

## 1980 No. 1788

## ROAD TRAFFIC

**The Goods Haulage Operators' (Certificates of Qualification) Regulations 1980**

<i>Made - - - -</i>	<i>24th November 1980</i>
<i>Laid before Parliament</i>	<i>1st December 1980</i>
<i>Coming into Operation</i>	<i>21st December 1980</i>

The Minister of Transport, being a Minister designated<sup>(a)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(b)</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:—

*Commencement and citation*

1. These Regulations may be cited as the Goods Haulage Operators' (Certificates of Qualification) Regulations 1980 and shall come into operation on 21st December 1980.

*Interpretation*

2. In these Regulations—

“Council Directive No. 74/561” means Council Directive (EEC) No. 74/561 of 12th November 1974<sup>(c)</sup> on the admission to the occupation of road haulage operator in national and international transport operations; and

“Council Directive No. 77/796” means Council Directive No. 77/796 of 12th December 1977<sup>(d)</sup> aiming at the mutual recognition of diplomas, certificates and other evidence of formal qualifications for goods haulage operators and road passenger transport operators, including measures intended to encourage these operators effectively to exercise their right to freedom of establishment,

and save where the context otherwise requires, any expression which is used in these Regulations which is also used in Council Directive No. 77/796 shall have the same meaning as in that instrument.

*Certificates of qualification*

3.—(1) Subject to the provisions of this Regulation, on an application by a person who wishes to engage in the occupation of a goods haulage operator or to manage the transport operations of a goods haulage undertaking in a member State other than the United Kingdom or in Northern Ireland, the licensing authority shall issue to the applicant a certificate (a certificate of qualification) as to such matters relating to the applicant's repute, professional competence or,

(a) S.I. 1975/1707, 1979/571.

(c) O.J. No. L.308, 19.11.74, p. 18.

(b) 1972 c. 68.

(d) O.J. No. L.334, 24.12.77, p. 37.

where relevant, his financial standing within the meaning of Council Directive No. 74/561 as—

- (a) he is satisfied that he may properly certify, and
  - (b) appear to him to be of assistance to the applicant in satisfying the requirements of the law of the other Member State or of Northern Ireland as to those requirements.
- (2) A certificate of qualification shall be in such form as may be specified by the Minister of Transport and shall have effect for the purposes of Article 3, Article 4 or, as the case may be, Article 5 of Council Directive No. 77/796.
- (3) The fee for a certificate of qualification shall be £20, to be paid when the certificate is granted, and the application shall be made in such form and shall contain such particulars as may be specified by the Minister of Transport and, where the applicant has at any time made an application for a licence, shall be made to the licensing authority to whom his last such application was made.
- (4) A person applying for a certificate of qualification shall give to the licensing authority such other information as he may reasonably require for the discharge of his duties in relation to the application.
- (5) In this Regulation references to the licensing authority are references to the licensing authority within the meaning of Part V of the Transport Act 1968<sup>(a)</sup> and the reference to a licence is a reference to a standard operator's licence within the meaning of the Goods Vehicle Operators (Qualifications) Regulations 1977<sup>(b)</sup>.

*Forgery etc. and making false statements*

4. In sections 233 (forgery etc.) and 235(1) (false statements) of the Road Traffic Act 1960<sup>(c)</sup> the references to a licence under any Part of that Act shall include references to a certificate under Regulation 3 of these Regulations.

24th November 1980.

*Norman Fowler,*  
Minister of Transport.

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<sup>(a)</sup> 1968 c. 73.

<sup>(b)</sup> S.I. 1977/1462.

<sup>(c)</sup> 1960 c. 16.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations together with the Goods Vehicle Operators (Qualifications) (Amendment) Regulations 1980 (S.I. 1980/1787) implement, for Great Britain, but only in relation to the occupation of goods haulage operator or transport manager of a goods haulage undertaking, the obligations of the United Kingdom under Council Directive (EEC) No. 77/796 of 12th December 1977 aiming at the mutual recognition of diplomas, certificates and other evidence of formal qualifications for goods haulage operators and road passenger transport operators, including measures intended to encourage those operators effectively to exercise their right to freedom of establishment (O.J. No. L.334, 24.12.77, p. 37).

Provision is made for the issue by the licensing authorities for the purposes of Part V of the Transport Act 1968 to persons who wish to be admitted to the occupation of goods haulage operator, or to be employed to manage the transport operations of a goods haulage undertaking, in other Member States of the European Economic Communities or in Northern Ireland of certificates as to good repute, professional competence and, where relevant, financial standing for presentation to the appropriate authorities in other Member States or in Northern Ireland (Regulation 3). A fee of £20 is payable for a certificate.

Regulation 4 applies certain enactments as to the forgery and misuse of, and the making of false statements to obtain, certain documents to certificates issued under Regulation 3.

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