
EXPLANATORY NOTE

(This note does not form part of the Regulations)

1. These regulations further amend the Goods Vehicles (Operators' Licences, Qualifications and Fees) Regulations 1984. In addition to minor and drafting amendments, there are the following changes of substance.

2. Regulation 3 amends the definition of “transport manager” so that a person no longer has to be in the full time employment of a licence holder in order to be regarded as his transport manager.

3. Regulation 4 amends regulation 6 of the 1984 Regulations. Regulation 6 of the 1984 Regulations enables a person to obtain a certificate of qualification. Previously such a certificate could be issued only by a licensing authority. The regulation is amended so that where a person is not the holder of a licence he can obtain a certificate from the Secretary of State and in such a case a certificate cannot be issued by a licensing authority.

4. Regulation 5 revokes regulation 10 of the 1984 Regulations and inserts a new regulation 32A. Regulation 10 of the 1984 Regulations required an application for a licence to be refused if certain events had happened in relation to the applicant and for a licence to be automatically revoked if those events happened in relation to a holder. These events included death, bankruptcy, incapacity, liquidation, appointment of a receiver and dissolution of a partnership. The regulation, however, enabled the licensing authority to defer the revocation or refusal where the business was carried on by another person, in which case a licence could continue in force for the benefit of that person. The other person, however, had to apply for a licence in his own name within specified time limits. Regulation 32, which is made under section 86 of the Transport Act 1968, enables a licensing authority to direct that on the happening of certain events, a person carrying on a trade or business of a licence holder is to be treated as if he were the holder. The events are death, bankruptcy or incapacity (in the case of an individual), liquidation or an administration order (in the case of a company), and the appointment of a receiver or manager of the trade or business (in any case). The person does not have to apply for a licence in his own name.

5. Regulation 6 amends regulation 23 of the 1984 Regulations so as to require a licensing authority who has granted an application in the terms applied for to furnish to the applicant and any person who has duly made an objection a statement of the reasons for his decision. It also requires him to furnish such a statement to any person who has duly made representations and asked for such a statement.

6. Regulation 7 makes provision for the protection of transport managers' interests. It requires a transport manager to be given notice where it is alleged in the course of proceedings that he is not of good repute or professionally competent. In such a case the transport manager is given a right to make representations and to appear at any public inquiry.

7. Regulation 8 amends regulation 35 of the 1984 Regulations which make provision for the payment of fees. Previously, fees had to be paid before a licence was granted, a variation occurred or a direction was given. Fees will now have to be paid within 7 days after such dates.

8. Regulation 9 amends Schedule 4 to the 1984 Regulations. Schedule 4 modifies the 1968 Act in relation to holding companies and subsidiaries pursuant to section 85.

9. Regulations 10 and 11 amend Schedule 5 to the 1984 Regulations which sets out the classes of vehicles which are exempt from licence requirements. Paragraph 1 is amended as a consequence of the amendments made to the Vehicles (Excise) Act 1971 by Schedule 2 to the Finance Act 1989.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

To the classes of exempt vehicles there are added vehicles proceeding to or from a Goods Vehicle Testing Station and carrying a load for the purposes of the examination at the request of the Secretary of State. The former exemption for local authority vehicles involved with salting, gritting and snow clearing is extended to all vehicles. The exemption for local authority vehicles involved in road cleansing, collection or disposal of refuse, night soil or the contents of cess-pools or septic tanks is to be removed on 1st April 1992.