 139(3), Schedule 1, paragraph 9 and Schedule 8, and by the Mental Capacity Act 2005 (c.9), section 67(1) and Schedule 6, paragraph 26. Section 82(1) was amended by the Local Transport Act 2008, section 2(7) and by the Transport Act 1985, section 3(5) and Schedule 2, Part II, paragraphs (1) and (20). Schedule 3 was amended by the Transport Act 1985, section 3 and Schedule 2, Part II; by the Criminal Justice Act 2003 (c.44), section 304 and Schedule 32, Part I; by the Road Safety Act 2006 (c.49), section 7; by the Armed Forces Act 2006 (c.52), section 378 and Schedule 16, paragraph 90 and section 383(2); by S.I. 1990/1851, regulation 2 and the Schedule; by S.I. 1999/2431, regulations 1(2), 3 and 4; and by S.I. 2004/3223, regulation 1(2).

(3) 1995 c.23. Section 2 was amended by the Transport Act 2000 (c.67), section 261. Section 12 was amended by the Planning (Consequential Provisions) (Scotland) Act 1997 (c.11), section 4 and Schedule 2, paragraph 59(1). Section 22 was amended by S.I. 2009/1941, article 2(1) and Schedule 1, paragraph 153. Section 24 was amended by S.I. 2009/1885, article 4(1) and Schedule 1, paragraphs 18 and 19. Section 35 was amended by S.I. 2009/1885, article 4(1) and Schedule 1, paragraphs 18 and 21. Section 49 was amended by S.I. 1997/2971, article 6(1) and the Schedule, paragraph 24. Section 58(1) was amended by S.I. 2009/1941, article 2(1) and Schedule 1, paragraph 153(1) and (4). Schedule 3 was amended by the Criminal Justice Act 2003 (c.49), section 304 and Schedule 32, Part 1, paragraph 68; by the Armed Forces Act 2006 (c.52), section 378(1)

(3) Unless the context otherwise requires, expressions used in Regulation 1071/2009 have the same meaning when used in these Regulations.

Revocation

3. The following instruments are revoked—

- (a) the Public Service Vehicle Operators (Qualifications) Regulations 1990(4);
- (b) the Goods Vehicle Operators (Qualifications) Regulations 1999(5); and
- (c) the Public Service Vehicle Operators (Qualifications) Regulations 1999(6).

Competent authorities etc.

4.—(1) Subject to paragraphs (3) and (4), the competent authority for the purposes of Regulation 1071/2009 is a traffic commissioner appointed under the 1981 Act.

(2) The Secretary of State is designated as the public authority responsible for supervising the processing of data contained in the national electronic register for the purposes of Article 16.1 of Regulation 1071/2009.

(3) Paragraph (4) has effect until the coming into force of section 2 of the Local Transport Act 2008(7) in relation to a road transport operator who holds, or has applied for, a standard licence under the 1981 Act or the 1995 Act.

(4) The competent authority for the purposes of Regulation 1071/2009 is the traffic commissioner for the traffic area in which the licence was granted or (as the case may be) the traffic commissioner to whom it falls to consider the application for the licence.

Authorisations to pursue or engage in the occupation of road transport operator

5.—(1) A standard licence granted under the 1981 Act (including before the commencement date) constitutes an authorisation to pursue or engage in the occupation of road transport operator for the purposes of Regulation 1071/2009 in the capacity of road passenger transport operator.

(2) A standard licence granted under the 1995 Act (including before the commencement date) constitutes an authorisation to pursue or engage in the occupation of road transport operator for the purposes of Regulation 1071/2009 in the capacity of road haulage operator.

Notification of changes to data

6.—(1) The period within which a change to data is to be notified under Article 11.5 of Regulation 1071/2009 by an undertaking holding a standard licence granted under the 1981 Act or the 1995 Act is 28 days commencing on the date of the change.

(2) The obligation imposed by that Article on such an undertaking constitutes a condition attached to the licence for the purposes of —

- (a) in the case of a licence granted under the 1981 Act, section 17(3)(b) of that Act; and
- (b) in the case of a licence granted under the 1995 Act, section 26(1)(b) of that Act.

and Schedule 16, paragraph 131; by S.I. 1999/1167, regulation 3; by S.I. 2004/3222, regulation 2; and by S.I. 1999/2430, regulations 2 to 4(2)(b) and 5(5).

(4) S.I. 1990/1851.
 (5) S.I. 1999/2430.
 (6) S.I. 1999/2431.
 (7) 2008 c.26.

PART 2

Amendments to primary legislation

Amendments to the Public Passenger Vehicles Act 1981 and the Transport Act 1985

- 7.—(1) The 1981 Act and the Transport Act 1985⁽⁸⁾ are amended in accordance with Schedule 1.
- (2) Those amendments are subject to the transitional provisions in Part 1 of Schedule 3.

Amendments to the Goods Vehicles (Licensing of Operators) Act 1995

- 8.—(1) The 1995 Act is amended in accordance with Schedule 2.
- (2) Those amendments are subject to the transitional provisions in Part 2 of Schedule 3.

PART 3

Review

Review

- 9.—(1) The Secretary of State must from time to time—
 - (a) carry out a review of these Regulations,
 - (b) set out the conclusions of the review in a report, and
 - (c) publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Regulation 1071/2009 (which is implemented by means of these Regulations) is implemented in other member States.
- (3) The report must in particular—
 - (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
 - (b) assess the extent to which those objectives are achieved, and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

(8) 1985 c. 67; section 28 was amended by the Deregulation and Contracting Out Act 1994 (c. 40), section 67(2) to (5).

Signed by authority of the Secretary of State

1st November 2011

Mike Penning
Parliamentary Under Secretary of State
Department for Transport