
STATUTORY INSTRUMENTS

1996 No. 2186

ROAD TRAFFIC

**The Goods Vehicles (Licensing of Operators)
(Temporary Use in Great Britain) Regulations 1996**

Made - - - - - *22nd August 1996*
Laid before Parliament *29th August 1996*
Coming into force - - - *26th September 1996*

The Secretary of State for Transport, in exercise of the powers conferred by sections 57(1), (2), (6), (7) and (8) of the Goods Vehicles (Licensing of Operators) Act 1995⁽¹⁾ and of all other powers enabling him in that behalf, and after consultation with representative organisations in accordance with section 57(12) of that Act, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Goods Vehicles (Licensing of Operators) (Temporary Use in Great Britain) Regulations 1996 and shall come into force on 26th September 1996.

Revocation

2. The Regulations listed in column (1) of Schedule 1 to these Regulations are hereby revoked to the extent specified in column (3) of that Schedule.

Interpretation

3.—(1) In these Regulations—

“the Act” means the Goods Vehicles (Licensing of Operators) Act 1995;

“Community cabotage authorisation” means an authorisation granted pursuant to Council Regulation (EEC) No. 3118/93 of 25th October 1993 laying down conditions under which non-resident carriers may operate national road haulage services within a Member State⁽²⁾, as amended by Council Regulation (EC) No. 3315/94⁽³⁾, and Commission Regulation (EC) No. 792/94⁽⁴⁾;

(1) 1995 c. 23.
(2) O.J. No. L279 12.11.93, p.1.
(3) O.J. No. L350 31.12.94, p.9.
(4) O.J. No. L92, 9.4.94, p.13.

“Council Regulation No. 881/92” means Council Regulation (EEC) No. 881/92 of 26th March 1992 on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States⁽⁵⁾;

“foreign goods vehicle” means a goods vehicle—

- (a) which is operated by a person who is not established in the United Kingdom and has been brought temporarily into Great Britain;
- (b) which is not being used for international carriage by a haulier who is established in a Member State other than the United Kingdom;
- (c) which is engaged in carrying goods by road on a journey some part of which has taken place, or will take place, outside the United Kingdom; and
- (d) which, except in the case of use under a Community cabotage authorisation, 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;

“international carriage” has the meaning which it bears in Council Regulation No. 881/92;

“loading” includes attaching to a drawing vehicle a trailer which has been loaded with goods before it is so attached, and “loaded” shall be construed accordingly;

“Northern Ireland goods vehicles” means a goods vehicle of which the operating centre is in Northern Ireland and—

- (a) which has been brought temporarily into Great Britain;
- (b) which is not being used for international carriage by a haulier who is established in Northern Ireland and is not established in Great Britain;
- (c) which is engaged in carrying goods by road on a journey some part of which has taken place, or will take place, outside Great Britain; and
- (d) which—
 - (i) in the case of a motor vehicle, is registered in Northern Ireland or Great Britain; or
 - (ii) in the case of a trailer, is drawn in Great Britain only by a motor vehicle which is a Northern Ireland goods vehicle; and

“relief vehicle” means a vehicle used for transporting goods which is sent to replace a vehicle which has broken down, and which continues the haul under cover of the licence, permit, or other document issued for the vehicle which has broken down.

(2) For the purposes of these Regulations—

- (a) the permissible laden weight and the permissible pay load of a vehicle shall be determined by reference to the law of the country where the vehicle is registered or, in the case of a trailer which is not registered, by reference to the law of the country where the drawing vehicle is registered; and
- (b) a combination of a motor vehicle drawing a trailer shall be treated, for the purpose of determining the permissible laden weight or the permissible pay load, as the case may be, as a single vehicle.

(3) In these Regulations, unless the context otherwise requires, a reference to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in these Regulations.

(5) O.J. No. L95, 9.4.92, p.1.

Exemptions for foreign vehicles used for certain purposes

4. Notwithstanding anything in regulations 8 to 30, section 2(1) of the Act (Users of certain goods vehicles to hold operators' licences) shall not apply to the use in Great Britain of a foreign goods vehicle for the carriage of any goods specified in paragraph 1, 2, 4, 5, 6, 7 or 8 of Schedule 2.

Exemptions for Northern Ireland or foreign goods vehicles used for the carriage of goods between Member States of the European Community

5. Notwithstanding anything in regulations 8 to 30, section 2(1) of the Act shall not apply to the use in Great Britain of a Northern Ireland or foreign goods vehicle for the carriage of goods between Member States of the European Community—

- (a) where the vehicle is—
 - (i) loaded or unloaded at a place not more than 25 kilometres from the coast of Great Britain and unloaded or loaded (as the case may be) at a place not more than 25 kilometres from the coast of another Member State, and the distance between the place where the goods are loaded on to the vehicle and the place where they are off-loaded from the vehicle, when measured in a straight line (but disregarding so much of that distance as lies over the sea in a case where the vehicle is carried on sea transport specially constructed and equipped for the carriage of commercial vehicles and operated as a regular service) does not exceed 100 kilometres; or
 - (ii) a motor vehicle, or trailer drawn by a foreign goods vehicle, having a permissible laden weight not exceeding 6 metric tons or a permissible pay load not exceeding 3.5 metric tons; or
 - (iii) a relief vehicle; or
- (b) where the goods so carried are those specified in paragraphs 9, 16, 17, 18, 20, 21, 26 or 28 of Schedule 2; or
- (c) where the vehicle is being used on a journey for combined transport as defined in Article 1 of Council Directive (EEC) No. 92/106 on the establishment of common rules for certain types of combined transport of goods between Member States⁽⁶⁾, and there is carried on the vehicle, or, in the case of a trailer, on the vehicle drawing it, a document which satisfies the requirements of Article 3 of that Directive, or a document issued by the competent authority of the Member State where the vehicle, or, in the case of a trailer, the vehicle drawing it, is registered certifying that the vehicle is being used on such a journey; or
- (d) where the goods are being carried for or in connection with any trade or business carried on by the undertaking carrying them and each of the following conditions are fulfilled:—
 - (i) the goods are the property of the undertaking carrying them or have been sold, bought, let out on hire or hired, produced, extracted, processed or repaired by that undertaking;
 - (ii) the purpose of the journey is to carry the goods to or from the undertaking carrying them or to move them either inside that undertaking, or outside for that undertaking's own requirements;
 - (iii) the vehicle used for such carriage is being driven by an employee of the undertaking;
 - (iv) except in the case of a replacement vehicle during a short breakdown of the vehicle normally used, the vehicle used for carrying the goods is owned by the undertaking carrying them or has been bought by it on deferred terms or hired in accordance with the

⁽⁶⁾ O.J. No. L368, 17.12.1992, p.38.

conditions on the use of vehicles hired without drivers for the carriage of goods by road contained in Council Directive (EEC) No. 84/647(7)

Exemption for Northern Ireland or foreign goods vehicles with international licences

6. Notwithstanding anything in regulations 8 to 30, section 2(1) of the Act shall not apply to the use in Great Britain of a Northern Ireland or foreign goods vehicle for the carriage of goods for hire or reward if the vehicle is being used by virtue of a licence issued pursuant to the scheme adopted by Resolution of the Council of Ministers of Transport on 14th June 1973(8) and the licence is carried on the vehicle or, if the vehicle is a trailer, on the motor vehicle by which it is drawn.

Exemption for foreign goods vehicles with Community cabotage authorisations and for Northern Ireland goods vehicles carrying goods in Great Britain or between Northern Ireland and Great Britain

7.—(1) Notwithstanding anything in regulations 8 to 30, section 2(1) of the Act shall not apply to the use in Great Britain of a foreign goods vehicle permitted to carry out cabotage in the United Kingdom under Council Regulation (EEC) No. 3118/93 laying down conditions under which non-resident carriers may operate national road haulage services within a member State(9).

(2) Section 2(1) of the Act shall not apply to the use in Great Britain of a Northern Ireland goods vehicle for the carriage of goods between places of loading or unloading in Great Britain or between one such place in Northern Ireland and another such place in Great Britain.

Exemption for Albanian goods vehicles

8.—(1) In this regulation “Albanian goods vehicle” means a foreign goods vehicle which is owned or operated by a person who is authorised under the law of the Republic of Albania to engage in the international carriage of goods by road for hire or reward or on his own account and which, in the case of a motor vehicle, is registered in the Republic of Albania.

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

Exemptions and modifications for Austrian goods vehicles

9.—(1) In this regulation “Austrian goods vehicle” means a foreign goods vehicle—

- (a) which, in the case of a motor vehicle, 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 drawn in Great Britain only by a motor vehicle which is an Austrian goods vehicle.

(2) Section 2(1) of the Act shall not apply to the use in Great Britain of an Austrian goods vehicle for the carriage of any goods specified in paragraph 1, 2, 4, 5, 6, 7, 8, 9, 10, 15, 17, 18, 19, 20, 21, 24, 26 or 27 of Schedule 2.

(3) Section 2(1) of the Act shall not apply to the use in Great Britain of an Austrian goods vehicle which is a vehicle specified in Schedule 3.

(7) O.J. No. L335, 22.12.84, p.72.

(8) CM(73)5 Final, ECMT 20th Annual Report and Resolutions of the Council of Ministers (1973), pp. 64–65, ISBN 92–821.

(9) O.J. No. L279, 12.11.93, p.1.

(4) In relation to an Austrian goods vehicle used for the carriage of any goods, for or in connection with any trade or business carried on by the user of the vehicle, in a case to which neither of the preceding exemptions applies, section 2(1) of the Act shall have effect as set out in Schedule 4.

(5) In relation to an Austrian goods vehicle used for the carriage of goods in a case to which neither of the preceding exemptions nor the preceding modification apply, section 2(1) of the Act shall have effect as set out in Schedule 5.

Exemption for Bulgarian goods vehicles

10.—(1) In this regulation “Bulgarian goods vehicle” means a foreign goods vehicle—

- (a) which, in the case of a motor vehicle, is registered in the Republic of Bulgaria; and
- (b) which, in the case of a trailer, is drawn in Great Britain only by a motor vehicle which is a Bulgarian goods vehicle.

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

Exemption for Channel Islands goods vehicles

11.—(1) In this regulation “Channel Islands goods vehicle” means a foreign goods vehicle—

- (a) which, in the case of a motor vehicle, is registered in the Channel Islands; and
- (b) which, in the case of a trailer, is drawn in Great Britain only by a motor vehicle which is a Channel Islands goods vehicle.

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

Exemptions and modifications for Cypriot goods vehicles

12.—(1) In this regulation “Cypriot goods vehicle” means a foreign goods vehicle which is owned by, or operated by or on behalf of, a person who is authorised under the law of the Republic of Cyprus to use the vehicle in that country for the international carriage of goods, and which, in the case of a motor vehicle, is registered in the Republic of Cyprus.

(2) Section 2(1) of the Act shall not apply to the use in Great Britain of a Cypriot goods vehicle for the carriage of any goods specified in paragraph 1, 2, 3, 5, 9, 10, 16, 22, 23 or 24 of Schedule 2.

(3) Section 2(1) of the Act shall not apply to the use in Great Britain of a Cypriot goods vehicle specified in Schedule 3.

(4) Section 2(1) of the Act shall not apply to the use in Great Britain of a Cypriot goods vehicle which is a vehicle used for the recovery of a damaged vehicle.

(5) In relation to a Cypriot goods vehicle used for the carriage of goods, for or in connection with any trade or business carried on by the user of the vehicle, in a case to which none of the preceding exemptions apply, section 2(1) of the Act shall have effect as if for the words from “(a) hire or reward” to the end of that subsection there were substituted the words

“for or in connection with any trade or business carried on by him unless there is carried on the vehicle or, if that vehicle is a trailer, on the motor vehicle by which it is drawn a document containing the following particulars:—

- (a) the place at which and the date on which the document was made out;
- (b) the name and address of the carrier and a description of the nature of his business;

- (c) if the goods carried, or to be carried, or any of them, are to be collected from or delivered to, any person other than the carrier, the name and address of that person and a description of the nature of his business;
- (d) the place or places at which the vehicle is to be loaded or unloaded;
- (e) the nature and gross weight, or other indication of quantity, of the goods;
- (f) the carrying capacity of the vehicle by weight;
- (g) the index mark and registration number of the vehicle, or if the vehicle does not carry an index mark or any registration number, the chassis number of the vehicle;
- (h) the place of entry of the vehicle into, or of exit from, the United Kingdom;
- (i) the signature of the carrier or his authorised agent.”

(6) In relation to a Cypriot goods vehicle used for the carriage of goods in a case to which none of the preceding exemptions nor the preceding modification apply, section 2(1) of the Act shall have effect as set out in Schedule 5.

Exemption for Czech goods vehicles

13.—(1) In this regulation “Czech goods vehicle” means a foreign goods vehicle—

- (a) which, in the case of a motor vehicle, is registered in the Czech Republic; and
- (b) which, in the case of a trailer, is drawn in Great Britain only by a motor vehicle which is a Czech goods vehicle.

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

Exemption for Faroese goods vehicles

14.—(1) In this regulation “Faroese goods vehicle” means a foreign goods vehicle—

- (a) which, in the case of a motor vehicle, is registered in the Faroe Islands; and
- (b) which, in the case of a trailer, is drawn in Great Britain only by a motor vehicle which is a Faroese goods vehicle.

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

Exemptions and modifications for Estonian goods vehicles

15.—(1) In this regulation—

“Estonian goods vehicle” means a foreign goods vehicle—

- (a) which, in the case of a motor vehicle, is registered in the Republic of Estonia; and
- (b) which, in the case of a trailer, is owned by or operated by or on behalf of a person who under Estonian law is authorised to use that vehicle for the carriage of goods in the Republic of Estonia.

“relevant date” means the date on which the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Republic of Estonia on international road transport signed on 16th August 1995⁽¹⁰⁾ comes into force.

(2) On and after the relevant date, section 2(1) of the Act shall not apply to the use in Great Britain of an Estonian goods vehicle for the carriage of any goods specified in paragraphs 4, 5, 9,

⁽¹⁰⁾ Cm. 3105.

18, 20, 21, 22, 23 or 24 of Schedule 2 and in such a case these provisions shall have effect as if the words “or broken-down” were added after “damaged” in paragraph 5.

(3) Section 2(1) of the Act shall not apply to the use in Great Britain of an Estonian goods vehicle specified in paragraph 1 of Schedule 3.

(4) In relation to an Estonian goods vehicle being used for the carriage of goods in a case to which the preceding exemptions do not apply, section 2(1) of the Act shall have effect as set out in Schedule 5.

Exemption for Hungarian goods vehicles

16.—(1) In this regulation “Hungarian goods vehicle” means a foreign goods vehicle—

- (a) which, in the case of a motor vehicle, is registered in the Republic of Hungary; and
- (b) which, in the case of a trailer, is drawn in Great Britain only by a motor vehicle which is a Hungarian goods vehicle.

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

Exemption for Jordanian goods vehicles

17.—(1) In this regulation “Jordanian goods vehicle” means a foreign goods vehicle which is owned or operated by a person who is authorised under the law of the Hashemite Kingdom of Jordan to engage in the international carriage of goods by road for hire or reward or on his own account and which, in the case of a motor vehicle, is registered in the Hashemite Kingdom of Jordan.

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

Exemption for Latvian goods vehicles

18.—(1) In this regulation—

“Latvian goods vehicle” means a foreign goods vehicle which is owned or operated by a person who is authorised under the law of the Republic of Latvia to engage in the international carriage of goods by road for hire or reward or on his own account and which, in the case of a motor vehicle, is registered in the Republic of Latvia; 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 Republic of Latvia on international road transport signed on 6th December 1993⁽¹¹⁾ comes into force.

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

Exemption for Lithuanian goods vehicles

19.—(1) In this regulation—

“Lithuanian goods vehicle” means a foreign goods vehicle which is owned or operated by a person who is authorised under the law of the Republic of Lithuania to engage in the international carriage of goods by road for hire or reward or on his own account and which, in the case of a motor vehicle, is registered in the Republic of Lithuania; and

⁽¹¹⁾ Cm. 2526.

“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 Republic of Lithuania on international road transport signed on 2nd November 1994⁽¹²⁾ comes into force.

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

Exemption for Manx goods vehicles

20.—(1) In this regulation “Manx goods vehicle” means a foreign goods vehicle—

- (a) which, in the case of a motor vehicle, is registered in the Isle of Man; and
- (b) which, in the case of a trailer, is drawn in Great Britain only by a motor vehicle which is a Manx goods vehicle.

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

Exemption and modification for Moroccan goods vehicles

21.—(1) In this regulation—

“Moroccan goods vehicle” means a foreign goods vehicle which is owned or operated by a person who is authorised under the law of the Kingdom of Morocco to engage in the international carriage of goods by road for hire or reward or on his own account and which, in the case of a motor vehicle, is registered in the Kingdom of Morocco; 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 Morocco on international road transport signed on 15th April 1994⁽¹³⁾ comes into force.

(2) On and after the relevant date, section 2(1) of the Act shall not apply to the use in Great Britain of a Moroccan goods vehicle for the carriage of any goods specified in paragraph 2, 9, or 31 of Schedule 2.

(3) In relation to a Moroccan goods vehicle used for the carriage of goods in a case to which the preceding exemption applies, section 2(1) of the Act shall have effect as set out in Schedule 5.

Exemption and modification for Northern Ireland goods vehicles

22.—(1) Section 2(1) of the Act shall not apply to the use of a Northern Ireland goods vehicle for the carriage of goods for hire or reward where there is in force in relation to the use of that vehicle in Northern Ireland or, in the case of a trailer, the vehicle by which it is drawn, a licence under section 17 of the Transport Act (Northern Ireland) 1967⁽¹⁴⁾.

(2) In relation to a Northern Ireland goods vehicle used for the carriage of goods otherwise than for hire or reward, section 2(1) of the Act shall have effect as set out in Schedule 4.

Exemption for Polish goods vehicles

23.—(1) In this regulation “Polish goods vehicle” means a foreign goods vehicle—

- (a) which, in the case of a motor vehicle, is registered in the Republic of Poland; and
- (b) which, in the case of a trailer, is drawn in Great Britain only by a motor vehicle which is a Polish goods vehicle.

⁽¹²⁾ Cm. 2999.

⁽¹³⁾ Cmnd. 2703.

⁽¹⁴⁾ 1967 c. 37(N.I.).

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

Exemption for Romanian goods vehicles

24.—(1) In this regulation “Romanian goods vehicle” means a foreign goods vehicle—

- (a) which, in the case of a motor vehicle, is registered in Romania; and
- (b) which, in the case of a trailer, is drawn in Great Britain only by a motor vehicle which is a Romanian goods vehicle.

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

Exemption for Slovak goods vehicles

25.—(1) In this regulation “Slovak goods vehicle” means a foreign goods vehicle—

- (a) which, in the case of a motor vehicle, is registered in the Slovak Republic; and
- (b) which, in the case of a trailer, is drawn in Great Britain only by a motor vehicle which is a Slovak goods vehicle.

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

Exemptions and modification for the Republics of the former Soviet Union goods vehicles

26.—(1) In this regulation “Republic of the former Soviet Union goods vehicle” means a foreign goods vehicle which is not provided for elsewhere in these Regulations—

- (a) which is owned by, or operated on behalf of, a person who is authorised under the law of a Republic of the former Union of Soviet Socialist Republics to use the vehicle in that country for the international carriage of goods; and
- (b) which, in the case of a motor vehicle, is registered in a Republic of the former Union of Soviet Socialist Republics; and
- (c) which, in the case of a trailer, is drawn in Great Britain only by a motor vehicle which is a Republic of the former Soviet Union goods vehicle.

(2) Subject to paragraphs (6) and (7) below, section 2(1) of the Act shall not apply to the use of a Republic of the former Soviet Union goods vehicle for the carriage of any goods specified in paragraph 4, 5 or 8 of Schedule 2.

(3) Subject to paragraphs (6) and (7) below, section 2(1) of the Act shall not apply to the use of a Republic of the former Soviet Union goods vehicle for the carriage of any goods specified in paragraph 21, 22 or 23 of Schedule 2 if the goods are to be, or are being, returned to the country of origin of the vehicle or are to be, or are being, taken to another country.

(4) Subject to paragraphs (6) and (7) below, section 2(1) of the Act shall not apply to the use of a Republic of the former Soviet Union goods vehicle which is a vehicle specified in paragraph 2 or 3 of Schedule 3.

(5) Subject to paragraphs (6) and (7) below, in relation to a Republic of the former Soviet Union goods vehicle being used for the carriage of goods in a case to which none of the preceding exemptions apply, section 2(1) shall have effect as set out in Schedule 5.

(6) The foregoing exemptions and modification shall not apply unless there is carried on the vehicle or, if the vehicle is a trailer, on the motor vehicle by which it is drawn—

- (a) in the case of the carriage of goods under a contract to which the Convention on the Contract for the International Carriage of Goods by Road (as given the force of law in the United Kingdom by section 1 of the Carriage of Goods by Road Act 1965(15)) applies, a consignment note made out in accordance with that Convention and containing the particulars specified therein, or
- (b) in the case of the carriage of goods otherwise than under such a contract, a document or documents containing the following particulars:
 - (i) the date of the document and the place at which it is made out;
 - (ii) the name and address of the sender of the goods, if any;
 - (iii) the name and address of the carrier;
 - (iv) the date and place of taking over of the goods, if any, and the place designated for delivery, if any;
- (v) the name and address of the consignee, if any;
 - (vi) the description in common use of the nature of the goods and the method of packing, and, in the case of dangerous goods, their generally recognised description;
 - (vii) the number of packages and their special marks and numbers;
 - (viii) the gross weight of the goods and their quantity otherwise expressed;
 - (ix) charges relating to the carriage (carriage charges, supplementary charges, Customs duties and other charges incurred during the journey); and
- (x) the requisite instructions for Customs and other formalities.

(7) The foregoing exemptions and modification shall not apply to the use of a Republic of the former Soviet Union goods vehicle for the carriage of goods between a place in Great Britain and a place in a country other than Great Britain or a Republic of the former Soviet Union, or vice versa, unless there is carried on the vehicle, or if the vehicle is a trailer, on the motor vehicle by which it is drawn, a permit for the use of the vehicle for that purpose issued with the authority of the Secretary of State.

Exemption for Swiss goods vehicles

27.—(1) In this regulation “Swiss goods vehicle” means a foreign goods vehicle—

- (a) which, in the case of a motor vehicle, is registered in the Swiss Confederation; and
- (b) which, in the case of a trailer, is drawn in Great Britain only by a motor vehicle which is a Swiss goods vehicle.

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

Exemptions and modification for Tunisian goods vehicles

28.—(1) In this regulation “Tunisian goods vehicle” means a foreign goods vehicle which—

- (a) in the case of a motor vehicle, is registered in the Republic of Tunisia; and
- (b) in the case of a trailer, is operated by a person who is authorised under Tunisian law to use that vehicle for the international carriage of goods for hire or reward or on his own account.

(2) Section 2(1) of the Act shall not apply to the use in Great Britain of a Tunisian goods vehicle for the carriage of any goods specified in paragraph 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 18, 19, 21, 24 or 30 of Schedule 2.

(3) Section 2(1) of the Act shall not apply to the use in Great Britain of a Tunisian goods vehicle which is a vehicle specified in Schedule 3.

(4) In relation to a Tunisian goods vehicle being used for the carriage of goods in a case to which none of the preceding exemptions apply, section 2(1) of the Act shall have effect as set out in Schedule 5.

Exemption and modification for Turkish goods vehicles

29.—(1) In this regulation “Turkish goods vehicle” means a foreign goods vehicle—

- (a) which, in the case of a motor vehicle, is registered in the Republic of Turkey; and
- (b) which, in the case of a trailer, is owned by or operated by or on behalf of a person who is authorised under Turkish law to use that vehicle for the carriage of goods in the Turkish Republic.

(2) Section 2(1) of the Act shall not apply to the use in Great Britain of a Turkish goods vehicle for the carriage of any goods specified in paragraph 1, 2, 3, 4, 5, 6, 7, 8, 9, 17, 21, 26, 27 or 30 of Schedule 2.

(3) In relation to a Turkish goods vehicle being used for the carriage of goods in a case to which the preceding exemption does not apply, section 2(1) of the Act shall have effect as set out in Schedule 5.

Exemptions and modification for Ukrainian goods vehicles

30.—(1) In this regulation—

“Ukrainian goods vehicle” means a foreign goods vehicle—

- (a) which, in the case of a motor vehicle, is registered in the Ukraine; and
- (b) which, in the case of a trailer, is owned by or operated by or on behalf of a person who under Ukrainian law is authorised to use that vehicle for the carriage of goods in the Ukraine.

“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 Ukraine on international road transport signed on 13th December 1995⁽¹⁶⁾ comes into force.

(2) On and after the relevant date, section 2(1) of the Act shall not apply to the use in Great Britain of a Ukrainian goods vehicle for the carriage of any goods specified in paragraphs 4, 5, 9, 18 and 20 to 24 of Schedule 2 and in such a case these provisions shall have effect as if the words “or broken-down” were added after “damaged” in paragraph 5.

(3) Section 2(1) of the Act shall not apply to the use in Great Britain of a Ukrainian goods vehicle—

- (a) specified in paragraph 1 of Schedule 3, or
- (b) where the goods are being carried for or in connection with any trade or business carried on by the undertaking carrying them and each of the following conditions are fulfilled—
 - (i) the goods are the property of the undertaking carrying them or have been sold, bought, let out on hire or hired, produced, extracted, processed or repaired by that undertaking;
 - (ii) the purpose of the journey is to carry the goods to or from the undertaking carrying them or to move them either inside that undertaking or outside for that undertaking’s own requirements;
 - (iii) the vehicle used for such carriage is being driven by an employee of the undertaking;

⁽¹⁶⁾ Cm. 3158.

- (iv) except in the case of a replacement vehicle during a short breakdown of the vehicle normally used, the vehicle used for carrying the goods is owned by the undertaking carrying them or has been bought by it on deferred terms or hired in accordance with the conditions on the use of vehicles hired without drivers for the carriage of goods by road contained in Council Directive (EEC) No. 84/647;
- (v) the carriage in Great Britain is part of a journey between Great Britain and the Ukraine.

(4) In relation to a Ukrainian goods vehicle being used for the carriage of goods in a case to which the preceding exemptions do not apply, section 2(1) of the Act shall have effect as set out in Schedule 5.

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

31.—(1) The Act shall have effect subject to the modifications set out in Part I of Schedule 6 in relation to any foreign goods vehicles [to which Regulations 4 to 30 do not apply].

(2) The Goods Vehicles' (Licensing of Operators) Regulations 1995⁽¹⁷⁾ shall have effect subject to the amendments set out in Part II of the said Schedule in relation to foreign goods vehicles [to which Regulations 4 to 30 do not apply].

(3) The Goods Vehicles (Licensing of Operators) Act 1995 (Commencement and Transitional Provisions) Order 1995⁽¹⁸⁾ and The Goods Vehicles (Licensing of Operators) (Fees) Regulations 1995⁽¹⁹⁾ shall not have effect in relation to any foreign goods vehicles.

22nd August 1996

Sir George Young Bt
Secretary of State for Transport

⁽¹⁷⁾ S.I. 1995/2869.

⁽¹⁸⁾ S.I. 1995/2181 (c. 44).

⁽¹⁹⁾ S.I. 1995/3000.

SCHEDULE 1

Regulation 2

REVOCATIONS

(1) <i>Regulations revoked</i>	(2) <i>References</i>	(3) <i>Extent of revocation</i>
The Goods Vehicles (Operators' Licences) (Temporary Use in Great Britain) Regulations 1980	S.I. 1980/637	The whole Regulations
The Goods Vehicles (Operators' Licences) (Temporary Use in Great Britain) (Amendment) Regulations 1981	S.I. 1981/37	The whole Regulations
The Goods Vehicles (Operators' Licences) (Temporary Use in Great Britain) (Amendment) Regulations 1981	S.I. 1981/527	The whole Regulations
The Goods Vehicles (Operators' Licences) (Temporary Use in Great Britain) (Amendment) Regulations 1982	S.I. 1982/1713	The whole Regulations
The Goods Vehicles (Operators' Licences) (Temporary Use in Great Britain) (Amendment) Regulations 1983	S.I. 1983/1832	The whole Regulations
The Goods Vehicles (Operators' Licences) (Temporary Use in Great Britain) (Amendment) Regulations 1984	S.I. 1984/179	The whole Regulations
The Goods Vehicles (Operators' Licences) (Temporary Use in Great Britain) (Amendment) Regulations 1984	S.I. 1984/1835	The whole Regulations
The Goods Vehicles (Operators' Licences) (Temporary Use in Great Britain) (Amendment) Regulations 1985	S.I. 1985/30	The whole Regulations
The Goods Vehicles (Operators' Licences) (Temporary Use in Great Britain) (Amendment) Regulations 1985	S.I. 1988/1811	The whole Regulations

Status: This is the original version (as it was originally made).

(1) <i>Regulations revoked</i>	(2) <i>References</i>	(3) <i>Extent of revocation</i>
Britain) (Amendment) Regulations 1988		
The Goods Vehicles (Operators' Licences) (Temporary Use in Great Britain) (Amendment) Regulations 1989	S.I. 1989/2183	The whole Regulations
The Goods Vehicles (Operators' Licences) (Temporary Use in Great Britain) (Amendment) Regulations 1990	S.I. 1990/1191	The whole Regulations
The Goods Vehicles (Operators' Licences) (Temporary Use in Great Britain) (Amendment) Regulations 1991	S.I. 1991/2696	The whole Regulations
The Goods Vehicles (Community Authorisations) Regulations 1992	S.I. 1992/3077	Regulation 15
The Goods Vehicles (Operators' Licences) (Temporary Use in Great Britain) (Amendment) Regulations 1993	S.I. 1993/1416	The whole Regulations
The Goods Vehicles (Operators' Licences) (Temporary Use in Great Britain) (Amendment) (No. 2) Regulations 1993	S.I. 1993/2120	The whole Regulations

SCHEDULE 2

Regulations 4, 5, 9(2), 12(2), 15(2) and
(3), 21(2), 26(2), 26(3), 28(2), 29(2) and
30(2)

EXEMPTION FROM SECTION 2(1) OF THE ACT FOR CERTAIN GOODS CARRIED BY CERTAIN GOODS VEHICLES

1. Luggage being carried to or from an airport.
2. Goods being carried to or from an airport in a case where an air service has been diverted.
3. Luggage being carried in trailers drawn by passenger vehicles.
4. Postal packets (as defined by section 87 of the Post Office Act 1953(20)).

(20) 1953 c. 36.

5. Damaged vehicles.
6. Animal corpses (other than those intended for human consumption) for the purpose of disposal.
7. Bees or fish stock.
8. The body of a deceased person.
9. Goods for medical or surgical care in emergency relief and in particular for relief in natural disasters.
10. Goods carried in connection with household removals by undertakings using specialised personnel and equipment for that purpose.
11. Household effects.
12. Live animals, other than animals intended for slaughter.
13. Spare parts for ocean-going ships.
14. Spare parts and provisions for ships.
15. Spare parts and provisions for ocean-going ships where such ships have been re-routed.
16. Spare parts and provisions for ocean-going ships and aircraft.
17. Goods which by reason of their value are carried in vehicles constructed or adapted for the carriage of goods requiring special security precautions and which are accompanied by guards.
18. Works of art.
19. Antiques.
20. Goods carried exclusively for publicity or educational purposes.
21. 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.
22. Goods, properties or animals being carried to or from theatrical, musical, film or circus programmes, or sporting events.
23. Goods or properties intended for the making of radio or television broadcasts or films.
24. Goods carried for fairs and exhibitions.
25. Goods carried for international fairs and exhibitions.
26. Refuse.
27. Garbage.
28. Sewage.
29. Perishable foodstuffs in a state of refrigeration.
30. Broken down vehicles.

Status: This is the original version (as it was originally made).

SCHEDULE 3

Regulations 9(3), 12(3), 15(3), 26(4),
28(3) and 30(3)

EXEMPTIONS FROM SECTION 2(1) OF THE ACT
FOR CERTAIN FOREIGN GOODS VEHICLES

1. A vehicle having a permissible laden weight not exceeding 6 metric tons or a permissible pay load not exceeding 3.5 metric tons.
2. A goods vehicle used for the carriage of an abnormal indivisible load or other wide load provided that the requirements of the Motor Vehicles (Authorisation of Special Types) General Order 1979(21), are complied with.
3. A relief vehicle.

SCHEDULE 4

Regulation 9(4) and 22(2)

MODIFICATION TO SECTION 2(1) OF THE ACT IN RELATION TO CERTAIN
FOREIGN GOODS VEHICLES AND NORTHERN IRELAND VEHICLES

“2.—(1) Subject to subsection (2) of this section and to the other provisions of this Part of this Act, no person shall use a goods vehicle on a road for the carriage of goods for or in connection with any trade or business carried on by him unless there is carried on the vehicle, or, if that vehicle is a trailer, on the motor vehicle by which it is drawn, a document containing particulars of the user of the goods vehicle, his trade or business, the goods being carried, their loading and unloading points, the vehicle, and the route.”

SCHEDULE 5

Regulations 9(5), 12(6), 15(4), 21(3),
26(5), 28(5), 29(3) and 30(4)

MODIFICATION TO SECTION 2(1) OF THE ACT IN
RELATION TO CERTAIN FOREIGN GOODS VEHICLES

“2.—(1) Subject to subsection (2) of this section and to the other provisions of this Part of this Act, no person shall use a goods vehicle on a road for the carriage of goods—

- (a) for hire or reward, or
- (b) for or in connection with any trade or business carried on by him,

except under a permit carried on the vehicle or, if the vehicle is a trailer, on the motor vehicle by which it is drawn, issued with the authority of the Secretary of State, and authorising the vehicle to be used for the carriage of goods on the journey on which the goods are being carried.”

SCHEDULE 6

Regulation 31

PART I

MODIFICATIONS TO THE GOODS VEHICLES (LICENSING OF OPERATORS) ACT 1995 IN RELATION TO FOREIGN GOODS VEHICLES

The Act shall have effect—

- (a) as if for section 5(1) there were substituted the following—
 - “(1) The vehicles authorised to be used under an operator’s licence are—
 - (a) any motor vehicle in the lawful possession of the licence-holder that is specified in the licence;
 - (b) any trailer in the lawful possession of the licence-holder, and for the purposes of this section 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 sections 5(4) to (7), 6(1)(a), (3) and (4), and 7 were omitted;
- (c) as if for section 8(1), there were substituted the following—
 - “(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 traffic commissioner as the Secretary of State may from time to time direct and shall not at any time hold more than one such licence”;
- (d) as if sections 8(2), (3)(b) and (5) were omitted;
- (e) as if for section 8(4), there were substituted the following—
 - “(4) A person applying for an operator’s licence shall also give to the traffic commissioner details of—
 - (a) the notifiable convictions within the meaning given in paragraph 4 of Schedule 2, and
 - (b) a prohibition under section 69 or 70 of the Road Traffic Act 1988 of the driving of a vehicle of which he was the owner when the prohibition was imposed.”;
- (f) as if in section 9(1), there was inserted at the end of the sub-section “, or a prohibition under section 69 or 70 of the Road Traffic Act 1988 of the driving of a vehicle which he owned”, and section 9(2) was omitted;
- (g) as if sections 10, 11, 12, 13(2) to (11), 14 and 15 were omitted;
- (h) as if for section 13(1) there were substituted the following—
 - “(1) On an application for an operator’s licence the traffic commissioner shall consider 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 in respect of the use and operation of motor vehicles in the United Kingdom.”;
- (i) as if in section 16(1) there were substituted the following—
 - “(1) The operator’s licence shall specify in the licence—
 - (a) the date on which it is to come into force, and
 - (b) the date when it will terminate, which date shall not be less than three months after the coming into force of the licence.”;
- (j) as if section 16(2) and (4) and the words “subject to subsection (4)” in section 16(3) were omitted;

- (k) as if in section 17(1) there were substituted the following—
 “(1) On the application of the holder of an operator’s licence, the traffic commissioner by whom the licence was issued may vary the licence by directing that any vehicle may cease to be specified in the licence and at the same time direct that another [similar] vehicle shall be specified in the licence as a substitute.”;
- (l) as if sections 17(3) to (5), and 18 to 21 were omitted;
- (m) as if in section 22(1) there were substituted the following—
 “(1) On issuing an operator’s licence, a traffic commissioner may attach to the licence such conditions as he thinks fit for requiring the holder to inform him of any event of a kind specified in the conditions which affect the licence-holder and which is relevant to the exercise of any powers of the traffic commissioner in relation to the licence.”;
- (n) as if section 22(2) to (6), and 23 to 25 were omitted;
- (o) as if in section 26(1) there were substituted the following—
 “(1) Subject to the provisions of section 29, the traffic commissioner by whom an operator’s licence was issued may direct that it be revoked, suspended or curtailed on the grounds—
 (a) that during the five years ending with the date on which the direction is given there has been either a conviction of the licence-holder of a notifiable conviction within the meaning of paragraph 4 of Schedule 2, or a prohibition under section 69 or 70 of the Road Traffic Act 1988 of the driving of a vehicle of which the licence-holder was the owner when the prohibition was imposed, or
 (b) that since the licence was issued or varied he has learned that a statement of fact was false or statement of expectation has not been fulfilled.”;
- (p) as if sections 26(2) to (10) and (11)(c) and (d), and 27 were omitted;
- (q) as if in section 28(1) there were substituted the following—
 “(1) Where, under section 26(1) a traffic commissioner directs that an operator’s licence be revoked, the commissioner may order the person who was the holder of the licence to be disqualified (either indefinitely or for such period as the commissioner thinks fit) from holding or obtaining an operator’s licence in Great Britain.”;
- (r) as if section 28(3) were omitted;
- (s) as if sections 30 to 34 and sections 40, 44 and 49 were omitted.

PART II

MODIFICATIONS TO THE GOODS VEHICLES (LICENSING OF OPERATORS) REGULATIONS 1995 IN RELATION TO FOREIGN GOODS VEHICLES

The Goods Vehicles (Licensing of Operators) Regulations 1995(22) shall have effect:—

- (a) as if regulations 4(c), 7, 9(1) and (3), 10 to 19, 21(1)(a)(i) and (iii), 21(1)(d), 22(1)(b) and (c), 22(2)(b), 22(3), 28(2) and (5), 29(1), (3) to (5), (7), and (12), 31 and 36 were omitted;
- (b) as if in regulation 8(1) for the words “grant of that application would lead to a contravention of section 8(2)” there were substituted “applicant already holds an operator’s licence in Great Britain”;
- (c) as if in regulation 21(1)(b) the words “or section 27” were omitted;

(22) S.I. 1995/2869.

- (d) as if in regulation 23(2) there were substituted the following—
“The disc shall clearly indicate (by colour or other means) that the vehicle is a foreign goods vehicle.”;
 - (e) as if in regulation 26(1), for the words “and the licence-holder may do so” to the end there were substituted “at a place specified by the person requiring its production”;
 - (f) as if in regulation 33(2) for the words “on a plate affixed to the vehicle by virtue of regulation 66 of those Regulations” there were substituted “in accordance with the legal requirements of the State of establishment of the operator of the foreign goods vehicle”.
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate with amendments the Regulations specified in Schedule 1 (see regulation 2). They modify the requirements of The Goods Vehicles (Licensing of Operators) Act 1995 (“the 1995 Act”) as to operators’ licences in relation to certain foreign goods vehicles and Northern Ireland goods vehicles.

In addition to minor and drafting amendments, the principal changes are:—

- (a) the exemption provided for foreign goods vehicles with Community cabotage authorisations (regulation 7(1)) from the requirement in section 2(1) of the 1995 Act to obtain an operator’s licence for the carriage of goods in Great Britain on an international journey has been extended to own account operators in accordance with Commission Regulation (EC) No. 792/94 of 8th April 1994, which lays down detailed rules for the application to road haulage operators on own account of Council Regulation (EEC) No. 3118/93 of 25th October 1993 laying down the conditions under which non-resident carriers may operate national road haulage services within a Member State;
- (b) an exemption is made from the requirement in section 2(1) of the 1995 Act is provided for the following goods vehicles: Faroese (regulation 14); Estonian (regulation 15); Latvian (regulation 18); Lithuanian (regulation 19); Moroccan (regulation 21); and Ukrainian (regulation 30);
- (c) exemptions made for Finnish and Swedish goods vehicles have been deleted to take account of the application of Council Regulation No. 881/92 of 26th March 1992 to Finland and Sweden following the accession of these countries to the European Community.