
STATUTORY INSTRUMENTS

2019 No. 708

The Licensing of Operators and International Road
Haulage (Amendment etc.) (EU Exit) Regulations 2019

PART 2

Licensing of Operators

Amendment of the Goods Vehicles (Licensing of Operators) Act 1995

- 2.—(1) The Goods Vehicles (Licensing of Operators) Act 1995⁽¹⁾ is amended as follows.
- (2) In section 2⁽²⁾—
- (a) omit subsection (2)(b);
 - (b) after subsection (2) insert—
 - “(2A) A class of vehicles that may be specified in regulations under subsection (2) (d) includes goods vehicles used for international carriage by a haulier established in a member State.”; and
 - (c) in subsection (3)⁽³⁾ for, “(2)(b) and (c)” substitute “(2)(c) and (2A)”.
- (3) In Schedule 3, in paragraph 13(3), in the definition of “approved body”—
- (a) in paragraph (a), at the end insert “or”;
 - (b) in paragraph (b), for “or” substitute “and”; and
 - (c) omit paragraph (c).

Commencement Information

- II** [Reg. 2](#) in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Amendment of the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010

- 3.—(1) The Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010⁽⁴⁾ is amended as follows.
- (2) In section 1—
- (a) omit subsection (2)(b);
 - (b) after subsection (2), insert—

(1) [1995 c. 23](#).

(2) Section 2 has been amended but none of these amendments are relevant to these Regulations.

(3) Subsection (3) was substituted by [S.I. 2011/2632](#), regulation 8(1) and Schedule 2 paragraphs 1, 2(1) and (4).

(4) [2010 c. 2 \(N.I.\)](#).

“(2A) A class of vehicles that may be specified in regulations under subsection (2) (d) includes goods vehicles used for international carriage by a haulier established in a member State.”;

(c) in subsection (4), for “(2)(b) and (c)” substitute “(2)(c) and (2A)”.

(3) In section 49(1)—

(a) in the words before paragraph (a), omit “other than the United Kingdom”;

(b) in the words after paragraph (c), omit “other”.

(4) In section 58(1), in the definition of “road transport undertaking”, omit “other than the United Kingdom”.

Commencement Information

I2 [Reg. 3](#) in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Amendment of the Goods Vehicles (Licensing of Operators) Regulations 1995

4.—(1) The Goods Vehicles (Licensing of Operators) Regulations 1995⁽⁵⁾ are amended as follows.

(2) In Part 1 of Schedule 3—

(a) after paragraph 22, insert—

A goods vehicle used for international haulage by a haulier established in a member State who holds a Community licence issued under Article 4 of Regulation (EC) No [1072/2009](#)⁽⁶⁾ of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market as it has effect in EU law as amended from time to time.”;

(b) in paragraph 23A(1)(a) and (2)⁽⁷⁾, for “driver attestation” substitute “EU driver attestation”.

Commencement Information

I3 [Reg. 4](#) in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Amendment of the Goods Vehicles (Community Licences) Regulations 2011

5.—(1) The Goods Vehicles (Community Licences) Regulations 2011⁽⁸⁾ are amended as follows.

(2) In regulation 3(2)—

(a) in the definition of “Community licence”, for “1072/2009” substitute “(EC) No [1072/2009](#)⁽⁹⁾ of the European Parliament and of the Council of 21 October 2009 on

(5) [S.I. 1995/2869](#).

(6) OJ No. L 300, 14.11.2009, p. 72.

(7) Paragraph 23A was inserted by [S.I. 2013/1750](#).

(8) [S.I. 2011/2633](#).

(9) OJ No. L 300, 14.11.2009, p. 72.

common rules for access to the international road haulage market as it has effect in EU law as amended from time to time”;

(b) after the definition of “driver attestation”, insert—

““EU driver attestation” means a driver attestation issued under Article 5 of Regulation (EC) No 1072/2009⁽¹⁰⁾ of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market as it has effect in EU law as amended from time to time;

“exit day” has the meaning given in section 20 of the European Union (Withdrawal) Act 2018;”;

(c) after the definition of “standard operator’s licence”, insert—

““UK licence for the Community” means a licence issued under Article 4 of Regulation 1072/2009;”.

(3) In regulation 4, after “Community licence” insert “etc.”.

(4) In regulation 5(1)(a), for “Community licence” substitute “UK licence for the Community”.

(5) In regulation 6—

(a) in the heading and in paragraph (1) for “Community licence” substitute “UK licence for the Community”;

(b) for paragraph (2), substitute—

“(2) On and after exit day a Community licence issued by a competent authority referred to in regulation 5 is treated as a UK licence for the Community.”;

(c) for paragraph (3), substitute—

“(3) Subject to regulation 12(1) (supply of information), the holder of a UK licence for the Community is entitled to be issued with a driver attestation if the holder complies with the requirements of Article 5(1A) of Regulation 1072/2009.

(4) On and after exit day any driver attestation issued by the Secretary of State under the provisions of Article 5(1) of Regulation (EC) No 1072/2009⁽¹¹⁾ of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market is treated as a driver attestation for the purposes of Article 5(1A) of Regulation (EC) No 1072/2009.”.

(6) In regulation 7—

(a) in the heading, for “Community licence” substitute “UK licence for the Community”;

(b) in paragraph (1)—

(i) for each occurrence of “Community licence” substitute “UK licence for the Community”; and

(ii) after “Great Britain of” omit “Community”;

(c) in paragraph (2), for “Community licence” substitute “UK licence for the Community” and for “competent authority” substitute “Secretary of State”.

(7) In regulation 8, for each occurrence of “Community licence” substitute “UK licence for the Community”.

(8) In regulation 12—

(a) for each occurrence of “Community licence” substitute “UK licence for the Community”;

⁽¹⁰⁾ OJ No. L 300, 14.11.2009, p. 72.

⁽¹¹⁾ OJ No. L 300, 14.11.2009, p. 72.

- (b) for each occurrence of “competent authority” and “authority” substitute “relevant authority”; and
- (c) after paragraph (3), insert—
 - “(4) In this regulation “relevant authority” means—
 - (a) the competent authority in relation to a UK licence for the community;
 - (b) the Secretary of State in relation to any driver attestation.”.
- (9) In regulation 13(1), before “Community licence” insert “UK licence for the Community or a”.
- (10) In regulation 14, in the heading and in paragraph (1), for “Community licence” substitute “UK licence for the Community”.

Commencement Information

- I4** [Reg. 5](#) in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Amendment of the Goods Vehicles (Licensing of Operators) (Exemption) Regulations (Northern Ireland) 2012

6.—(1) The Goods Vehicles (Licensing of Operators) (Exemption) Regulations (Northern Ireland) 2012(**12**) are amended as follows.

- (2) In the Schedule —
 - (a) after paragraph 22, insert—

A goods vehicle used for international haulage by a haulier established in a member State who holds a Community licence issued under Article 4 of Regulation ([EC](#)) [No 1072/2009](#)(**13**) of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market as it has effect in EU law as amended from time to time.”;

- (b) for 23, substitute—

A vehicle which is being used to carry out a cabotage operation consisting of national carriage for hire or reward on a temporary basis in the United Kingdom in accordance with the provisions of Regulation (EC) No.1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market.”.

Commencement Information

- I5** [Reg. 6](#) in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

(12) [S.R. 2012 No. 256](#).

(13) [OJ No. L 300, 14.11.2009, p. 72](#).

Amendment of the Goods Vehicles (Qualification of Operators) Regulations (Northern Ireland) 2012

7.—(1) The Goods Vehicles (Qualification of Operators) Regulations (Northern Ireland) 2012⁽¹⁴⁾ are amended as follows.

- (2) In regulation 1, after the definition of “other relevant person” insert—

““Department” means the Department for Infrastructure.”.
- (3) In regulation 11(4), in the definition of “approved body”, for paragraph (b), substitute—

“(b) a body approved by the Department for Infrastructure for the purposes of Article 8(3) of Regulation 1071/2009; and”.

Commencement Information

- 16** Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

Amendment of the Goods Vehicles (Community Licence) Regulations (Northern Ireland) 2013

8.—(1) The Goods Vehicles (Community Licence), Regulations (Northern Ireland) 2013⁽¹⁵⁾ are amended as follows.

- (2) In regulation 2(1)—
 - (a) in the definition of “Community Licence”, for “1072/2009” substitute “(EC) No 1072/2009⁽¹⁶⁾ of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market as it has effect in EU law as amended from time to time”;
 - (b) in the definition of “Department”, for “of the Environment” substitute “for Infrastructure”;
 - (c) after the definition of “driver attestation”, insert—

““EU driver attestation” means a driver attestation issued under Article 5 of Regulation (EC) No 1072/2009⁽¹⁷⁾ of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market as it has effect in EU law as amended from time to time;

“exit day” has the meaning given in section 20 of the European Union (Withdrawal) Act 2018;”;
 - (d) after the definition of “standard operator’s licence”, insert
““UK licence for the Community” means a licence issued under Article 4 of Regulation 1072/2009.”.
- (3) In regulation 3, after “Community licence” insert “etc.”.
- (4) In regulation 5—
 - (a) in the heading and in paragraph (1), for “Community licence” substitute “UK licence for the Community”;
 - (b) for paragraph (2), substitute—

⁽¹⁴⁾ S.R. 2012 No. 257, amended by S.R. 2012 No. 261.

⁽¹⁵⁾ S.R. 2013 No. 115.

⁽¹⁶⁾ OJ No. L 300, 14.11.2009, p. 72.

⁽¹⁷⁾ OJ No. L 300, 14.11.2009, p. 72.

“(2) On and after exit day a Community licence issued by a competent authority referred to in regulation 4 is treated as a UK licence for the Community.”;

(c) for paragraph (3), substitute—

“(3) Subject to regulation 11(1) (supply of information), the holder of a UK licence for the Community is entitled to be issued with a driver attestation if the holder complies with the requirements of Article 5(1A) of Regulation 1072/2009.”;

(d) after paragraph (3), insert—

“(4) On and after exit day any driver attestation issued by the Department under the provisions of Article 5(1) of Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market is treated as a driver attestation for the purposes of Article 5(1A) of Regulation (EC) No 1072/2009.”.

(5) In regulation 6—

(a) in the heading and in the regulation, for each occurrence of “Community licence” substitute “UK licence for the Community”; and

(b) in paragraph (1), after “Northern Ireland of” omit “Community”.

(6) In regulation 7, in the heading and in paragraphs (1) to (3), for each occurrence of “Community licence” substitute “UK licence for the Community”.

(7) In regulation 11, for each occurrence of “Community licence” substitute “UK licence for the Community”.

(8) In regulation 12, in the heading and in paragraph (1), for each occurrence of “Community licence” substitute “UK licence for the Community”.

Commencement Information

I7 Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

Amendment of Regulation (EC) 1071/2009

9.—(1) 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 is amended as follows.

(2) In Article 1—

(a) in paragraph 2, for “Community” substitute “United Kingdom”;

(b) omit paragraph 3;

(c) in paragraph 4, in point (a) omit “Member States may, however, lower this limit for all or some categories of road transport operations”;

(d) omit paragraph 5.

(3) In Article 2—

(a) after paragraph 6, insert—

“**6A.** ‘traffic commissioner’ has the same meaning as in the Public Passenger Vehicles Act 1981(**18**);

- 6B.** ‘the Northern Ireland department’ means the Department for Infrastructure;”;
- (b) for paragraph 7, substitute—
- “7. ‘competent authority’ means in Great Britain, a traffic commissioner, and in Northern Ireland, the Northern Ireland department;”;
- (c) omit paragraph 8;
- (d) after paragraph 8, insert—
- “9. ‘Minister’ means—
- (a) in relation to England, Scotland or Wales, the Secretary of State;
- (b) in relation to Northern Ireland, the Northern Ireland department;
10. ‘Community licence’ means a licence issued under Article 4 of Regulation (EC) No 1072/2009(19) of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market.”.
- (4) In Article 3—
- (a) in paragraph 1, in point (a), for “a Member State” substitute “the United Kingdom”;
- (b) omit paragraph 2.
- (5) In Article 4—
- (a) in paragraph 1, in point (c) and in paragraph 2, point (a), for “Community” substitute “United Kingdom or a Member State”;
- (b) in paragraph 2, in point (c), omit “Member States may decide to lower the number of undertakings and/or the size of the total fleet of vehicles which that person may manage”;
- (c) in paragraph 3, for “Member States” substitute “A competent authority”.
- (6) In Article 5—
- (a) in the first paragraph, for “shall, in the Member State concerned” substitute “must”;
- (b) in point (a)—
- (i) for “that Member State” substitute “the United Kingdom”;
- (ii) for “Member States” substitute “The Minister”;
- (iii) omit “on their territory”;
- (c) in point (b), omit “in conformity with the legislation of that Member State,”;
- (d) in point (c), for “that Member State” substitute “the United Kingdom”.
- (7) In Article 6—
- (a) in paragraph 1—
- (i) in the first subparagraph, for “Member States shall” substitute “the Minister must”;
- (ii) in the second subparagraph—
- (aa) for “Member States shall” substitute “the competent authority may”;
- (bb) for each of the subsequent occurrences of “Member State” substitute “competent authority”;
- (iii) in the third subparagraph, in point (b), omit “in one or more Member States” and “of Community rules”;
- (b) in paragraph 2—

(19) OJ No. L 300, 14.11.2009, p. 72.

- (i) in point (a)—
 - (aa) for the first subparagraph, substitute—
 - “(a) where the transport manager or the transport undertaking has in the United Kingdom, or in one or more Member States, been convicted of a serious criminal offence or incurred a penalty for one of the most serious infringements of rules as set out in Annex 4, the competent authority must carry out in an appropriate and timely manner a duly completed administrative procedure, which may include, if appropriate, a check at the premises of the undertaking concerned.”;
 - (bb) in the third subparagraph, for “report referred to in Article 26(1)” substitute “annual reports which the traffic commissioners make under section 55 of the Public Passenger Vehicles Act 1981”;
 - (ii) in point (b)—
 - (aa) for the first and second subparagraphs, substitute—
 - “(b) the competent authorities must take into account any information on the categories, types and degrees of seriousness of any infringements referred to in Annex IV and Commission Regulation (EU) 2016/403, including information received from Member States, when setting the priorities for checks pursuant to Article 12(1).
Additional measures, designed to amend non-essential elements of this Regulation by supplementing it and which relate to this list, may be adopted by the Minister.”;
 - (bb) in the third subparagraph for “Commission shall” substitute “Minister may by regulations”.
 - (c) after paragraph 3, insert—
 - “4. Regulations under this Article may—
 - (a) include supplementary, incidental, consequential, transitional, transitory or saving provision: and
 - (b) make different provision for different cases.”.
- (8) In Article 7—
 - (a) in paragraph 1—
 - (i) in the first subparagraph, for “EUR 9000” substitute “£8,000” and for “EUR 5000” substitute “£4,500”;
 - (ii) omit the second subparagraph;
 - (b) in paragraph 3, for “Member State in which an authorisation has been applied for and not those of any other entity established in any other Member State” substitute “UK and not those of any entity established in any other country”.
- (9) In Article 8—
 - (a) in paragraph 1—
 - (i) omit “, if a Member State so decides.”;
 - (ii) for “To this end, Member States may decide to impose” substitute “The person concerned may require”;
 - (b) in paragraph 2—

- (i) for the first subparagraph substitute—
 - “**2.** The persons concerned must sit the examination in the United Kingdom if this is where they have their normal residence when working.”;
- (ii) in the third subparagraph, for “two” substitute “the United Kingdom and one” and after “living in” insert “the United Kingdom or”;
- (c) for paragraph 3, substitute—
 - “**3.** Only the authorities or bodies duly authorised for this purpose in the United Kingdom, in accordance with defined criteria, may organise and certify the written and oral examinations referred to in paragraph 1. A competent authority must regularly verify that the conditions under which those authorities or bodies organise the examinations are in accordance with Annex I.”;
- (d) in paragraph 4—
 - (i) for “Member States may duly authorise, in accordance with criteria defined by them” substitute “A competent authority may duly authorise, in accordance with criteria defined by it”;
 - (ii) for “Such Member States shall” substitute “A competent authority must”;
- (e) in paragraphs 5 and 6, for “Member States” substitute “A competent authority”;
- (f) in paragraph 7, in subparagraphs one and two, for each occurrence of “A Member State” substitute “A competent authority” and for each occurrence of “that Member State” substitute “the United Kingdom”;
- (g) for paragraph 9, substitute—
 - “**9.** The Minister may by regulations adapt Annexes 1, 2 and 3 due to technical progress.”;
- (h) after paragraph 9, insert—
 - “**9A.** Regulations under this Article may—
 - (a) include supplementary, incidental, consequential, transitional, transitory or saving provision: and
 - (b) make different provision for different cases.”;
 - (i) omit paragraph 10.
- (10) Omit Article 9.
- (11) In Article 10, in paragraph 1, for the words before point (a), substitute—
 - “**1.** A competent authority may:”.
- (12) In Article 11—
 - (a) in paragraph 4—
 - (i) omit the first subparagraph;
 - (ii) in the second subparagraph, for “From 1 January 2013, when” substitute “When” and for “, in one of the Member States,” substitute “as”;
 - (iii) omit the third subparagraph;
 - (b) in paragraph 5, omit “as determined by the Member State of establishment.”.
- (13) In Article 12—
 - (a) for paragraph 1, substitute—

- “1. A competent authority must monitor whether undertakings which they have authorised to engage in the occupation of road transport operator continue to fulfil the requirements laid down in Article 3. To that end, the competent authority must carry out checks targeting those undertakings which are classed as posing an increased risk.”;
- (b) omit paragraph 2;
- (c) in paragraph 3, for “Member States shall” substitute “A competent authority must” and for each occurrence of “Commission” substitute “Minister”.
- (14) In Article 14, in paragraph 2, omit “in accordance with the relevant provisions of national law” and “in any Member State”.
- (15) In Article 15—
- (a) in paragraph 1, in the first subparagraph, omit “of the Member States”;
- (b) in paragraph 2—
- (i) for, “Member States shall take steps to ensure that undertakings” substitute “Undertakings”;
- (ii) for, “to at least one independent and impartial body or a court of law” substitute “as provided for in domestic legislation”.
- (16) In Article 16—
- (a) in paragraph 1—
- (i) for the first subparagraph substitute—
- “1. For the purposes of the implementation of this Regulation, and in particular Articles 11 to 14 thereof, the competent authority must keep a national electronic register of road transport undertakings which have been authorised to engage in the occupation of road transport operator. The data contained in that register must be processed under the supervision of the Minister. The relevant data contained in the national electronic register must be accessible to any competent authority.”;
- (ii) omit the second subparagraph;
- (b) in paragraph 2—
- (i) in the first subparagraph, in the words before point (a), for “National electronic registers shall” substitute “The national electronic register must”;
- (ii) in point (d), for “Community licence and of the certified copies” substitute “UK licence for the Community or of the Community licence⁽²⁰⁾ and of their certified copies”;
- (iii) omit the second subparagraph;
- (iv) in the third subparagraph, for “Member States” substitute “The Minister” and omit “of the Member State in question”;
- (c) in paragraph 4, for “Member States shall” substitute “The Minister must”;
- (d) omit paragraphs 5, 6 and 7.
- (17) In Article 17, in the words before point (a), for “[Directive 95/46/EC](#), Member States shall” substitute “Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the

⁽²⁰⁾ “Community licence” and “UK licence for the Community” have the same meaning as in Article 2(8) and Article 4 respectively of Regulation (EC) 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market.

free movement of such data, and repealing [Directive 95/46/EC](#) (General Data Protection Regulation), the Minister must”.

(18) Omit Article 18.

(19) In Article 19—

(a) in paragraph 1—

(i) for “Without prejudice to Article 11(4), Member State of establishment shall” substitute “The Minister must”;

(ii) for “in the Member State” substitute “in a Member State”;

(b) for paragraph 2, substitute—

“2. Where the Minister imposes on United Kingdom nationals certain conditions relating to good repute, and proof that these conditions are met cannot be provided by means of the document referred to in paragraph 1, the Minister must accept as sufficient proof for nationals of Member States a certificate issued by a competent judicial or administrative authority in the Member State(s) where the transport manager or any other relevant person used to reside stating that these conditions have been met. Such certificate must relate to the specific information taken into consideration in the United Kingdom.”;

(c) after paragraph 4, insert—

“5. In this Article and in Article 20, ‘competent administrative authority’ means a national, regional or local authority in a Member State which, for the purpose of authorising the pursuit of the occupation of road transport operator, verifies whether an undertaking satisfies the conditions laid down in Regulation [\(EC\) No 1071/2009\(21\)](#) as it has effect in EU law as amended from time to time, and which is empowered to grant, suspend or withdraw an authorisation to pursue the occupation of road transport operator.”.

(20) For the paragraph in Article 20, substitute—

“Where the Minister imposes on United Kingdom nationals certain conditions relating to financial standing in addition to those set out in Article 7, the Minister must accept as sufficient proof for nationals of Member States a certificate issued by a competent administrative authority in the Member State(s) where the transport manager or any other relevant person used to reside stating that these conditions have been met. Such certificate must relate to the specific information taken into consideration in the United Kingdom.”.

(21) In Article 21—

(a) in the heading, after “competence” insert “issued in a Member State”;

(b) for paragraph 1 and 2, substitute—

“1. A competent authority must recognise as sufficient proof of professional competence a certificate which complies with the model certificate set out in Annex III of Regulation [\(EC\) No 1071/2009\(22\)](#) as it has effect in EU law as amended from time to time and which is issued by the authority or body duly authorised in a Member State for that purpose.

2. A certificate issued before 4 December 2011 as proof of professional competence pursuant to the provisions in force until that date shall be deemed to be equivalent to a certificate which complies with the model certificate set out in Annex III of Regulation [\(EC\) No 1071/2009](#) as it has effect in EU law as amended from time to time and shall be recognised as proof of professional competence in the UK. Holders of certificates of

(21) OJ No. L 300, 14.11.2009, p. 51.

(22) OJ No. L 300, 14.11.2009, p. 51.

professional competence valid only for national transport may be required to pass the examinations, or parts of examinations, referred to in Article 8(1).”.

(22) In Article 22—

- (a) omit paragraph 1;
- (b) in paragraph 2, for “referred to in paragraph 1 shall include, in particular,” substitute “for infringements of this Regulation must include, in particular, provision in relation to”.

(23) Omit Articles 23 to 25.

(24) After Article 25, insert—

“Article 25A

Regulations made by the Secretary of State: consultation and procedure

1. Any power to make regulations conferred on the Secretary of State by this Regulation is exercisable by statutory instrument.
2. Before the Secretary of State makes regulations under Article 6 or Article 8 which apply to Great Britain, the Secretary of State must consult—
 - (a) the traffic commissioners for England, Scotland and Wales;
 - (b) such other persons as the Secretary of State considers appropriate.
3. Before the Secretary of State makes regulations under Article 6 or Article 8 which apply to Northern Ireland, the Secretary of State must consult—
 - (a) the Northern Ireland department;
 - (b) such other persons as the Secretary of State considers appropriate.
4. A statutory instrument containing whether alone or with other provision regulations under Article 8 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
5. Any other statutory instrument containing regulations under these Regulations is subject to annulment in pursuance of a resolution of either House of Parliament.

Article 25B

Regulations made by the Northern Ireland department: consultation and procedure

1. Any power to make regulations conferred on the Northern Ireland department by this Regulation is exercisable by statutory rule for the purpose of the Statutory Rules (Northern Ireland) Order 1979(23).
2. Before the Northern Ireland department makes regulations under Article 6 or Article 8, the Northern Ireland department must consult such other persons as that department considers appropriate.
3. Regulations may not be made by the Northern Ireland department under Article 8 of this Regulation unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
4. Any other regulations made by the Northern Ireland department under these Regulations are subject to negative resolution within the meaning given by section 41(6) of the Interpretation Act (Northern Ireland) 1954(24).”.

(23) S.I. 1979/1573 (N.I. 12); relevant amending instrument is S.I. 1999/663.

(24) 1954 c. 33 (2 & 3 Eliz 2).

- (25) Omit Articles 26 to 28 and 30.
- (26) In Annex I—
- (a) in Part I—
- (i) in the first paragraph, for “the Member States” substitute “a competent authority”;
- (ii) omit the second paragraph;
- (iii) in the section headed “C. Social law”, for points 4 and 5 substitute—
- “4. the rules applicable to driving time, rest period and working time, and in particular the provisions of—
- (a) Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85;
- (b) Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport;
- (c) the Road Transport (Working Time) Regulations 2005(25);
- (d) the Road Transport (Working Time) Regulations (Northern Ireland) 2005(26);
- (e) the practical measures for applying the provisions in paragraphs (a) to (d); and
5. the rules applicable to the initial qualification and continuous training of drivers as set out in the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007(27).”;
- (iv) in the section headed “G. Technical standards and technical aspects of operation”—
- (aa) in point 1, before “Member States” insert “United Kingdom and”;
- (bb) in point 8, for “Directive 2008/68/EC” substitute “the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009(28), or the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010(29)”;
- (v) in the section headed “H. Road safety”—
- (aa) in point 2, for “different” substitute “the United Kingdom and”;
- (bb) in point 6, before “Member States” insert “United Kingdom and”;
- (b) in Part II—

(25) S.I. 2005/639, amended by S.I. 2007/853, 2012/991.

(26) S.I. 2005/241, amended by S.I. 2012/169, 2016/49.

(27) S.I. 2007/605, amended by S.I. 2008/506, 1965, 2009/1885, 2010/865, 1111, 2011/996, 2324, 2013/602, 1753, 2667, 2014/1816, 2264, 2015/583, 2024, 2018/1004.

(28) S.I. 2009/1348, amended by S.I. 2011/1885, 2013/119, 235, 2014/469, 1638, 1639, 2015/1682, 2016/721, 2017/1075.

(29) S.R. 2010 No.160, amended by S.R. 2013 No.235, 2017 No. 229.

- (i) in paragraph 1, for “Member States will organise a compulsory written examination which they may supplement by” substitute “A competent authority must organise a compulsory written examination which they may supplement with”;
 - (ii) in point (b) of paragraph 1, for “Member States” substitute “a competent authority”;
 - (iii) in paragraph 2—
 - (aa) in the first subparagraph, for “Member States also organise” substitute “a competent authority also organises”;
 - (bb) in the second subparagraph, for “Member States organise” substitute “a competent authority organises”;
 - (iv) in paragraph 3, for “a Member State” substitute “a competent authority”.
- (27) For Annex III, substitute Annex 3 in Schedule 1.

Commencement Information

I8 [Reg. 9](#) in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019, PART 2.