

1970 No. 202

ROAD TRAFFIC
**The Goods Vehicles (Operators' Licences) (Temporary Use in
Great Britain) Regulations 1970**

<i>Made</i>	- - -	11th February 1970
<i>Laid before Parliament</i>		26th February 1970
<i>Coming into Operation</i>		1st March 1970

The Minister of Transport, in exercise of his powers under sections 89(1) and 91(1), (4) and (5) of the Transport Act 1968(a), and of all other enabling powers, and after consultation with representative organisations in accordance with section 91(8) of the said Act of 1968, and with the Council on Tribunals in relation to Regulation 12 of, and Schedule 2 to, these Regulations in accordance with the requirements of section 8 of the Tribunals and Inquiries Act 1958(b), hereby makes the following Regulations :—

Citation and commencement

1. These Regulations may be cited as the Goods Vehicles (Operators' Licences) (Temporary Use in Great Britain) Regulations 1970, and shall come into operation on the 1st March 1970.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

“the Act” means the Transport Act 1968 ;

“foreign goods vehicle” means a goods vehicle—

- (a) which has been brought temporarily into Great Britain and does not remain in Great Britain for more than 90 days ; and
- (b) which is engaged in carrying goods by road on a journey, and has used on that journey, or will use before the end of that journey, roads outside the United Kingdom ; and
- (c) which is not used at any time during the said journey for the carriage of goods loaded at one place in the United Kingdom and delivered at another place in the United Kingdom ; and

“Northern Ireland goods vehicle” means a goods vehicle—

- (a) which has been brought temporarily into Great Britain and does not remain in Great Britain for more than 90 days ; and
- (b) which is engaged in carrying goods by road on a journey, and has used on that journey, or will use before the end of that journey, roads outside Great Britain ; and

 (a) 1968 c. 73.

(b) 1958 c. 66.

- (c) which is not used at any time during the said journey for the carriage of goods loaded at one place in Great Britain and delivered at another place in Great Britain ; and
- (d) which, in the case of a motor vehicle, is registered in Northern Ireland ; and
- (e) which, in the case of a trailer, is only drawn in Great Britain by a motor vehicle which is a Northern Ireland goods vehicle.

(2) In these Regulations, unless the context otherwise requires, any reference to the use of a goods vehicle for the carriage of goods shall be construed as a reference to the use of that vehicle on roads for the carriage of those goods for hire or reward or for or in connection with any trade or business carried on by the user of the vehicle.

(3) The Interpretation Act 1889^(a) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

Exemption for Northern Ireland and foreign goods vehicles used for certain purposes

3. Section 60(1) of the Act (users of certain goods vehicles to hold operators licences) shall not apply to the use in Great Britain of a Northern Ireland or foreign goods vehicle for the carriage only of such goods as are specified in Schedule 1 to these Regulations.

Exemption for Austrian goods vehicles in certain cases

4.—(1) In this Regulation “Austrian goods vehicle” means a foreign goods vehicle—

- (a) which is owned by or operated by or on behalf of a person—
 - (i) who is authorised under Austrian law to use that vehicle for the carriage of goods in the Republic of Austria ; or
 - (ii) who, if Austrian law permits him so to use that vehicle without being so authorised, uses that vehicle primarily or substantially for that purpose in that country ; and
- (b) which, in the case of a trailer, is only drawn in Great Britain by a motor vehicle which is an Austrian goods vehicle.

(2) Section 60(1) of the Act shall not apply to the use in Great Britain of an Austrian goods vehicle for the carriage of such goods as are specified in the next following paragraph of this Regulation.

(3) The goods referred to in the last preceding paragraph of this Regulation are :—

- (a) any such goods as are specified in Schedule 1 to these Regulations ;
- (b) any goods, being—
 - (i) luggage being carried to or from an airport ;
 - (ii) works of art ;
 - (iii) carried exclusively for publicity or educational purposes ;
 - (iv) properties, equipment or animals being carried to or from theatrical, musical, cinematographic or circus performances or sporting events, exhibitions or fairs, or to or from the making of radio or television broadcasts or films ;

(a) 1889 c. 63.

- (v) carried for fairs and exhibitions ;
- (vi) carried in connection with household removals by undertakings using specialised personnel and equipment for that purpose ;
- (c) any goods being carried for or in connection with any trade or business carried on by a user of the vehicle if there is carried on the vehicle a document containing particulars of the user, his trade or business, the goods, their loading and unloading points, the vehicle and the route ;
- (d) any goods if there is carried on the vehicle a permit valid for the journey on which the goods are being carried issued by the Minister of Transport.

Exemption for French goods vehicles in certain cases

5.—(1) In this Regulation “French goods vehicle” means a foreign goods vehicle which is owned by or operated by or on behalf of a person—

- (a) who is authorised under French law to use that vehicle for the carriage of goods in the French Republic ; or
- (b) who, if French law permits him so to use that vehicle without being so authorised, uses that vehicle primarily or substantially for that purpose in that country.

(2) Section 60(1) of the Act shall not apply to the use in Great Britain of a French goods vehicle for the carriage of such goods as are specified in the next following paragraph of this Regulation.

(3) The goods referred to in the last preceding paragraph of this Regulation are :—

- (a) any such goods as are specified in Schedule 1 to these Regulations ;
- (b) luggage being carried to or from an airport ;
- (c) refuse and sewage ;
- (d) any goods if there is carried on the vehicle a permit valid for the journey on which the goods are being carried issued by the Minister of Transport.

Exemption for German goods vehicles in certain cases

6.—(1) In this Regulation “German goods vehicle” means a foreign goods vehicle—

- (a) which is owned by or operated by or on behalf of a person—
 - (i) who is authorised under the law of the Federal Republic of Germany to use that vehicle for the carriage of goods in the Federal Republic of Germany ; or
 - (ii) who, if the law of the Federal Republic of Germany permits him so to use that vehicle without being so authorised, uses that vehicle primarily or substantially for that purpose in that country ; and
- (b) which, in the case of a trailer, is only drawn in Great Britain by a motor vehicle which is a German goods vehicle.

(2) Section 60(1) of the Act shall not apply to the use in Great Britain of a German goods vehicle for the carriage of such goods as are specified in the next following paragraph of this Regulation which is engaged on a journey between any two countries and has used on that journey, or will use before the end of that journey, roads in the Federal Republic of Germany.

(3) The goods referred to in the last preceding paragraph of this Regulation are :—

- (a) any such goods as are specified in Schedule 1 to these Regulations ;
- (b) any goods, being—
 - (i) luggage being carried to or from an airport ;
 - (ii) works of art ;
 - (iii) carried exclusively for publicity or educational purposes ;
 - (iv) properties or equipment being carried to or from theatrical, musical, film or sporting events, circuses, exhibitions or fairs, or to or from the making of radio or television broadcasts or films ;
 - (v) carried for fairs and exhibitions ;
 - (vi) live animals, other than animals intended for slaughter ;
- (c) any goods being carried for or in connection with any trade or business carried on by the user of the vehicle, if there is carried on the vehicle a document containing the following particulars, that is to say :—
 - (i) the place at which and the date on which the document was made out ;
 - (ii) the name and address of the user and an accurate description of the nature of his business ;
 - (iii) if the goods are to be accepted from, or delivered to, any other person, the name and address of that other person and an accurate description of the nature of his business ;
 - (iv) the loading point or points ;
 - (v) the unloading point or points ;
 - (vi) the nature of the load ;
 - (vii) the gross weight, or other indication of quantity, of the load ;
 - (viii) the carrying capacity of the vehicle, by weight ;
 - (ix) the index mark and registration number of the vehicle, or if those do not exist, the number of the chassis ;
 - (x) the distance of the loaded journey in Great Britain, in kilometres ;
 - (xi) the point or points at which the vehicle will enter and leave Great Britain ; and
 - (xii) the signature of the user or his authorised representative ;
- (d) any goods if there is carried on the vehicle a permit valid for the journey on which the goods are being carried issued by the Minister of Transport.

Exemption for Italian goods vehicles in certain cases

7.—(1) In this Regulation “Italian goods vehicle” means a foreign goods vehicle which is owned by or operated by or on behalf of a person who is authorised under Italian law to use that vehicle for the carriage of goods in the Italian Republic.

(2) Section 60(1) of the Act shall not apply to the use in Great Britain of an Italian goods vehicle for the carriage of such goods as are specified in the next following paragraph of this Regulation—

- (a) between the Italian Republic and the United Kingdom ; or
- (b) in transit through the United Kingdom, between any two other countries.

(3) The goods referred to in the last preceding paragraph of this Regulation are any goods if there is carried on the vehicle a permit valid for the journey on which the goods are being carried issued by the Minister of Transport.

Exemption for Netherlands goods vehicles in certain cases

8.—(1) In this Regulation—

“Netherlands goods vehicle” means a foreign goods vehicle—

(a) which is owned by or operated by or on behalf of a person—

(i) who is authorised under the law of the Kingdom of the Netherlands to use that vehicle for the carriage of goods in that Kingdom; or

(ii) who, if such law permits him so to use that vehicle without being so authorised, uses that vehicle primarily or substantially for that purpose in that Kingdom; and

(b) which, in the case of a trailer, is only drawn in Great Britain by a motor vehicle which is a Netherlands goods vehicle; and

“relevant date” means the date on which the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of the Netherlands on the International Carriage of Goods by Road signed on the 19th September 1969 enters into force for the United Kingdom, which date will be notified in the London Gazette.

(2) On and after the relevant date section 60(1) of the Act shall not apply to the use in Great Britain of a Netherlands goods vehicle for the carriage of any goods.

Exemption for Rumanian goods vehicles in certain cases

9.—(1) In this Regulation—

“relevant date” means the date on which the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Socialist Republic of Rumania on International Road Transport signed on the 12th June 1969 enters into force for the United Kingdom, which date will be notified in the London Gazette; and

“Rumanian goods vehicle” means a foreign goods vehicle—

(a) which, in the case of a motor vehicle, is registered in the Socialist Republic of Rumania; and

(b) which, in the case of a trailer, is only drawn in Great Britain by a motor vehicle which is a Rumanian goods vehicle.

(2) On and after the relevant date section 60(1) of the Act shall not apply to the use in Great Britain of a Rumanian goods vehicle for the carriage of any goods—

(a) between the Socialist Republic of Rumania and the United Kingdom; or

(b) in transit through the United Kingdom, between any two other countries; or

(c) if the Minister has authorised such use, between the United Kingdom and any other country except the Socialist Republic of Rumania.

Exemption for Swedish goods vehicles in certain cases

10.—(1) In this Regulation “Swedish goods vehicle” means a foreign goods vehicle—

- (a) which is owned by or operated by or on behalf of a person—
 - (i) who is authorised under Swedish law to use that vehicle for the carriage of goods in the Kingdom of Sweden ; or
 - (ii) who, if Swedish law permits him so to use that vehicle without being so authorised, uses that vehicle primarily or substantially for that purpose in that country ; and
- (b) which, in the case of a trailer, is only drawn in Great Britain by a motor vehicle which is a Swedish goods vehicle.

(2) Section 60(1) of the Act shall not apply to the use in Great Britain of a Swedish goods vehicle for the carriage of any goods.

Exemption for Yugoslav goods vehicles in certain cases

11.—(1) In this Regulation “Yugoslav goods vehicle” means a foreign goods vehicle—

- (a) which is owned by or operated by or on behalf of a person—
 - (i) who is authorised under Yugoslav law to use that vehicle for the carriage of goods in the Socialist Federal Republic of Yugoslavia or
 - (ii) who, if Yugoslav law permits him so to use that vehicle without being so authorised, uses that vehicle primarily or substantially for that purpose in that country ; and
- (b) which, in the case of a trailer, is only drawn in Great Britain by a motor vehicle which is a Yugoslav goods vehicle.

(2) Section 60(1) of the Act shall not apply to the use in Great Britain of a Yugoslav goods vehicle for the carriage of such goods as are specified in the next following paragraph of this Regulation—

- (a) between the Socialist Federal Republic of Yugoslavia and the United Kingdom ; or
- (b) in transit through the United Kingdom, between any two other countries ; or
- (c) if the Minister of Transport has authorised such use, between the United Kingdom and any other country except the Socialist Federal Republic of Yugoslavia.

(3) The goods referred to in the last preceding paragraph of this Regulation are :—

- (a) any such goods as are specified in Schedule 1 to these Regulations ;
- (b) any goods, being—
 - (i) works of art ;
 - (ii) carried exclusively for publicity or educational purposes ;
 - (iii) properties, equipment or animals being carried to or from theatrical, musical, cinematographic or circus performances or sporting events, exhibitions or fairs, or to or from the making of radio or television broadcasts or films ;
 - (iv) carried for fairs or exhibitions ;
 - (v) carried in connection with household removals by undertaking using specialised personnel and equipment for that purpose ;

- (vi) carried in circumstances such that the total laden weight of the motor vehicle and any trailer drawn thereby does not exceed 6,000 kilograms ;
- (c) any goods if there is carried on the vehicle a permit valid for the journey on which the goods are being carried issued by the Minister of Transport.

Simplified procedure for the grant, etc. of operators' licences

12.—(1) Subject to paragraph (3) of this Regulation Part V of the Act shall have effect subject to the modifications specified in Part I of Schedule 2 to these Regulations in relation to Northern Ireland and foreign goods vehicles.

(2) The Goods Vehicles (Operators' Licences) Regulations 1969(a) and the Goods Vehicles (Carriers' and Operators' Licences) (Fees) Regulations 1969(b) shall have effect subject to the amendments specified in Part II of the said Schedule in relation to Northern Ireland and foreign goods vehicles.

(3) Part V of the Act shall not have effect subject to the modifications specified in Part I of the said Schedule 2 in relation to the use of Northern Ireland and foreign goods vehicles in a case where by virtue of these Regulations Section 60(1) of the Act does not apply to the use of such a vehicle in Great Britain or would not apply if the necessary permits, authorisations or documents were issued, given or carried.

Given under the Official Seal of the Minister of Transport the 11th February 1970.

(L.S.)

Fred Mulley,
Minister of Transport.

SCHEDULE 1 (see Regulations 3, 4, 5, 6 and 11)

GOODS WHICH MAY BE CARRIED IN GREAT BRITAIN BY A NORTHERN IRELAND OR FOREIGN GOODS VEHICLE WITHOUT AN OPERATOR'S LICENCE

1. Goods or luggage being carried to or from an airport in a case where an air service has been diverted.
2. Postal packets (as defined by section 87 of the Post Office Act 1953(c)).
3. Damaged vehicles.
4. Animal corpses (other than those intended for human consumption) for the purpose of disposal.
5. Bees or fish stock.
6. The body of a deceased person.

SCHEDULE 2 (see Regulation 12)

PART I

MODIFICATIONS TO PART V OF THE TRANSPORT ACT 1968 IN RELATION TO NORTHERN IRELAND AND FOREIGN GOODS VEHICLES

Part V of the Act shall have effect:—

- (a) as if in Section 61(1) the words "Subject to subsection (2) of this section" and

(a) S.I. 1969/1636 (1969 III, p. 5141). (b) S.I. 1969/1799 (1969 III, p. 5612).
(c) 1953 c. 36.

paragraph (c) were omitted, and as if for the last paragraph of the subsection there were substituted the following paragraph:—

“For the purposes of paragraph (b) of this subsection different types of trailers may be distinguished in a licence and a maximum number may be specified in the licence for trailers of each type.”;

(b) as if section 61(2), (3) and (4) were omitted;

(c) as if for section 62(1) there were substituted the following subsection:—

“(1) A person applying for an operator’s licence with a view to enabling goods vehicles brought temporarily into Great Britain to be used shall apply to such licensing authority as the Minister may from time to time direct and shall not at any time hold more than one such licence.”;

(d) as if in section 62(2) paragraph (c) were omitted;

(e) as if section 62(3) were omitted;

(f) as if at the end of section 63(2) there were added the words “or notice of any application in respect of a vehicle brought temporarily into Great Britain.”;

(g) as if in section 64(1) for the words from “whether the requirements” to the end of the subsection, there were substituted the words “whether the applicant satisfies the requirement that he is a fit and proper person to hold an operator’s licence, having regard in particular to his previous known conduct.”;

(h) as if section 64(2), (4)(b) and (5) were omitted;

(i) as if section 65 were omitted;

(j) as if for section 67(2) there were substituted the following subsection:—

“(2) With a view to enabling goods vehicles brought temporarily into Great Britain to be used, an operator’s licence may be granted for any period not exceeding three months.”;

(k) as if section 67(3) were omitted;

(l) as if in section 67(4) for the words “(a) the application; and (b) any appeal under section 70 of this Act arising out of the application, are” there were substituted the words “the application is”;

(m) as if section 67(5) were omitted;

(n) as if in section 68(1) for paragraph (a) there were substituted the following paragraph:—

“(a) that additional vehicles be specified therein, or that the maximum number of trailers specified therein under paragraph (b) of section 61(1) of this Act be increased; or”;

and as if paragraph (c) were omitted;

(o) as if in section 68(4) after sub-paragraph (c) there were added the following sub-paragraph:—

“or (d) where the application is in respect of a vehicle brought temporarily into Great Britain,”;

(p) as if section 68(5) were omitted;

(q) as if in section 69 subsection (1)(a) and the last paragraph of subsection (5) were omitted;

(r) as if at the end of section 70(2) there were added the words “or from the refusal of an application to grant or vary an operator’s licence in respect of a vehicle brought temporarily into Great Britain,”; and

(s) as if at the end of section 89(1) there were added the following proviso:—

“Provided that in the case of vehicles brought temporarily into Great Britain the licensing authority may waive the payment of such fees either wholly or in part.”

PART II

AMENDMENTS TO REGULATIONS IN RELATION TO NORTHERN IRELAND AND FOREIGN
GOODS VEHICLES

1. The Goods Vehicles (Operators' Licences) Regulations 1969 shall have effect as if:—

- (a) in Regulation 4 paragraphs (1) and (2) were omitted;
- (b) in Regulation 14(1), for the words "and may elect" onwards, there were substituted the words:—
"at a place specified by the person requiring its production."

2. The Goods Vehicles (Carriers' and Operators' Licences) (Fees) Regulations 1969 shall have effect as if in Regulation 5:—

- (a) for paragraph (1) there were substituted the following paragraph:—
"(1) Whenever a motor vehicle is specified in an operator's licence the holder of the licence shall pay a fee at the rate of £1 in respect of each motor vehicle so specified."; and
- (b) paragraph (3)(a) were omitted.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations exempt operators of Northern Ireland and foreign goods vehicles brought temporarily into Great Britain from the requirement to obtain an operator's licence under Part V of the Transport Act 1968 when the vehicles are used only for the carriage of certain kinds of goods (Regulation 3 and Schedule 1).

In Regulations 4—11 further provision is made for exempting from this requirement the operators of goods vehicles of certain specified foreign countries when used temporarily in Great Britain for the carriage of wider ranges of goods.

Regulation 12 and Schedule 2 make certain other amendments to Part V of the Transport Act 1968, and make certain amendments to the Goods Vehicles (Operators' Licences) Regulations 1969 and the Goods Vehicles (Carriers' and Operators' Licences) (Fees) Regulations 1969, in relation to Northern Ireland and foreign goods vehicles when temporarily in Great Britain. These amendments simplify the procedure for the issue of short-term operator's licences for such vehicles and also relate to the authorisation of such vehicles under the licences, to the variation, revocation and production of such licences, to the fees for, and the duration of, such licences and to appeals from decisions of licensing authorities in connection therewith.

Except for Regulations 8 and 9, the Regulations take effect on the 1st March 1970. Regulation 8 (which relates to Netherlands goods vehicles) and Regulation 9 (which relates to Rumanian goods vehicles) will take effect when the relevant international Agreement referred to therein (in Regulation 8 this is the Agreement with the Government of the Kingdom of the Netherlands which

was signed on the 19th September 1969 and which has been issued as Cmnd. 4202 and in Regulation 9 this is the Agreement with the Government of the Socialist Republic of Rumania which was signed on the 12th June 1969 and which has been issued as Cmnd. 4129) enters into force.

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