2010 CHAPTER 2

Operators' licences

Operators' licences

1.—(1) Subject to subsection (2) and **[**[F1]sections 2A and 3**]** , a person shall not 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 that person,

except under a licence issued under this Act; and in this Act such a licence is referred to as an "operator's licence".

(2) Subsection (1) does not apply to—

(a) the use of a small goods vehicle;

(b) the use of a goods vehicle for international carriage by a haulier established in a member State other than the United Kingdom and not established in the United Kingdom;

(c) the use of a goods vehicle for international carriage by a haulier established in Great Britain and not established in Northern Ireland; or

(d) the use of a vehicle of any class specified in regulations.

(3) For the purposes of subsection (2)(a) a goods vehicle is a small goods vehicle if—

(a) it does not form part of a vehicle combination and—

(i) it has a relevant plated weight not exceeding 3.5 tonnes, or

(ii) in the case of a vehicle which does not have a relevant plated weight, it has an unladen weight not exceeding 1525 kilograms; or

(b) it forms part of a vehicle combination and complies with such conditions as may be prescribed;

and "relevant plated weight" in paragraph (a) means a plated weight of the description specified in relation to that paragraph by regulations.

[[F2](4) In subsection (2)(b) and (c), "established", "haulier" and "international carriage" have the same meaning as in Regulation (EC) No 1072/2009 on common rules for access to the international road haulage market.**]**

(5) For the purposes of this Act, the performance by a statutory body of its functions constitutes the carrying on of a business.

(6) A person who uses a vehicle in contravention of this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(7) In this section "statutory body" means a body established by a statutory provision.

Textual Amendments

F1 Words in s. 1(1) substituted (19.7.2018) by Haulage Permits and Trailer Registration Act 2018 (c. 19), **ss. 12(2)**, 27(1)

F2 S. 1(4) substituted (1.7.2012) by The Goods Vehicles (Qualifications of Operators) Regulations (Northern Ireland) 2012 (S.R. 2012/257), regs. 1(1), **17(2)**

Commencement Information

I1 S. 1 in operation at 22.6.2012 for specified purposes by S.R. 2012/247, art. 2, **Sch.**

I2 S. 1 in operation at 1.7.2012 in so far as not already in operation by S.R. 2012/262, **art. 2** (with arts. 4-6)

"Standard" and "restricted" licences

2.—(1) An operator's licence may be either a standard licence or a restricted licence.

(2) A standard licence is an operator's licence under which a goods vehicle may be used 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 the holder of the licence.

(3) A restricted licence is an operator's licence under which a goods vehicle may be used on a road for the carriage of goods for or in connection with any trade or business carried on by the holder of the licence, other than that of carrying goods for hire or reward.

(4) Notwithstanding subsections (2) and (3), a company may use a goods vehicle on a road for the carriage of goods for hire or reward under a restricted licence instead of a standard licence if (but only if) the goods concerned are the property of a company which is—

(a) a subsidiary of the first company,

(b) a holding company for the first company, or

(c) a subsidiary of a company which is a holding company both for that subsidiary and for the first company.

(5) A standard licence may authorise a goods vehicle to be used for the carriage of goods by road—

(a) on both national and international transport operations; or

(b) on national transport operations only.

(6) Except as provided in subsection (4) and subject to **[**[F3]sections 2A and 3**]** , a person who uses a goods vehicle under a restricted licence for carrying goods for hire or reward is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) A person who uses a goods vehicle for carrying goods by road for hire or reward on international transport operations under a standard licence which covers the carriage of goods on national transport operations only is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Textual Amendments

F3 Words in s. 2(6) substituted (19.7.2018) by Haulage Permits and Trailer Registration Act 2018 (c. 19), **ss. 12(3)**, 27(1)

Commencement Information

I3 S. 2 in operation at 1.7.2012 by S.R. 2012/262, **art. 2** (with arts. 4-6)

[[F4]Temporary exemptions for international operators**

2A.—(1) The Department for Infrastructure may grant an international operator a temporary exemption from any requirement to hold a standard licence which would otherwise be imposed by sections 1 and 2, for the purpose of—

(a) enabling an emergency to be dealt with, or

(b) enabling some other special need to be met.

(2) A temporary exemption under subsection (1) may be granted—

(a) by giving a notice in writing to the operator to whom it relates, or

(b) by publishing a notice specifying the class of operators to whom it relates.

(3) A notice under subsection (2) must specify—

(a) the vehicle or class of vehicles to which it relates;

(b) the transport operations to which it relates, or that it relates to all transport operations.

(4) A temporary exemption under subsection (1) permits the person to whom it relates to use the specified vehicle or (as the case may be) any vehicle of the specified class for the carriage of goods for the purposes of the transport operations to which it relates.

(5) Accordingly, sections 1(1) and 2(6) do not to that extent apply to that person's use of goods vehicles.

(6) In this section "international operator" means a person who is not established in the United Kingdom.

(7) For the purposes of subsection (6) a person is established in the United Kingdom if the person has an effective and stable establishment in the United Kingdom (as determined in accordance with Article 5 of the 2009 Regulation).**]**

Textual Amendments

F4 S. 2A inserted (19.7.2018) by Haulage Permits and Trailer Registration Act 2018 (c. 19), **ss. 12(4)**, 27(1)

[F5Other] temporary exemptions

3.—(1) The Department may, for the purpose of—

(a) enabling an emergency to be dealt with, or

(b) enabling some other special need to be met,

by notice grant to any person falling within subsection (2) a temporary exemption from any requirement to hold a standard licence which would otherwise be imposed by sections 1 and 2 in respect of any vehicle specified in the notice or any vehicle of a class so specified.

[F6(1A) Where the Department for Infrastructure considers it appropriate (for example because an exemption is to be granted to all persons falling within subsection (2)), an exemption under subsection (1) may be granted by publishing a notice in writing instead of by giving notice in writing to the persons to whom the exemption is granted.**]**

(2) A person falls within this subsection if the person is engaged exclusively in national transport operations which have only a minor impact on the transport market because of the nature of the goods carried or the short distances over which goods are carried.

(3) A temporary exemption granted under subsection (1) permits the person to whom it is granted to use the specified vehicle or (as the case may be) any vehicle of the specified class for the carriage of goods by road for hire or reward for the purposes of transport operations such as are referred to in subsection (2) (and, accordingly, sections 1(1) and 2(6) shall not to that extent apply to that person's use of goods vehicles).

[F7](4) . . . . . .

Textual Amendments

F5 Word in s. 3 heading inserted (19.7.2018) by Haulage Permits and Trailer Registration Act 2018 (c. 19), **ss. 12(5)(a)**, 27(1)

F6 S. 3(1A) inserted (19.7.2018) by Haulage Permits and Trailer Registration Act 2018 (c. 19), **ss. 12(5)(b)**, 27(1)

F7 S. 3(4) omitted (1.7.2012) by virtue of The Goods Vehicles (Qualifications of Operators) Regulations (Northern Ireland) 2012 (S.R. 2012/257), regs. 1(1), **17(3)**

Commencement Information

I4 S. 3 in operation at 1.7.2012 by S.R. 2012/262, **art. 2** (with arts. 4-6)

Status:
Point in time view as at 19/07/2018.

Changes to legislation:
There are currently no known outstanding effects for the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010, Cross Heading: Operators' licences.