

2019 No. 670

ROAD TRAFFIC

The Goods Vehicles (Licensing of Operators) (Temporary Use in Great Britain) (Amendment) Regulations 2019

<i>Made</i>	- - - -	<i>25th March 2019</i>
<i>Laid before Parliament</i>		<i>1st April 2019</i>
<i>Coming into force</i>	- -	<i>23rd April 2019</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 57(1), (6), (7)(a) and (8) of the Goods Vehicles (Licensing of Operators) Act 1995(a) and having consulted with representative organisations 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) (Temporary Use in Great Britain) (Amendment) Regulations 2019 and come into force on 23rd April 2019.

Amendment of Regulations

2.—(1) The Goods Vehicles (Licensing of Operators) (Temporary Use in Great Britain) Regulations 1996(b) are amended as follows.

(2) In regulation 3(1) (interpretation), after the definition of “the Act”, insert—

““Euro V standards on emissions” means the emissions limit values set out in row B2 and row C of each of the tables in Section 6.2.1 of Annex I to Directive 2005/55/EC(c) of the European Parliament and Council of 28 September 2005;

“Euro VI standards on emissions” means the emissions limit values set out in Annex I to Regulation 595/2009(d) of the European Parliament and Council of 18 June 2009 as amended;”.

(3) In regulations 4, 5, 6 and 7, for “regulations 8 to 30F”, substitute “regulations 8 to 30N”.

(4) In regulation 30(3) (Ukrainian goods vehicles), after sub-paragraph (b), insert—

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- (a) 1995 c. 23; the application of section 2(1) to the Goods Vehicles (Licensing of Operators) (Temporary Use in Great Britain) Regulations 1996 is modified by S.I. 1996/2186. Section 2(2)(d) of the Goods Vehicles (Licensing of Operators) Act 1995 provides for relevant class of vehicles to be specified in regulations.
- (b) S.I. 1996/2186; relevant amending instruments are S.I. 2004/462, 2010/804, 2011/1043 and 2017/577.
- (c) OJ No. L 275, 20.10.2005, p. 1. The full title of the Directive is Directive 2005/55/EC of the European Parliament and of the Council of 28 September 2005 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles.
- (d) OJ No. L 188, 18.7.2009, p. 1. The full title of the Regulation is Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC.

“, or

- (c) where the engine of the vehicle complies with whichever of the Euro V standards on emissions or Euro VI standards on emissions is applicable at the date of the vehicle’s approval or registration in Ukraine.”.

(5) In regulation 30F (Serbian goods vehicles)—

(a) for paragraph (2), substitute—

“(2) Section 2(1) of the Act shall not apply to the use in Great Britain of a Serbian goods vehicle for the carriage of any goods.”; and

(b) omit paragraph (3).

(6) After regulation 30F, insert—

“Exemption for Kazakhstani goods vehicles

30G.—(1) In this regulation, “Kazakhstani goods vehicle” means a foreign goods vehicle which is owned or operated by a person who is authorised under the law of the Republic of Kazakhstan to engage in the international carriage of goods by road for hire or reward or on that person’s own account and which, in the case of a motor vehicle, is registered in the Republic of Kazakhstan.

(2) Section 2(1) of the Act shall not apply to the use in Great Britain of a Kazakhstani goods vehicle for the carriage of any goods specified in paragraph 4, 5, 8, 9, 20, 21, 22, 24 or 30 of Schedule 2.

(3) Section 2(1) of the Act shall not apply to the use in Great Britain of a Kazakhstani goods vehicle which is a vehicle specified in Schedule 3.

(4) In relation to a Kazakhstani goods vehicle used for the carriage of goods in a case to which neither of the preceding exemptions apply, section 2(1) of the Act shall have effect as set out in Schedule 5.

Exemption for Belarusian goods vehicles

30H.—(1) In this regulation—

“Belarusian goods vehicle” means a foreign goods vehicle which is owned or operated by a person who is authorised under the law of the Republic of Belarus to engage in the international carriage of goods by road for hire or reward or on that person’s own account and which, in the case of a motor vehicle, is registered in the Republic of Belarus; and

“relevant date” means the date on which the Agreement between the Government of the United Kingdom and Northern Ireland and the Republic of Belarus on international road transport signed on 18th March 2019 comes into force.

(2) On and after the relevant date, section 2(1) of the Act shall not apply to the use in Great Britain of a Belarusian goods vehicle for the carriage of any goods specified in paragraph 4, 5, 8, 9, 20, 21, 22, 24 or 30 of Schedule 2.

(3) On and after the relevant date, section 2(1) of the Act shall not apply to the use in Great Britain of a Belarusian goods vehicle which is a vehicle specified in Schedule 3.

(4) On and after the relevant date, in relation to a Belarusian goods vehicle used for the carriage of goods in a case to which neither of the preceding exemptions apply, section 2(1) of the Act shall have effect as set out in Schedule 5.

Exemption for Bosnian and Herzegovinian goods vehicles

30I.—(1) In this regulation, “Bosnian and Herzegovinian goods vehicle” means a foreign goods vehicle which is owned or operated by a person who is authorised under the law of Bosnia and Herzegovina to engage in the international carriage of goods by road for hire or

reward or on that person's own account and which, in the case of a motor vehicle, is registered in Bosnia and Herzegovina.

(2) Section 2(1) of the Act shall not apply to the use in Great Britain of a Bosnian and Herzegovinian goods vehicle for the carriage of any goods.

Exemption for Kosovan goods vehicles

30J.—(1) In this regulation, “Kosovan goods vehicle” means a foreign goods vehicle which is owned or operated by a person who is authorised under the law of the Republic of Kosovo to engage in the international carriage of goods by road for hire or reward or on that person's own account and which, in the case of a motor vehicle, is registered in the Republic of Kosovo.

(2) Section 2(1) of the Act shall not apply to the use in Great Britain of a Kosovan goods vehicle for the carriage of any goods.

Exemption for Montenegrin goods vehicles

30K.—(1) In this regulation, “Montenegrin goods vehicle” means a foreign goods vehicle which is owned or operated by a person who is authorised under the law of Montenegro to engage in the international carriage of goods by road for hire or reward or on that person's own account and which, in the case of a motor vehicle, is registered in Montenegro.

(2) Section 2(1) of the Act shall not apply to the use in Great Britain of a Montenegrin goods vehicle for the carriage of any goods.

Exemption for Norwegian goods vehicles

30L.—(1) In this regulation, “Norwegian goods vehicle” means a foreign goods vehicle which is owned or operated by a person who is authorised under the law of the Kingdom of Norway to engage in the international carriage of goods by road for hire or reward or on that person's own account and which, in the case of a motor vehicle, is registered in the Kingdom of Norway.

(2) Section 2(1) of the Act shall not apply to the use in Great Britain of a Norwegian goods vehicle for the carriage of any goods specified in paragraphs 4, 5, 9 or 30 of Schedule 2.

(3) Section 2(1) of the Act shall not apply to the use in Great Britain of a Norwegian goods vehicle—

- (a) specified in paragraph 1 of Schedule 3; or
- (b) where the goods are being carried for or in connection with any trade or business carried on by the person carrying them and where each of the following conditions are fulfilled—
 - (i) the goods are the property of the person carrying them or have been sold, bought, let out on hire or hired, produced, extracted, processed or repaired by that person;
 - (ii) the purpose of the journey is to carry the goods to or from premises of the person carrying them or to move them, either inside or outside those premises, for that person's own requirements;
 - (iii) the goods vehicle used for such carriage is being driven by an employee of the person;
 - (iv) the goods vehicle used for carrying the goods is owned by the person carrying them or has been bought by that person on deferred terms or has been hired by that person; and
 - (v) the carriage is ancillary to the overall activities of the person.

(4) In relation to a Norwegian goods vehicle being used for the carriage of goods in a case to which none of the preceding exemptions apply, section 2(1) and (3) of the Act shall have effect as set out in Schedule 5A.

Exemption for Icelandic goods vehicles

30M.—(1) In this regulation, “Icelandic goods vehicle” means a foreign goods vehicle which is owned or operated by a person who is authorised under the law of the Republic of Iceland to engage in the international carriage of goods by road for hire or reward or on that person’s own account and which, in the case of a motor vehicle, is registered in the Republic of Iceland.

(2) Section 2(1) of the Act shall not apply to the use in Great Britain of an Icelandic goods vehicle for the carriage of any goods specified in paragraphs 4, 5, 9 or 30 of Schedule 2.

(3) Section 2(1) of the Act shall not apply to the use in Great Britain of an Icelandic goods vehicle—

- (a) specified in paragraph 1 of Schedule 3; or
- (b) where the goods are being carried for or in connection with any trade or business carried on by the person carrying them and where each of the following conditions are fulfilled—
 - (i) the goods are the property of the person carrying them or have been sold, bought, let out on hire or hired, produced, extracted, processed or repaired by that person;
 - (ii) the purpose of the journey is to carry the goods to or from premises of the person carrying them or to move them, either inside or outside those premises, for that person’s own requirements;
 - (iii) the goods vehicle used for such carriage is being driven by an employee of the person;
 - (iv) the goods vehicle used for carrying the goods is owned by the person carrying them or has been bought by that person on deferred terms or has been hired by that person; and
 - (v) the carriage is ancillary to the overall activities of the person.

(4) In relation to an Icelandic goods vehicle being used for the carriage of goods in a case to which none of the preceding exemptions apply, section 2(1) and (3) of the Act shall have effect as set out in Schedule 5A.

Exemption for Liechtenstein goods vehicles

30N.—(1) In this regulation, “Liechtenstein goods vehicle” means a foreign goods vehicle which is owned or operated by a person who is authorised under the law of the Principality of Liechtenstein to engage in the international carriage of goods by road for hire or reward or on that person’s own account and which, in the case of a motor vehicle, is registered in the Principality of Liechtenstein.

(2) Section 2(1) of the Act shall not apply to the use in Great Britain of a Liechtenstein goods vehicle for the carriage of any goods specified in paragraphs 4, 5, 9 or 30 of Schedule 2.

(3) Section 2(1) of the Act shall not apply to the use in Great Britain of a Liechtenstein goods vehicle—

- (a) specified in paragraph 1 of Schedule 3; or
- (b) where the goods are being carried for or in connection with any trade or business carried on by the person carrying them and where each of the following conditions are fulfilled—

- (i) the goods are the property of the person carrying them or have been sold, bought, let out on hire or hired, produced, extracted, processed or repaired by that person;
- (ii) the purpose of the journey is to carry the goods to or from premises of the person carrying them or to move them, either inside or outside those premises, for that person's own requirements;
- (iii) the goods vehicle used for such carriage is being driven by an employee of the person;
- (iv) the goods vehicle used for carrying the goods is owned by the person carrying them or has been bought by that person on deferred terms or has been hired by that person; and
- (v) the carriage is ancillary to the overall activities of the person.

(4) In relation to a Liechtenstein goods vehicle being used for the carriage of goods in a case to which none of the preceding exemptions apply, section 2(1) and (3) of the Act shall have effect as set out in Schedule 5A.”.

(7) In regulation 31, for “regulations 4 to 30F” in both places where it occurs, substitute “regulations 4 to 30N”.

(8) After Schedule 5, insert—

“SCHEDULE 5A Regulations 30L, 30M, 30N

Modification to Section 2 of the Act in relation to foreign goods vehicles from Norway, Iceland and Liechtenstein

The Act shall have effect as if—

(a) for section 2(1) there were substituted—

“(1) Subject to subsection (2) and sections 3A and 4, no person shall 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 community licence carried on the vehicle or, if the vehicle is a trailer, on the motor vehicle by which it is drawn.”; and

(b) for section 2(3) there were substituted—

“(3) In subsection (1), (2)(b) and (c), and (2A), “community licence”, “established”, “haulier” and “international carriage” shall have the same meaning as in Regulation (EC) 1072/2009 on common rules for access to the international road haulage market(a).”.”.

Signed by authority of the Secretary of State for Transport

25th March 2019

Jesse Norman
Minister of State
Department for Transport

(a) OJ No. L 300, 14.11.2009, p.72; relevant amending instruments are OJ L No. 178, 10.7.2012, p.5 and OJ L No. 158, 10.6.2013, p.1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Goods Vehicles (Licensing of Operators) (Temporary Use in Great Britain) Regulations 1996 (“the 1996 Regulations”) to accommodate bilateral international agreements on road transport entered into by the United Kingdom.

Regulation 2 inserts a new definition for both a Euro V and a Euro VI vehicle emission standard engine.

Regulation 2 inserts a new paragraph 3(c) of regulation 30. The purpose of this amendment is to waive the requirement for permits for Ukrainian goods vehicles that meet the Euro V or VI standards on emissions.

These Regulations waive the requirement for permits for Serbian goods vehicles by deleting paragraphs (2) and (3) of regulation 30F and inserting a new paragraph (2).

Regulation 2 inserts a new regulation 30G into the 1996 Regulations. The inserted regulation exempts operators of Kazakhstani goods vehicles from the requirement to hold an operator’s licence under section 2(1) of the Goods Vehicles (Licensing of Operators) Act 1995 (“the 1995 Act”), provided the goods being carried fall into one of a number of specified classes, the vehicle is less than 6 metric tons, or a valid permit is held. To be eligible for the exemption a Kazakhstani vehicle must be owned or operated by someone who is entitled to conduct business transporting goods under Kazakhstani law.

Regulation 2 also inserts a new regulation 30H into the 1996 Regulations. The inserted regulation exempts operators of Belarusian goods vehicles from the requirement to hold an operator’s licence under section 2(1) of the 1995 Act, provided the goods being carried fall into one of a number of specified classes, the vehicle is less than 6 metric tons, or a valid permit is held. To be eligible for the exemption a Belarusian vehicle must be owned or operated by someone who is entitled to conduct business transporting goods under Belarusian law.

Regulation 2 inserts new regulations 30I, 30J and 30K into the 1996 Regulations. The inserted regulations 30I, 30J and 30K exempt operators of Bosnian and Herzegovinian, Kosovan and Montenegrin goods vehicles from the requirement to hold an operator’s licence and permit under section 2(1) of the 1995 Act. To be eligible for the exemption a Bosnian and Herzegovinian, Kosovan and Montenegrin vehicle must be owned or operated by someone who is entitled to conduct business transporting goods under their law.

Regulation 2 also inserts new regulations 30L, 30M and 30N, and new Schedule 5A, into the 1996 Regulations. Paragraphs (2) and (3) of these regulations exempt operators from Norway, Iceland and Liechtenstein from carrying an operator’s licence under section 2(1) of the 1995 Act, where specified goods are carried, specified vehicles are used or the carriage of goods is undertaken on that operator’s own account. Paragraph (4) of these regulations modify the effect of section 2(1) of the 1995 Act as set out in Schedule 5 for goods vehicles from Norway, Iceland and Liechtenstein other than those exempted under paragraphs (2) and (3). The effect of the modifications is that a goods vehicle from an Norway, Iceland or Liechtenstein is not required to hold an operator’s licence issued under the 1995 Act, providing a community licence under Regulation (EC) 1072/2009 is carried on the vehicle.

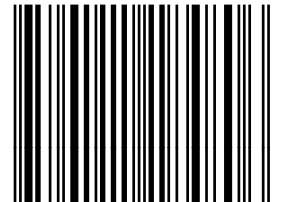
A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen. The Explanatory Memorandum is published alongside the instrument on www.legislation.gov.uk.

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