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STATUTORY INSTRUMENTS

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**2022 No. 293**

**The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022**

**PART 10**

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

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

**73.** The Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 is amended in accordance with regulations [74](#) to [102](#).

**Amendment of section 1 (operators' licences)**

**74.** In section 1(3)—

(a) in paragraph (a)—

(i) for sub-paragraph (i) substitute—

“(i) in the case of a vehicle used for hire or reward, it has a relevant plated weight not exceeding—

(A) 2.5 tonnes, or

(B) 3.5 tonnes if it is used only for national transport operations;” and

(ii) after sub-paragraph (i) insert—

“(ia) in the case of a vehicle used for or in connection with any trade or business carried on by the person using the vehicle, it has a relevant plated weight not exceeding 3.5 tonnes, or”; and

(b) in the words after paragraph (b)—

(i) for “paragraph (a)” substitute “this Act”; and

(ii) for “that paragraph” substitute “this Act”.

**Amendment of section 2A (temporary exemptions for international operators)**

**75.—(1)** In section 2A(6)(1), for “is not established in the United Kingdom” substitute “has an effective and stable establishment in a country or territory other than the United Kingdom that is comparable to an effective and stable establishment in Northern Ireland (as determined in such manner as may be set out in regulations made for the purposes of section 12A(2)(a))”.

(2) Omit section 2A(7).

**Amendment of section 4 (vehicles authorised to be used under operator’s licence)**

76.—(1) After section 4(3) insert—

“(3A) An operator’s licence shall not authorise the use of any light goods vehicle unless the vehicle is registered under the Vehicle Excise and Registration Act 1994 (c. 22).”.

(2) In section 4(4), in the words before paragraph (a)—

- (a) for “An operator’s” substitute “A heavy goods vehicle”; and
- (b) after “use of any” insert “heavy goods”.

**Amendment of section 6 (operating centres to be specified in operators’ licences)**

77.—(1) In the heading to section 6, for “operators” substitute “heavy goods vehicle”.

(2) In section 6(1)—

- (a) after “centre for” insert “heavy goods”; and
- (b) after “under a” insert “heavy goods vehicle”.

(3) In section 6(3)—

- (a) after “relation to any” insert “heavy goods”;
- (b) for “an operator’s” substitute “a heavy goods vehicle”; and
- (c) after “centre for” insert “heavy goods”.

**Amendment of section 7 (application for operators’ licences)**

78. In section 7(4)(c), before “each place” insert “in the case of an application for a heavy goods vehicle licence”.

**Amendment of section 10 (publication in locality affected of notice of application for licence)**

79.—(1) In the heading to section 10, after “application for” insert “heavy goods vehicle”.

(2) In section 10(1), after “the application” insert “for a heavy goods vehicle licence”.

(3) In section 10(2), after “an application” insert “for a heavy goods vehicle licence”.

(4) In section 10(3), in the words before paragraph (a), after “an application” insert “for a heavy goods vehicle licence”.

(5) In section 10(4), for “an operator’s” substitute “a heavy goods vehicle”.

**Amendment of section 11 (objections to and representations against, issue of operators’ licences)**

80.—(1) In section 11(1)(b), before “that” insert “in the case of a heavy goods vehicle licence”.

(2) In section 11(4), for “an operator’s” substitute “a heavy goods vehicle”.

**Amendment of section 12 (determination of applications for operators’ licences)**

81. In section 12(3), for “sections 10 (publication of application) and” substitute “section 10 (publication of application), if applicable, and”.

### **Amendment of section 12A (requirements for standard licences)**

**82.**—(1) In section 12A(2)(2)—

- (a) in paragraph (a), for “accordance with Article 5 of the 2009 Regulation” substitute “such manner as may be prescribed(3)”;
- (b) in paragraph (b), for “accordance with regulations and Article 6 of the 2009 Regulation” substitute “such manner as may be prescribed”;
- (c) at the end of paragraph (b) insert “and”;
- (d) in paragraph (c), for “accordance with regulations and Article 7 of the 2009 Regulation” substitute “such manner as may be prescribed”; and
- (e) omit paragraph (d) together with the “and” before it.

(2) In section 12A(3)—

- (a) in the words before paragraph (a), omit “has designated a transport manager in accordance with Article 4 of the 2009 Regulation who”;
- (b) for paragraphs (a) and (b) substitute—
  - “(a) is an individual who—
    - (i) is professionally competent (as determined in such manner as may be prescribed) and
    - (ii) has designated a suitable number of individuals (which may include the applicant) who satisfy such requirements as may be prescribed, or
  - (b) if the applicant is not an individual, or is an individual who is not professionally competent, has designated a suitable number of individuals who satisfy such other requirements as may be prescribed.”.

(3) After section 12A(3) insert—

“(4) For the purposes of subsection (3), a number of designated individuals is suitable if the Department is satisfied it is proportionate to the maximum numbers of motor vehicles and trailers that may be used by the applicant in accordance with section 5 if the standard licence is issued.

(5) In this Act, “transport manager” means an individual designated under subsection (3) (a)(ii) or (b).”.

### **Amendment of section 12C (requirements for standard and restricted licences)**

**83.**—(1) In section 12C(1)(4), for “to which subsections (2) to (6) will apply.” substitute—

“to which—

- (a) in the case of a light goods vehicle licence, subsections (2) to (4) will apply, or
  - (b) in the case of a heavy goods vehicle licence, subsections (2) to (6) will apply.”.
- (2) In section 12C(5), for “The licence” substitute “A heavy goods vehicle licence”.
- (3) In section 12C(6), after “centre for all the” insert “heavy goods”.
- (4) In section 12C(7), for “to (6)” substitute “to (4), or (2) to (6).”.

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(2) Section 12A was inserted by [S.I. 2012/257](#).

(3) Section 58(1) (general interpretation) defines the word “prescribed” as “prescribed by regulations”, the word “regulations” as “regulations made by the Department” and the term “the Department” (as amended by these Regulations) as “the Department for Infrastructure”. Section 57(1) (regulations) provides, among other things, that the Department may make regulations for prescribing anything that may be prescribed under the Act.

(4) Section 12C was inserted by [S.I. 2012/257](#).

- (5) In section 12C(8), after “relation to a” insert “heavy goods vehicle”.
- (6) In section 12C(9)—
  - (a) in the words before paragraph (a), after “relation to a” insert “heavy goods vehicle”;
  - (b) in paragraph (a), for “operators” substitute “heavy goods vehicle”; and
  - (c) in paragraph (b), after “keeping” insert “heavy goods”.

**Amendment of section 12E (professional competence for restricted licence holders)**

- 84.** In section 12E(5), for “as if for” to the end substitute—
- “as if—
- (a) the existing text of section 12B were renumbered subsection (1),
  - (b) in section 12B(1), in the words before paragraph (a), before “requirement of” there were inserted “first”, and
  - (c) after section 12B(1) there were inserted—
    - “(2) The second requirement of this section is that the applicant—
      - (a) if an individual, is professionally competent (as determined in such manner as may be set out in regulations made for the purposes of section 12A(3)(a)(i)), or
      - (b) if not an individual, or an individual who is not professionally competent, complies with section 12A(3)(b) as if the applicant were an applicant for a standard licence who is not an individual or is an individual who is not professionally competent.”.

**Amendment of section 13 (determination where objections etc are made on environmental grounds)**

- 85.—**(1) In section 13(1), in the words before paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”.
- (2) In section 13(2)(a), after “parking of” insert “heavy goods”.
  - (3) In section 13(3)—
    - (a) in the words before paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”; and
    - (b) in paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”.
  - (4) In section 13(4), for “an operator’s” substitute “a heavy goods vehicle”.
  - (5) In section 13(5)—
    - (a) in the words before paragraph (a), in both places it occurs, for “an operator’s” substitute “a heavy goods vehicle”;
    - (b) in paragraph (a), for “operator’s” substitute “heavy goods vehicle”; and
    - (c) in paragraph (c)(i), for “an operator’s” substitute “a heavy goods vehicle”.
  - (6) In section 13(6), in the words before paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”.

**Amendment of section 14 (issue of operators' licences)**

86. In section 14(3)(f), before “fewer places” insert “in the case of a heavy goods vehicle licence,”.

**Amendment of section 16 (variation of operators' licences)**

87.—(1) In section 16(1)(g), before “that a new place” insert “in the case of a heavy goods vehicle licence,”.

(2) In section 16(5)(c), after “specified in a” insert “heavy goods vehicle”.

**Amendment of section 17 (publication of notice of applications for variation in any locality affected)**

88.—(1) In the heading to section 17, after “variation” insert “of heavy goods vehicle licences”.

(2) In section 17(1), after “subsection (4),” insert “in relation to a heavy goods vehicle licence,”.

(3) In section 17(2)—

(a) in paragraph (a)—

(i) after “maximum number” insert “of heavy goods vehicles”; and

(ii) after “specified in a” insert “heavy goods vehicle”;

(b) in paragraph (b), after “or (e)” insert “that has the effect of authorising the use of a heavy goods vehicle”; and

(c) in paragraph (c), after “specified in a” insert “heavy goods vehicle”.

(4) In section 17(3), after “by an application” insert “for the variation of a heavy goods vehicle licence”.

(5) In section 17(5)—

(a) in the words before paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”; and

(b) in paragraph (b)(i), in both places it occurs, after “number of” insert “heavy goods”.

**Amendment of section 18 (objection to and refusal of, applications to vary operators' licences on environmental grounds)**

89.—(1) In the heading to section 18, for “operators” substitute “heavy goods vehicle”.

(2) In section 18(1), for “an operator’s” substitute “a heavy goods vehicle”.

(3) In section 18(3)(a), in both places it occurs, after “number of” insert “heavy goods”.

(4) In section 18(6)(a), after “parking of” insert “heavy goods”.

(5) In section 18(7)(a), for “an operator’s” substitute “a heavy goods vehicle”.

(6) In section 18(8), for “an operator’s” substitute “a heavy goods vehicle”.

(7) In section 18(9)—

(a) in the words before paragraph (a), in both places it occurs, for “an operator’s” substitute “a heavy goods vehicle”;

(b) in paragraph (a), for “operator’s” substitute “heavy goods vehicle”; and

(c) in paragraph (c)(i), for “an operator’s” substitute “a heavy goods vehicle”.

**Amendment of section 20 (conditions of licences)**

**90.** In section 20(1)—

- (a) in paragraph (a)—
  - (i) before “for preventing” insert “in the case of a heavy goods vehicle licence,” and
  - (ii) after “preventing” insert “heavy goods”;
- (b) in paragraph (c), before “for preventing” insert “in the case of a heavy goods vehicle licence,”.

**Amendment of section 23 (revocation, suspension and curtailment of operators’ licences)**

**91.**—(1) In section 23(1)(a)—

- (a) before “that a place” insert “in the case of a heavy goods vehicle licence,”; and
- (b) after “centre for” insert “heavy goods”.

(2) In section 23(9)(d), before “that any one” insert “in the case of a heavy goods vehicle licence,”.

**Amendment of section 24 (revocation of standard licences)**

**92.**—(1) In section 24(1)—

- (a) in paragraph (a)—
  - (i) after “satisfies” insert “one or more of”; and
  - (ii) for “12A(2)” substitute “12A”; and
- (b) for paragraph (b) substitute—

“(b) a transport manager for the licence-holder ceases to satisfy such requirements as may be set out in regulations made for the purposes of section 12A(3)(a)(ii) or (b).”.

(2) In section 24(3A), omit “, in accordance with Article 13.1 of the 2009 Regulation,”.

(3) After section 24(3A) insert—

“(3AA) The time limit set under subsection (3A) may not exceed, beginning with the day after the date of the notice—

- (a) 6 months, or
- (b) 9 months if the licence-holder ceases to have a suitable number of individuals designated under section 12A(3)(a)(ii) or (b) because—
  - (i) a transport manager is physically incapacitated or deceased, and
  - (ii) more than 6 months is required to recruit a replacement transport manager.”.

**Amendment of section 27 (periods of review for operating centres)**

**93.**—(1) In section 27(1), for “on the licence-holder” substitute “on the holder of a heavy goods vehicle licence”.

(2) In section 27(2), in the words before paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”.

**Amendment of section 28 (power to remove operating centres on review)**

**94.**—(1) In section 28(1), in the words before paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”.

- (2) In section 28(2), after “parking of” insert “heavy goods”.
- (3) In section 28(3), in the words after paragraph (b)—
  - (a) after “centre for” insert “heavy goods”; and
  - (b) for “operator’s” substitute “heavy goods vehicle”.

#### **Amendment of section 29 (power to attach conditions on review)**

- 95.**—(1) In section 29(1), in the words before paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”.
- (2) In section 29(4)—
    - (a) in the words before paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”;
    - (b) in paragraph (a), after “that any” insert “heavy goods”;
    - (c) in paragraph (b), after “maximum number” insert “of heavy goods vehicles”; and
    - (d) in paragraphs (c) and (d), after “provision” insert “relating to heavy goods vehicles”.
  - (3) In section 29(5), for “an operator’s” substitute “a heavy goods vehicle”.

#### **Amendment of section 30 (transfer of operating centres)**

- 96.** In section 30—
- (a) for “operators” substitute “heavy goods vehicle”; and
  - (b) for “an operator’s” substitute “a heavy goods vehicle”.

#### **Amendment of section 31 (determinations as to environmental matters)**

- 97.**—(1) In section 31(2)—
- (a) in paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”;
  - (b) in paragraph (b), in both places it occurs, for “an operator’s” substitute “a heavy goods vehicle”; and
  - (c) in paragraph (c), for “an operator’s” substitute “a heavy goods vehicle”.
- (2) In section 31(3)(a) and (5)(a), for “an operator’s” substitute “a heavy goods vehicle”.

#### **Amendment of section 49 (certificates of qualification)**

- 98.**—(1) In section 49(1)—
- (a) in the words before paragraph (a)—
    - (i) for “a road transport” substitute “an”;
    - (ii) after “undertaking” insert “established”; and
    - (iii) after “member State” insert “that involves the use of goods vehicles”; and
  - (b) in the words after paragraph (c), for “road transport undertakings” substitute “such an undertaking established”.
- (2) In section 49(2), omit paragraph (b).
- (3) Omit section 49(5).

#### **Amendment of section 58 (general interpretation)**

- 99.** In section 58(1)—

- (a) in the definition of “the Department”, for “of the Environment” substitute “for Infrastructure”;
- (b) after the definition of “goods vehicle” insert—
  - ““heavy goods vehicle” means a goods vehicle, or a vehicle combination including a goods vehicle, that has a relevant plated weight exceeding 3.5 tonnes;
  - “heavy goods vehicle licence” means an operator’s licence that authorises the use of one or more heavy goods vehicles (whether or not it also authorises the use of one or more light goods vehicles);”
- (c) for the definitions of “international transport operations” and “national transport operations” substitute—
  - ““international transport operations” means the carriage of goods—
    - (a) from the United Kingdom to any other country or territory (or vice versa);
    - (b) through the United Kingdom from and to any other country or territory;
    - (c) within a country or territory other than the United Kingdom;”;
- (d) after the definition of “international transport operations” insert—
  - ““light goods vehicle” means a goods vehicle, or a vehicle combination including a goods vehicle, that has a relevant plated weight not exceeding 3.5 tonnes;
  - “light goods vehicle licence” means an operator’s licence that authorises the use of only one or more light goods vehicles;”;
- (e) after the definitions of “motor vehicle” and “trailer” insert—
  - ““national transport operations” means the carriage of goods within only the United Kingdom;”;
- (f) after the definition of “regulations” insert—
  - ““relevant plated weight” has the meaning given in section 1(3);”;
- (g) omit the definition of “road transport undertaking”; and
- (h) in the definition of “transport manager”, for “same meaning as in the 2009 Regulation” substitute “meaning given in section 12A(5)”.

### **Insertion of section 59A (transitional provisions)**

**100.** After section 59 (amendments and repeals) insert—

#### **“Transitional provisions**

**59A.** Schedule 5 (which contains transitional provisions) has effect.”.

### **Amendment of Schedule 1 (transfer of operating centres)**

**101.**—(1) In Schedule 1, in paragraph 1—

- (a) in sub-paragraph (1), in the words before paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”;
- (b) in sub-paragraph (2), for “an operator’s” substitute “a heavy goods vehicle”;
- (c) in sub-paragraph (3), for “operator’s” substitute “heavy goods vehicle”;
- (d) in sub-paragraph (7)—
  - (i) in the words before paragraph (a), in both places it occurs, for “an operator’s” substitute “a heavy goods vehicle”; and



- (ii) in paragraph (b)(i), for “an operator’s” substitute “a heavy goods vehicle”; and
  - (e) in sub-paragraph (8), for “operator’s” substitute “heavy goods vehicle”.
- (2) In Schedule 1, in paragraph 2(1), for “an operator’s” substitute “a heavy goods vehicle”.
- (3) In Schedule 1, in paragraph 3—
- (a) in sub-paragraph (1), in the words before paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”;
  - (b) in sub-paragraphs (2) and (3), for “operator’s” substitute “heavy goods vehicle”; and
  - (c) in sub-paragraph (7)—
    - (i) in the words before paragraph (a), in both places it occurs, for “an operator’s” substitute “a heavy goods vehicle”; and
    - (ii) in paragraph (b)(i), for “an operator’s” substitute “a heavy goods vehicle”; and
  - (d) in sub-paragraph (8), for “operator’s” substitute “heavy goods vehicle”.
- (4) In Schedule 1, in paragraph 4(1), for “an operator’s” substitute “a heavy goods vehicle”.

#### **Insertion of Schedule 5 (transitional provisions)**

**102.** After Schedule 4 (repeals) insert—

“SCHEDULE 5

Section 59A

#### TRANSITIONAL PROVISIONS

##### *Provisions relating to the Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022*

#### **Interpretation for paragraphs 2 and 3**

**1.** In paragraphs 2 and 3, “the commencement date” means the day after the day on which the Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 were made.

#### **Existing operator’s licence to be treated as heavy goods vehicle licence**

- 2.** For the purposes of this Act, beginning with the commencement date—
- (a) any application for an operator’s licence made to the Department under section 7 before the commencement date is to be treated by the Department as an application for a heavy goods vehicle licence;
  - (b) any objection to, or representations against, the grant of an application for an operator’s licence made to the Department under section 11 before the commencement date is to be treated by the Department as an objection to, or representations against, the grant of an application for a heavy goods vehicle licence;
  - (c) an operator’s licence issued under section 14 before the commencement date is to be treated as a heavy goods vehicle licence;
  - (d) any application for a variation of an operator’s licence made to the Department under section 16 before the commencement date is to be treated by the Department as an application for a variation of a heavy goods vehicle licence;
  - (e) any objection to, or representations against, the grant of an application for a variation of an operator’s licence made to the Department under section 18 before

the commencement date is to be treated by the Department as an objection to, or representations against, the grant of an application for a variation of a heavy goods vehicle licence;

- (f) any request for an interim operator's licence made to the Department under section 21 before the commencement date is to be treated by the Department as a request for an interim heavy goods vehicle licence; and
- (g) any interim operator's licence issued under section 21 before the commencement date is to be treated as an interim heavy goods vehicle licence.

**Transport manager to continue under Act and 2009 Regulation as amended**

**3.** For the purposes of this Act and the 2009 Regulation, an individual who before the commencement date was designated a transport manager under section 12A(3)—

- (a) in accordance with Article 4(1) of the 2009 Regulation is, beginning with that date, to be treated by the Department as an individual designated under section 12A(3)(a)(ii) and Article 4(1)(b) of the 2009 Regulation, or
- (b) in accordance with Article 4(2) of the 2009 Regulation is, beginning with that date, to be treated by the Department as an individual designated under section 12A(3)(b) and Article 4(1)(b) of the 2009 Regulation.”.