

*These notes refer to the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c.2) which received Royal Assent on 22 January 2010*

# Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010

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## **EXPLANATORY NOTES**

### **CONSULTATION**

10. The Department has reviewed the road freight operator licensing system in Northern Ireland on three occasions.
11. In 1991, the Department commissioned a review of the road haulage industry in light of the increasing disparity in the legislation, policy and practice in the licensing of road freight operators between Great Britain and Northern Ireland. A report on the review made a series of recommendations which were in line with the system in operation in Great Britain at the time. Due to funding difficulties, the recommendations were not implemented.
12. In 1998, following representations from industry associations, the Department published a consultation paper containing proposals to bring the licensing system into line with the system operating in Great Britain. It was issued to over 2000 consultees including the Freight Transport Association, the Road Haulage Association, other business associations, employer associations and licensed haulage operators as well as to district councils and other interested parties. There were 34 replies and most of the substantive responses supported the proposals. Of the few objections that were received, one of the most common was that the annual road freight vehicle licence should be renewed every five years in line with the operator's licence. However, since this is a vehicle excise revenue issue, and an "excepted matter" under the Northern Ireland Act 1998, it is not within the legislative competence of the Assembly and, therefore, outside the scope of the review.
13. Following this consultation, the then Minister concluded that the proposals should be left to be progressed by the new Northern Ireland Assembly in due course. Due to resource and other competing priorities, an opportunity to take it forward did not arise.
14. In 2003, the Department revisited and updated the 1998 review and issued a new consultation document. It included developments since the previous exercise including a new power for the impounding of vehicles and their contents that came into operation in Great Britain in 2002, and the Human Rights Act, that came into operation in 2000 and required new

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appeals procedures to comply with the European Convention on Human Rights. This document issued to a wide range of bodies representing road safety, transport and motoring interests, trade associations and employee representative bodies, insurance industry representatives, courts and legislative interests, government departments, local authorities as well as political parties and elected representatives.

15. Nineteen responses were received of which four provided detailed comments, eleven made a few comments and four offered no comments. The response was generally positive, with the major concerns being increased costs for legitimate operators, significant constraints on existing operators' ability to compete in a highly competitive market and the need for actual enforcement of the regime.