
STATUTORY INSTRUMENTS

2022 No. 293

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

PART 2

Amendment of Regulation (EC) No 1071/2009

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4. Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC(1) is amended in accordance with regulations 5 to 11.

Amendment of Article 1 (subject matter and scope)

5. After Article 1(4) insert—

“4A. For the purposes of this Regulation, a qualifying licence issued to an undertaking constitutes an authorisation to pursue or engage in the occupation of road transport operator in the capacity of road haulage operator.”.

Amendment of Article 2 (definitions)

6.—(1) In Article 2, after the words before paragraph 1 insert—

“A1. ‘the 1995 Act’ means the Goods Vehicles (Licensing of Operators) Act 1995;

A2. ‘the 2010 Act’ means the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010(2);”.

(2) In Article 2(10), for the full-stop substitute a semi-colon.

(3) After Article 2(10) insert—

“11. ‘qualifying licence’ means a licence that is both a heavy goods vehicle licence and a standard licence;

12. ‘heavy goods vehicle licence’ and ‘standard licence’, in relation to—

- (a) an undertaking established in Great Britain, have the meanings given in section 58(1) of the 1995 Act;
- (b) an undertaking established in Northern Ireland, have the meanings given in section 58(1) of the 2010 Act.”.

(1) EUR 2009/1071, amended by S.I. 2019/708.

(2) 2010 c. 2 (N.I.).

Amendment of Article 4 (transport manager)

7.—(1) For Article 4(1)(a) and (b) substitute—

- “(a) if the undertaking is established in Great Britain, satisfies the requirements set out in paragraph 14A(1) and (2), or (1) and (3), of Schedule 3 to the 1995 Act; or
- (b) if the undertaking is established in Northern Ireland, satisfies the requirements set out in any regulations made for the purposes of section 12A(3)(a)(ii) or (b) of the 2010 Act.”.

(2) Omit Article 4(1)(c), (2) and (3).

Amendment of Article 5 (conditions relating to the requirement of establishment)

8.—(1) The existing text of Article 5 is renumbered as paragraph 1.

(2) In Article 5(1), in the words before point (a), after “undertaking” insert “that engages in the occupation of road passenger transport operator”.

(3) After Article 5(1)(c) insert—

“2. In order to satisfy the requirement laid down in Article 3(1)(a), an undertaking that engages in the occupation of road haulage operator must satisfy the requirements set out in:

- (a) if the undertaking is established in Great Britain, paragraph A1 of Schedule 3 to the 1995 Act; or
- (b) if the undertaking is established in Northern Ireland, any regulations made for the purposes of section 12A(2)(a) of the 2010 Act.”.

Amendment of Article 7 (conditions relating to the requirement of financial standing)

9.—(1) In Article 7(1), in the first sub-paragraph, after “an undertaking” insert “that engages in the occupation of road passenger transport operator”.

(2) After Article 7(3) insert—

“4. In order to satisfy the requirement laid down in Article 3(1)(c), an undertaking that engages in the occupation of road haulage operator must satisfy the requirements set out in:

- (a) if the undertaking is established in Great Britain, paragraph 6A of Schedule 3 to the 1995 Act; or
- (b) if the undertaking is established in Northern Ireland, any regulations made for the purposes of section 12A(2)(c) of the 2010 Act.”.

Amendment of Article 8 (conditions relating to the requirement of professional competence)

10. After Article 8(8) insert—

“8A. A certificate issued to a person under paragraph 8 is not valid for the duration of any order disqualifying the person from acting as a transport manager under:

- (a) paragraph 16(2) of Schedule 3 to the 1995 Act; or
- (b) regulation 15(2) of the Goods Vehicles (Qualifications of Operators) Regulations (Northern Ireland) 2012(3).”.

Amendment of Article 11 (examination and registration of applications)

11. After Article 11(5) insert—

“6. The obligation imposed by paragraph 5 on such an undertaking constitutes a condition attached to a qualifying licence for the purposes of:

- (a) if the undertaking is established in Great Britain, section 26(1)(b) of the 1995 Act; or
- (b) if the undertaking is established in Northern Ireland, section 23(1)(b) of the 2010 Act.”.