

**2013 No. 1750**

**ROAD TRAFFIC**

**The Goods Vehicles (Licensing of Operators) (Amendment)  
Regulations 2013**

<i>Made</i> - - - -	<i>12th July 2013</i>
<i>Laid before Parliament</i>	<i>17th July 2013</i>
<i>Coming into force</i> - -	<i>15th August 2013</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 2(2)(d) and 57(1), (7) and (8) of the Goods Vehicles (Licensing of Operators) Act 1995(a).

Representative organisations have been consulted in accordance with section 57(12) of that Act.

**Citation and commencement**

1. These Regulations may be cited as the Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2013 and come into force on 15th August 2013.

**Amendment of Regulations**

2.—(1) The Goods Vehicles (Licensing of Operators) Regulations 1995(b) are amended as follows.

(2) In Part 1 of Schedule 3, after paragraph 23 insert—

“**23A.**—(1) A vehicle which is being used in Great Britain to carry out a cabotage operation—

- (a) which consists of national carriage for hire or reward by a haulier who is a holder of a Community licence and whose driver, if a national of a country which is not a member State, holds a driver attestation;

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(a) 1995 c.23. Section 2(2) was amended by S.I. 2011/2632, Schedule 2, paragraph 2(3). See section 58(1) for the meaning of “prescribed” and “regulations”.

(b) S.I. 1995/2869, amended by S.I. 2010/455; there are other amending instruments but none is relevant.

- (b) where the vehicle is being used only for the carriage of vehicles in categories M<sub>1</sub> and N<sub>1</sub>, as defined in Annex II to Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles(a); and
- (c) the vehicle is being used at any time during a period beginning with—
  - (i) 22nd February and ending with 31st March; or
  - (ii) 25th August and ending with 30th September.

(2) In this paragraph “Community licence” and “driver attestation” have the same meanings as in Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market.””

Signed by authority of the Secretary of State for Transport

*Stephen Hammond*  
Parliamentary Under Secretary of State  
Department for Transport

12th July 2013

### **EXPLANATORY NOTE**

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

These Regulations amend Part 1 of Schedule 3 to the Goods Vehicles (Licensing of Operators) Regulations 1995. Schedule 3 specifies classes of vehicles the use of which is exempted from the requirement to hold an operator’s licence under the Goods Vehicles (Licensing of Operators) Act 1995.

Regulation 2(2) inserts an exemption for vehicles used in Great Britain for the specific type of cabotage operation when engaged in the carriage of motor vehicles of types M<sub>1</sub> (motor vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver’s seat) and N<sub>1</sub> (motor vehicles designed and constructed for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes) as they are categorised under the applicable European framework type approval directive for motor vehicles. The exemption is limited to carriage only during specified times in the year, between 22nd February and 31st March and between 25th August and 30th September. The exemption is in addition to that available under paragraph 23 of Schedule 3 to the Goods Vehicles (Licensing of Operators) Regulations 1995 for cabotage operation in accordance with Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market. The obligations on the haulier are substantially the same except that during the prescribed periods, and where the vehicle is being employed for the specified use, the haulier is not subject to a time limit on the number of cabotage operations or unloadings that may be conducted.

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(a) OJ No. L263, 9.10.2007, p.1. The Directive has been amended by Commission Regulation (EC) No. 1060/2008 of 7 October 2008 (OJ No. L292 1, 31.10.2008), Regulation (EC) No. 78/2009 of the European Parliament and of the Council of 14 January 2009 (OJ No. L35 1, 4.2.2009), Regulation (EC) No. 79/2009 of the European Parliament and of the Council of 14 January 2009 (OJ No. L35 32, 4.2.2009), Commission Regulation (EC) No. 385/2009 of 7 May 2009 (OJ No. L 118 13, 13.5.2009), Regulation (EC) No. 661/2009 of the European Parliament and of the Council of 13 July 2009 (OJ No. L200 1, 31.7.2009), Commission Directive 2010/19/EU of 9 March 2010 (OJ L72 17, 20.3.2010) and Commission Regulation (EU) No. 371/2010 of 16 April 2010 (OJ L110 1, 1.5.2010) and by Commission Regulation (EU) No. 678/2011 of 14 July 2011 (OJ L185 30, 15.7.2011) which replaced Annex II.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

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