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DRAFT STATUTORY INSTRUMENTS

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**2022 No.**

**The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022**

**PART 6**

**Amendment of the Goods Vehicles (Licensing of Operators) Act 1995**

**Amendment of Schedule 6 (transitional provisions, transitory modifications and savings)**

**56.** In Schedule 6, after paragraph 7 insert—

*“Provisions relating to the Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022*

**8.** In paragraphs 9 and 10, “the commencement date” means the day after the day on which the Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 were made.

**9.** For the purposes of this Act, beginning with the commencement date—

- (a) any application for an operator’s licence made to a traffic commissioner under section 8 before the commencement date is to be treated by the commissioner as an application for a heavy goods vehicle licence;
- (b) any objection to, or representations against, the grant of an application for an operator’s licence made to a traffic commissioner under section 12 before the commencement date is to be treated by the commissioner as an objection to, or representations against, the grant of an application for a heavy goods vehicle licence;
- (c) an operator’s licence issued under section 15 before the commencement date is to be treated as a heavy goods vehicle licence;
- (d) any application for a variation of an operator’s licence made to a traffic commissioner under section 17 before the commencement date is to be treated by the commissioner as an application for a variation of a heavy goods vehicle licence;
- (e) any objection to, or representations against, the grant of an application for a variation of an operator’s licence made to a traffic commissioner under section 19 before the commencement date is to be treated by the commissioner as an objection to, or representations against, the grant of an application for a variation of a heavy goods vehicle licence;
- (f) any request for an interim operator’s licence made under section 24 before the commencement date is to be treated as a request for an interim heavy goods vehicle licence;

- (g) any interim operator's licence issued under section 24 before the commencement date is to be treated as an interim heavy goods vehicle licence.

**10.** For the purposes of this Act and the 2009 Regulation, an individual who before the commencement date was designated a transport manager under section 13A(3)—

- (a) in accordance with Article 4(1) of the 2009 Regulation is, beginning with that date, to be treated by a traffic commissioner as an individual designated under section 13A(3)(a)(ii) and Article 4(1)(a) of the 2009 Regulation, or
- (b) in accordance with Article 4(2) of the 2009 Regulation is, beginning with that date, to be treated by a traffic commissioner as an individual designated under section 13A(3)(b) and Article 4(1)(a) of the 2009 Regulation.

**11.** Paragraphs 12 to 18 apply for the purposes of applying for, or holding, a light goods vehicle licence.

**12.** The Secretary of State may exempt an individual until the end of 20th May 2025 from the requirement under section 13A(3)(a)(i) or paragraph 14A(1)(c) of Schedule 3 to be professionally competent if the Secretary of State is satisfied that the individual had, for ten years or more ending with 20th August 2020, continuously managed national or international transport operations as, for or on behalf of an undertaking that used only light goods vehicles.

**13.** An individual, or a person acting on behalf of an individual, may, on or before 20th May 2024, apply to the Secretary of State for an exemption.

**14.** An individual (or person) who applies for an exemption must provide the Secretary of State with the information necessary for the Secretary of State to verify the individual's management experience.

**15.** The Secretary of State may, beginning with the day after the day on which the Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 were made, treat as an application any information submitted to the Secretary of State by an individual, or a person acting on behalf of an individual, before that day.

**16.** If the Secretary of State decides not to grant an exemption—

- (a) the applicant may appeal the decision to a traffic commissioner within 28 days beginning with the day after the date the decision is made, and
- (b) the traffic commissioner must, within 56 days beginning with the day after the date the appeal is made, confirm or reverse the decision.

**17.** A traffic commissioner may consider as part of deciding an appeal any relevant information not provided by the applicant to the Secretary of State.

**18.** Despite paragraph 13 of Schedule 3, a traffic commissioner must regard as professionally competent until the end of 20th May 2025 any individual who is granted an exemption—

- (a) by the Secretary of State, or
- (b) following the reversal by a traffic commissioner of a decision by the Secretary of State not to grant an exemption.

**19.** Paragraphs 11 to 18 and this paragraph expire at the end of 20th May 2025.”.