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STATUTORY INSTRUMENTS

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**1999 No. 2430**

**ROAD TRAFFIC**

**The Goods Vehicle Operators (Qualifications) Regulations 1999**

*Made* - - - - *2nd September 1999*  
*Laid before Parliament* *9th September 1999*  
*Coming into force* - - *1st October 1999*

The Secretary of State for Environment, Transport and the Regions being a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the regulation and supervision of the qualifications of persons engaged in road transport, in exercise of the powers conferred by that section hereby makes the following Regulations:

**Citation, commencement, interpretation and extent**

1.—(1) These Regulations may be cited as the Goods Vehicle Operators (Qualifications) Regulations 1999.

(2) Subject to Regulation 5, these Regulations shall come into force on 1st October 1999.

(3) In these Regulations “the Act” means the Goods Vehicles (Licensing of Operators) Act 1995<sup>(3)</sup>.

(4) These Regulations do not extend to Northern Ireland.

**Good repute**

2.—(1) For paragraph 2 of Schedule 3 to the Act (qualifications for standard licence) there shall be substituted the following paragraph—

“2. Without prejudice to the generality of a traffic commissioner’s power under paragraph 1 to determine that a person is not of good repute, a commissioner shall determine that an individual is not of good repute if that individual has—

- (a) more than one conviction of a serious offence; or
- (b) been convicted of road transport offences.”

(2) For paragraph 4 of that Schedule there shall be substituted the following paragraph—

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(1) S.I.1975/1707.  
(2) 1972 c. 68.  
(3) 1995 c. 23.

“4. “Road transport offence” means—

- (a) an offence under the law of any part of the United Kingdom relating to road transport including, in particular—
  - (i) an offence relating to drivers' hours of work or rest periods, the weights or dimensions of commercial vehicles, road or vehicle safety or the protection of the environment; and
  - (ii) any other offence concerning professional liability; or
- (b) any corresponding offence under the law of a country or territory outside the United Kingdom.”

### **Financial standing**

3. For sub-paragraphs (2) to (4) of paragraph 6 of Schedule 3 to the Act there shall be substituted the following sub-paragraph—

“(2) An applicant for, or the holder of, a standard licence authorising the use of vehicles for international transport operations shall not be considered to be of the appropriate financial standing unless he has available to him capital and reserves of an amount equal to or exceeding the aggregate of—

- (a) 9,000 Euro for the first or only vehicle which is to be or is authorised under the licence; and
- (b) 5,000 Euro for each additional vehicle which is to be or is so authorised.”

### **Professional competence**

4.—(1) For sub-paragraph (2) of paragraph 13 of that Schedule there shall be substituted the following sub-paragraph—

“(2) The written examination mentioned in sub-paragraph (1)(a) may be supplemented by an oral examination organised by the approved body in the form set out in Annex I to Council Directive No. [96/26/EC](#).

(2A) The certificate mentioned in sub-paragraph (1)(a) must take the form of the certificate set out in Annex Ia to that Directive.”

(2) In sub-paragraph (3) of that paragraph—

- (a) in the definition of “approved body”, for the words “the 1974 Council Directive” there shall be substituted the words “Council Directive No. [96/26/EC](#)”; and
- (b) for the definition of “the requisite skills” there shall be substituted the following definition

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““the requisite skills” means knowledge corresponding to the level of training, for either national or international transport operations as the case may be, provided for in Annex I to that Directive in the subjects there listed.”

### **Transitional provisions and savings**

5.—(1) Subject to paragraph (2) below, in relation to the holder of a standard licence granted before 1st October 1999, the amendment made by regulation 3 above does not come into force until 1st October 2001.

(2) Where any condition attached to the licence is varied on or after 1st October 1999 so as to increase the maximum number of vehicles which may at any one time be so used, paragraph (1) above shall, for the purposes of aggregating capital and reserves for additional vehicles, have effect as if for the reference to 1st October 2001 there were substituted a reference to the date of the variation.

(3) The amendments made by Regulation 4 above shall not apply in relation to a certificate of professional competence—

- (a) which was issued before 1st October 1999; or
- (b) which was issued on or after that date to a person who before that date passed the whole or any part of the examination leading to the issue of that certificate.

(4) In relation to a certificate of professional competence which was issued before 4th February 1991, or which was issued on or after that date to a person who before that date passed the whole or any part of the examination leading to the issue of that certificate, Schedule 3 to the Act shall have effect as if for paragraph 13 there was substituted the following paragraph—

“13.—(1) An individual shall be regarded as professionally competent if, and only if—

- (a) he is the holder of a certificate issued by an approved body to the effect that he possesses the requisite skills; or
- (b) he is the holder of any other certificate of competence, diploma or other qualification recognised for the purposes of this sub-paragraph by the Secretary of State.

(2) In sub-paragraph (1)—

“approved body” means—

- (a) a body approved by the Secretary of State for the purposes of that sub-paragraph;
- (b) a body approved by the Department of the Environment for Northern Ireland for the purposes of section 46A(5)(c) of the Transport Act (Northern Ireland) 1967; or
- (c) a body or authority designated by a member state other than the United Kingdom for the purposes of Article 3.4 of Council Directive No. [74/561/EEC](#) as it had effect immediately before it was amended by Council Directive No. [89/438/EEC](#); and

“the requisite skills” means skills in the subjects listed in Part A and, in the case of a licence to cover international operations, Part B, of the Annex to Council Directive No. [74/561/EEC](#) as it had effect immediately before it was amended by Council Directive No. [89/438/EEC](#).”

(5) Paragraph 14 of Schedule 3 to the Act (which is superseded by paragraph (4) above) shall be omitted.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

*Larry Whitty*  
Parliamentary Under-Secretary of State,  
Department of the Environment, Transport and  
the Regions

2nd September 1999

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, amend Schedule 3 to the Goods Vehicles (Licensing of Operators) Act 1995 to implement Council Directive [98/76/EC](#) of 1st October 1998 (O.J. L277 14th October 1998, page 17) amending Council Directive [96/26/EC](#) of 29th April 1996 on admission to the occupation of road goods transport operator in national and international transport operations (O.J. No. L124 23rd May 1996, page 1).

The principal changes to the 1995 Act made by the Regulations are as follows:

(1) Paragraph 1 of Schedule 3 requires the traffic commissioners to determine that an individual is not of good repute if he has—

- (a) more than one conviction of an offence for which a sentence of imprisonment of more than 3 months, a fine exceeding level 4 on the standard scale or a community service order is imposed (“a serious offence”); or
- (b) been convicted of offences in or outside the United Kingdom relating to road transport, and particularly in this context offences concerning the drivers hours rules, the weights or dimensions of a commercial vehicle, road or vehicle safety, protection of the environment or professional liability (“road transport offences”).

(2) Paragraph 6 of Schedule 3 specifies the minimum capital and reserves that must be available to an applicant for, or holder of, an HGV operator’s licence authorising the use of vehicles for international operations if he is to be considered to be of appropriate financial standing.

(3) Paragraph 13 of Schedule 3 specifies that an individual shall only be regarded as professionally competent if he has passed a written examination (which may be supplemented by an oral examination) which demonstrates knowledge corresponding to the level of training provided for in the subjects listed in the new Annex I to Council Directive [96/26](#).

Regulation 5 contains transitional and savings provisions.