

---

STATUTORY INSTRUMENTS

---

**2022 No. 293**

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

**PART 6**

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

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

**23.** The Goods Vehicles (Licensing of Operators) Act 1995 is amended in accordance with regulations [24](#) to [56](#).

**Amendment of section 2 (obligation to hold operator’s licence)**

**24.** In section 2(1B)(1), after “1A” insert “or 1B”.

**Amendment of section 3A (temporary exemptions for international operators)**

**25.—**(1) In section 3A(6)(2), for “is not established in the United Kingdom” substitute “has an effective and stable establishment in a country or territory other than the United Kingdom that is comparable to an effective and stable establishment in Great Britain (as determined in accordance with paragraph A1 of Schedule 3)”.

(2) Omit section 3A(7).

**Amendment of section 5 (vehicles authorised to be used under operator’s licence)**

**26.** In section 5(4), after “use of any” insert “heavy goods”.

**Amendment of section 7 (operating centres to be specified in operators’ licences)**

**27.—**(1) In the heading to section 7, for “operators” substitute “heavy goods vehicle”.

(2) In section 7(1)—

- (a) after “centre for” insert “heavy goods”; and
- (b) for “an operator’s” substitute “a heavy goods vehicle”.

(3) In section 7(3)—

- (a) after “relation to any” insert “heavy goods”;
- (b) for “an operator’s” substitute “a heavy goods vehicle”; and
- (c) after “centre for” insert “heavy goods”.

---

(1) Section 2(1B) was inserted by [S.I. 2011/2632](#).

(2) Section 3A was inserted by section 11(4) of the Haulage Permits and Trailer Registration Act [2018 \(c. 19\)](#).

**Amendment of section 8 (applications for operators' licences)**

**28.**—(1) In section 8, for subsection (1) substitute—

“(1) A person who requires an operator’s licence must apply to a traffic commissioner.”.

(2) After section 8(1) insert—

“(1A) A separate application must be made in relation to each traffic area in which there is—

- (a) if the application is for a heavy goods vehicle licence, a place to be specified in the licence as an operating centre for the purposes of sections 7(1) and 13C(5); or
- (b) if the application is for a light goods vehicle licence, located premises of the kind described in paragraph A1(2)(a) of Schedule 3.”.

(3) In section 8(3)(b), before “containing” insert “in the case of an application for a heavy goods vehicle licence,”.

**Amendment of section 11 (publication in locality affected of notice of application for licence)**

**29.**—(1) In the heading to section 11, after “for” insert “heavy goods vehicle”.

(2) In section 11(1), for “an operator’s” substitute “a heavy goods vehicle”.

(3) In section 11(2), after “an application” insert “for a heavy goods vehicle licence”.

(4) In section 11(3), in the words before paragraph (a), after “an application” insert “for a heavy goods vehicle licence”.

(5) In section 11(4), for “an operator’s” substitute “a heavy goods vehicle”.

**Amendment of section 12 (objections to and representations against, issue of operators' licences)**

**30.**—(1) In section 12(1)(b), before “that” insert “in the case of a heavy goods vehicle licence,”.

(2) In section 12(4), for “an operator’s” substitute “a heavy goods vehicle”.

**Amendment of section 13 (determination of applications for operators' licences)**

**31.** In section 13(3), for “sections 11 (publication of application) and” substitute “section 11 (publication of application), if applicable, and section”.

**Amendment of section 13A (requirements for standard licences)**

**32.**—(1) In section 13A(2)(3)—

- (a) in paragraph (a), for “Article 5 of the 2009 Regulation” substitute “paragraph A1 of Schedule 3”;
- (b) at the end of paragraph (b) insert “and”;
- (c) in paragraph (c), for “Article 7 of the 2009 Regulation) and” substitute “paragraph 6A of Schedule 3.”; and
- (d) omit paragraph (d).

(2) In section 13A(3)—

- (a) in the words before paragraph (a), omit “has designated a transport manager in accordance with Article 4 of the 2009 Regulation who”;

---

(3) Section 13A was inserted by [S.I. 2011/2632](#).

- (b) for paragraphs (a) and (b) substitute—
    - “(a) is an individual who—
      - (i) is professionally competent (as determined in accordance with paragraph 13 of Schedule 3), and
      - (ii) has designated a suitable number of individuals (which may include the applicant) who satisfy the requirements set out in paragraph 14A(1) and (2) of Schedule 3, or
    - (b) if the applicant is not an individual, or is an individual who is not professionally competent, has designated a suitable number of individuals who satisfy the requirements set out in paragraph 14A(1) and (3) of Schedule 3.”; and
  - (c) omit paragraph (c).
- (3) After section 13A(3) insert—
- “(4) For the purposes of subsection (3)(a)(ii) and (b), a number of designated individuals is suitable if the traffic commissioner is satisfied it is proportionate to the maximum numbers of motor vehicles and trailers that may be used by the applicant in accordance with section 6 if the standard licence is issued.
- (5) In this Act, “transport manager” means an individual designated under subsection (3) (a)(ii) or (b).”.

#### **Amendment of section 13C (requirements for standard and restricted licences)**

- 33.**—(1) In section 13C(1)(4), for “to which subsections (2) to (6) will apply.” substitute—
- “to which—
- (a) in the case of a light goods vehicle licence, subsections (2) to (4) will apply, or
  - (b) in the case of a heavy goods vehicle licence, subsections (2) to (6) will apply.”.
- (2) In section 13C(5), for “The licence” substitute “A heavy goods vehicle licence”.
- (3) In section 13C(6), after “for all the” insert “heavy goods”.
- (4) In section 13C(7), for “to (6)” substitute “to (4), or (2) to (6).”.
- (5) In section 13C(8), after “relation to a” insert “heavy goods vehicle”.
- (6) In section 13C(9)—
- (a) in the words before paragraph (a), after “relation to a” insert “heavy goods vehicle”;
  - (b) in paragraph (a), for “operators” substitute “heavy goods vehicle”; and
  - (c) in paragraph (b), after “keeping” insert “heavy goods”.

#### **Amendment of section 14 (determinations where objections etc are made on environmental grounds)**

- 34.**—(1) In section 14(1), in the words before paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”.
- (2) In section 14(2)(a), after “parking of” insert “heavy goods”.
- (3) In section 14(3)—
- (a) in the words before paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”;
  - (b) in paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”; and

---

(4) Section 13C was inserted by [S.I. 2011/2632](#) and amended by [S.I. 2013/1644](#).

- (c) in the words after paragraph (b)—
  - (i) after “centre for” insert “heavy goods”; and
  - (ii) for “operator’s” substitute “heavy goods vehicle”.
- (4) In section 14(4), for “an operator’s” substitute “a heavy goods vehicle”.
- (5) In section 14(5)—
  - (a) in the words before paragraph (a), for “an operator’s”, in both places it occurs, substitute “a heavy goods vehicle”;
  - (b) in paragraph (a), for “operator’s” substitute “heavy goods vehicle”; and
  - (c) in paragraph (c)(i), for “an operator’s” substitute “a heavy goods vehicle”.
- (6) In section 14(6), in the words before paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”.

**Amendment of section 15 (issue of operators’ licences)**

**35.** In section 15(3)(f), before “fewer places” insert “in the case of a heavy goods vehicle licence,”.

**Amendment of section 17 (variation of operators’ licences)**

**36.**—(1) In section 17(1)(g), before “that a new place” insert “in the case of a heavy goods vehicle licence,”.

(2) In section 17(4)(c), after “specified in a” insert “heavy goods vehicle”.

**Amendment of section 18 (publication of notice of applications for variation in any locality affected)**

**37.**—(1) In the heading to section 18, after “variation” insert “of heavy goods vehicle licences”.

(2) In section 18(1), for “an operator’s” substitute “a heavy goods vehicle”.

(3) In section 18(2)—

(a) in paragraph (a), after “number” insert “of heavy goods vehicles”; and

(b) in paragraph (b), after “(e)” insert “that has the effect of authorising the use of a heavy goods vehicle under a licence”.

(4) In section 18(5)—

(a) in the words before paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”; and

(b) in paragraph (b)(i), in both places it occurs, after “number of” insert “heavy goods”.

**Amendment of section 19 (objection to and refusal of, applications to vary operators’ licences on environmental grounds)**

**38.**—(1) In the heading to section 19, for “operators” substitute “heavy goods vehicle”.

(2) In section 19(1), for “an operator’s” substitute “a heavy goods vehicle”.

(3) In section 19(3)(a), in both places it occurs, after “number of” insert “heavy goods”.

(4) In section 19(6)(a), after “parking of” insert “heavy goods”.

(5) In section 19(7)—

(a) in paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”; and

- (b) in the words after paragraph (b)(ii), for “any operator’s” substitute “a heavy goods vehicle”.
- (6) In section 19(8), for “an operator’s” substitute “a heavy goods vehicle”.
- (7) In section 19(9)—
  - (a) in the words before paragraph (a), in both places it occurs, for “an operator’s” substitute “a heavy goods vehicle”;
  - (b) in paragraph (a), for “operator’s” substitute “heavy goods vehicle”; and
  - (c) in paragraph (c)(i), for “an operator’s” substitute “a heavy goods vehicle”.

#### **Amendment of section 21 (conditions for securing road safety)**

- 39.**—(1) In the heading to section 21, after “Conditions” insert “attached to heavy goods vehicle licences”.
- (2) In section 21(1)—
    - (a) in the words before paragraph (a)—
      - (i) for “an operator’s” substitute “a heavy goods vehicle”; and
      - (ii) after “for preventing” insert “heavy goods”;
    - (b) in paragraph (a), after “point where” insert “heavy goods”; and
    - (c) in paragraph (b), after “along which” insert “heavy goods”.
  - (3) In section 21(2), for “an operator’s” substitute “a heavy goods vehicle”.
  - (4) In section 21(3)(a) and (b), for “an operator’s” substitute “a heavy goods vehicle”.

#### **Amendment of section 22 (conditions as to matters required to be notified to traffic commissioner)**

- 40.**—(1) In the heading to section 22, after “Conditions” insert “attached to operators’ licences”.
- (2) In section 22(2)—
    - (a) in paragraph (a), for “13A(2)” substitute “13A”; and
    - (b) in paragraph (b)—
      - (i) after “manager of” insert “one or more of”; and
      - (ii) for “mentioned in section 13A(3)” substitute “set out in paragraph 14A(1) and (2), or (1) and (3), of Schedule 3”.

#### **Amendment of section 23 (conditions as to use of operating centres)**

- 41.**—(1) In the heading to section 23, after “Conditions” insert “attached to heavy goods vehicle licences”.
- (2) In section 23(1), for “an operator’s” substitute “a heavy goods vehicle”.
  - (3) In section 23(2)—
    - (a) in paragraph (a), for “motor vehicles or trailers” substitute “heavy goods vehicles”; and
    - (b) in paragraph (b), after “provided” insert “for heavy goods vehicles”.
  - (4) In section 23(3), for “an operator’s” substitute “a heavy goods vehicle”.
  - (5) In section 23(4)(a) and (b), for “an operator’s” substitute “a heavy goods vehicle”.

**Amendment of section 26 (revocation, suspension and curtailment of operators' licences)**

- 42.**—(1) In section 26(1)(a)—
- (a) before “that” insert “in the case of a heavy goods vehicle licence,”; and
  - (b) after “centre for” insert “heavy goods”.
- (2) In section 26(11)(d), before “that” insert “in the case of a heavy goods vehicle licence,”.

**Amendment of section 27 (revocation of standard licences)**

- 43.**—(1) In section 27(1)—
- (a) in paragraph (a)—
    - (i) after “satisfies” insert “one or more of”; and
    - (ii) for “13A(2)” substitute “13A”; and
  - (b) in paragraph (b)—
    - (i) for “in accordance with Article 4 of the 2009 Regulation” substitute “by the licence-holder”;
    - (ii) after “satisfies” insert “one or more of”; and
    - (iii) for “of section 13A(3)” substitute “set out in paragraph 14A(1) and (2), or (1) and (3), of Schedule 3”.
- (2) In section 27(3A)(5), omit “, in accordance with Article 13.1 of the 2009 Regulation,”.
- (3) After section 27(3A) insert—
- “(3AA) The time limit set under subsection (3A) may not exceed, beginning with the day after the date of the notice—
- (a) 6 months, or
  - (b) 9 months if the licence-holder ceases to have a suitable number of individuals designated under section 13A(3)(a)(ii) or (b) because—
    - (i) a transport manager is physically incapacitated or deceased, and
    - (ii) more than 6 months is required to recruit a replacement transport manager.”.

**Amendment of section 30 (periods of review for operating centres)**

- 44.**—(1) In section 30(1), for “an operator’s” substitute “a heavy goods vehicle”.
- (2) In section 30(2), in the words before paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”.

**Amendment of section 31 (power to remove operating centres on review)**

- 45.**—(1) In section 31(1), in the words before paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”.
- (2) In section 31(2), after “parking of” insert “heavy goods”.
- (3) In section 31(3), in the words after paragraph (b)—
- (a) after “centre for” insert “heavy goods”; and
  - (b) for “operator’s” substitute “heavy goods vehicle”.

---

(5) Section 27(3A) was inserted by [S.I. 2011/2632](#).

**Amendment of section 32 (power to attach conditions on review)**

**46.**—(1) In section 32(1), in the words before paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”.

(2) In section 32(4)—

- (a) in the words before paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”;
- (b) in paragraph (a), after “that any” insert “heavy goods”;
- (c) in paragraph (b), after “maximum number” insert “of heavy goods vehicles”; and
- (d) in paragraphs (c) and (d), after “that a provision” insert “relating to heavy goods vehicles”.

(3) In section 32(5), for “an operator’s” substitute “a heavy goods vehicle”.

**Amendment of section 33 (transfer of operating centres)**

**47.** In section 33—

- (a) for “operators” substitute “heavy goods vehicle”; and
- (b) for “an operator’s” substitute “a heavy goods vehicle”.

**Amendment of section 34 (determinations as to environmental matters)**

**48.**—(1) In section 34(2)(a), (b) in both places it occurs and (c), for “an operator’s” substitute “a heavy goods vehicle”.

(2) In section 34(3)(a), for “an operator’s” substitute “a heavy goods vehicle”.

(3) In section 34(5)(a), for “an operator’s” substitute “a heavy goods vehicle”.

**Amendment of section 46 (holding companies and subsidiaries)**

**49.** In section 46(3)(b), omit “, “road transport undertaking””.

**Amendment of section 49 (certificates of qualification)**

**50.**—(1) In section 49(1)—

(a) in the words before paragraph (a)—

- (i) for “a road transport” substitute “an”;
- (ii) after “undertaking” insert “established”; and
- (iii) for “other than the United Kingdom” substitute “that involves the use of goods vehicles”; and

(b) in the words after paragraph (c)—

- (i) omit “other”; and
- (ii) for “road transport undertakings” substitute “such an undertaking established”.

(2) In section 49(2), omit paragraph (b) together with the “and” before it.

(3) In section 49(5), omit the words after paragraph (b).

**Insertion of section 56A (traffic commissioner may have regard to international obligations)**

**51.** Before the italic heading before section 57 (regulations and orders) insert—

**“Traffic commissioner may have regard to international obligations**

**56A.**—(1) In exercising a function under any provision made by or under this Act in relation to a standard licence authorising both national and international transport operations, a traffic commissioner may have regard to any obligation of the United Kingdom as a party to the Trade and Cooperation Agreement that is relevant to the exercise of the function.

(2) In this section, “the Trade and Cooperation Agreement” has the meaning given in section 37 of the European Union (Future Relationship) Act 2020.”.

**Amendment of section 58 (general interpretation)**

**52.**—(1) In section 58(1)—

- (a) after the definition of “goods vehicle” insert—
  - ““heavy goods vehicle” means a goods vehicle, or a vehicle combination including a goods vehicle, that has a maximum laden weight exceeding 3.5 tonnes;
  - “heavy goods vehicle licence” means an operator’s licence that authorises the use of one or more heavy goods vehicles (whether or not it also authorises the use of one or more light goods vehicles);”;
- (b) for the definitions of “international transport operations” and “national transport operations” substitute—
  - ““international transport operations” means the carriage of goods—
    - (a) from the United Kingdom to any other country or territory (or vice versa);
    - (b) through the United Kingdom from and to any other country or territory;
    - (c) within a country or territory other than the United Kingdom;”;
- (c) after the definition of “international transport operations” insert—
  - ““light goods vehicle” means a goods vehicle, or a vehicle combination including a goods vehicle, that has a maximum laden weight not exceeding 3.5 tonnes;
  - “light goods vehicle licence” means an operator’s licence that authorises the use of only one or more light goods vehicles;
  - “maximum laden weight” has the meaning given in Part IV of Schedule 6 to the Road Traffic Regulation Act 1984(6);”;
- (d) after the definitions of “motor vehicle” and “trailer” insert—
  - ““national transport operations” means the carriage of goods within only the United Kingdom;”;
- (e) omit the definition of “road transport undertaking”;
- (f) after the definition of “traffic area” insert—
  - ““traffic commissioner” means a commissioner appointed under section 4 of the Public Passenger Vehicles Act 1981(7);”;
- (g) in the definition of “transport manager”, for “same meaning as in the 2009 Regulation” substitute “meaning given in section 13A(5)”; and
- (h) after the definition of “transport manager” insert—

---

(6) 1984 c. 27.

(7) 1981 c. 14. Section 4 was substituted by section 3(2) of the Transport Act 1985 (c. 67) and amended by section 2 of the Local Transport Act 2008 (c. 26).



““transport service” means the use of a goods vehicle for which an operator’s licence is required under section 2 (obligation to hold operator’s licence);”.

(2) Omit section 58(4).

#### **Amendment of Schedule 1 (meaning of “small goods vehicle”)**

**53.**—(1) In Schedule 1, in paragraph 1A—

- (a) for “permissible laden mass” substitute “maximum laden weight”; and
- (b) for “3.5” substitute “2.5”.

(2) In Schedule 1, after paragraph 1A insert—

**1B.** A goods vehicle falls within this paragraph if the vehicle, or a vehicle combination including the vehicle—

- (a) has a maximum laden weight not exceeding 3.5 tonnes and
- (b) is used only for national transport operations.”.

#### **Amendment of Schedule 3 (qualifications for standard licence)**

**54.**—(1) In the heading to Schedule 3, in the shoulder reference, after “Sections” insert “3A, 8,”.

(2) In Schedule 3, before the italic heading before paragraph 1, insert—

*“Effective and stable establishment*

**A1.**—(1) A person has an effective and stable establishment in Great Britain under section 13A(2)(a) if the person satisfies, or will satisfy on the issuing of an operator’s licence, the requirements set out in sub-paragraph (2).

(2) The requirements are that the person—

- (a) has premises in Great Britain at which the person—
  - (i) is able to access, in electronic or any other form, the originals of the person’s core business documents, and
  - (ii) carries out effectively and continuously, with appropriate equipment and facilities, the administration of the person’s transport service,
- (b) has access to one or more goods vehicles that are authorised to be used under the person’s operator’s licence,
- (c) has at a place or places in Great Britain—
  - (i) a number of goods vehicles referred to in paragraph (b) that is proportionate to the national or international transport operations carried out from each place, and
  - (ii) a number of drivers that is proportionate to the number of goods vehicles operating from that place,
- (d) has, if required under the Value Added Tax Act 1994(8) to charge value added tax on the supply of the person’s transport service, a VAT registration number,
- (e) is within the charge to income tax or corporation tax under the Tax Acts on income generated through the person’s transport service, and

(f) is, if a company, a company within the meaning given in section 1(1) of the Companies Act 2006(9).

(3) In sub-paragraph (2)—

“core business documents” includes—

- (a) contracts relating to the transport service;
- (b) documents relating to the goods vehicles authorised to be used under the person’s operator’s licence;
- (c) accounting documents;
- (d) personnel management documents;
- (e) employment contracts;
- (f) national insurance documents;
- (g) documents containing data—
  - (i) on the dispatching and posting of drivers, and
  - (ii) relating to journeys, driving time and rest periods;
- (h) any other document that a traffic commissioner may require to verify a person’s compliance with any requirement or obligation imposed by or under this Act;

“VAT registration number” means the number allocated by the Commissioners for Her Majesty’s Revenue and Customs to a person registered under the Value Added Tax Act 1994.”.

(3) In Schedule 3, after paragraph 1(3), insert—

“(4) For the purposes of determining in accordance with paragraph 14A whether a transport manager is of good repute, the reference in sub-paragraph (1)(a) to servants or agents is to be disregarded.”.

(4) In Schedule 3, in paragraph 5(2)—

- (a) in the words before paragraph (a), for “paragraphs 1 to 4” substitute “determining under this Act whether a person is of good repute,”; and
- (b) in paragraph (b), for “if such time as he thinks appropriate has elapsed since the date of the conviction” substitute—

“if—

- (i) such time as the commissioner thinks appropriate has elapsed since the date of the conviction, or
- (ii) the commissioner, having considered the number of offences committed by a person, determines that due to specific circumstances a negative determination of good repute for the person would constitute a disproportionate response”.

(5) In Schedule 3, before the italic heading before paragraph 7 insert—

“**6A.**—(1) An operator has appropriate financial standing under section 13A(2)(c) if the operator is able to demonstrate that it has at its disposal at all times capital and reserves—

- (a) for goods vehicles authorised to be used under a heavy goods vehicle licence, of—
  - (i) £8,000 for the first heavy goods vehicle,
  - (ii) £4,500 for each additional heavy goods vehicle and

- (iii) £800 for each light goods vehicle (if any), or
- (b) for goods vehicles authorised to be used under a light goods vehicle licence, of—
  - (i) £1,600 for the first light goods vehicle, and
  - (ii) £800 for each additional light goods vehicle.
- (2) The operator must demonstrate appropriate financial standing—
  - (a) on the basis of the operator’s annual accounts if certified by a qualified auditor, or
  - (b) by producing other evidence to the satisfaction of a traffic commissioner that the operator has, in the name of the operator, the necessary capital and reserves, such as—
    - (i) a bank guarantee,
    - (ii) a document issued by a financial institution establishing access to credit, or
    - (iii) any other binding document.
- (3) In this paragraph—
  - “operator” means an applicant for, or a holder of, an operator’s licence in relation to which appropriate financial standing is required under section 13A(2)(c);
  - “qualified auditor” means a person who is eligible for appointment as a statutory auditor under Part 42 of the Companies Act 2006.”.
- (6) In Schedule 3, omit paragraphs 7 to 9 and 12.
- (7) In Schedule 3, in paragraph 13(3), for “Department of the Environment for Northern Ireland for the purposes of section 46A(5)(c) of the Transport Act (Northern Ireland) 1967” substitute “department in Northern Ireland that, by order made under the Departments (Northern Ireland) Order 1999(10), is responsible for exercising the functions of a department under the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010”.
- (8) In Schedule 3, before the italic heading before paragraph 15 insert—

*“Requirements for a transport manager*

- 14A.**—(1) A transport manager must be—
- (a) a resident of the United Kingdom,
  - (b) of good repute (as determined in accordance with paragraphs 1 to 5),
  - (c) professionally competent (as determined in accordance with paragraph 13), and
  - (d) able to manage effectively and continuously the operator’s transport service.
- (2) An individual designated under section 13A(3)(a)(ii), in addition to meeting the requirements set out in sub-paragraph (1), must be—
- (a) the operator,
  - (b) an employee, director, owner, or shareholder of the operator, or
  - (c) any other individual a traffic commissioner is satisfied has a genuine link to the operator.
- (3) An individual designated under section 13A(3)(b), in addition to meeting the requirements set out in sub-paragraph (1), must—
- (a) be a party to a transport management contract linking the individual to the operator,

---

(10) S.I. 1999/283 (N.I. 1); there are amending instruments, but none are relevant.

- (b) be able to—
  - (i) exercise the individual’s responsibilities as a transport manager independently of the operator, and
  - (ii) perform the tasks set out in the transport management contract solely in the interests of the operator, and
- (c) not be, subject to sub-paragraph (4), at the same time designated under—
  - (i) section 13A(3)(a)(ii) or (b) in relation to any other operator’s licence, or
  - (ii) any corresponding law of Northern Ireland in relation to a Northern Ireland-issued licence.

(4) A traffic commissioner may, if the commissioner considers it appropriate, allow an individual to be designated in relation to an operator’s licence despite sub-paragraph (3)(c) provided the individual is designated in relation to no more than four operators’ licences and Northern Ireland-issued licences authorising the use of a combined total fleet of no more than 50 motor vehicles or vehicle combinations.

(5) In this paragraph—

“Northern Ireland-issued licence” means a licence issued under the law of Northern Ireland that is equivalent to an operator’s licence;

“the operator” means the person who designated the individual under section 13A(3)(a)(ii) or (b);

“transport management contract” means a contract that—

- (a) indicates the individual’s responsibilities as a transport manager, and
- (b) specifies the tasks the individual is to perform as a transport manager for the operator, including those relating to—
  - (i) vehicle maintenance,
  - (ii) vehicle management,
  - (iii) verification of contracts and documents relating to the transport service;
  - (iv) basic accounting,
  - (v) the assignment of drivers and vehicles to transport services, and
  - (vi) the verification of safety procedures.”.

(9) In Schedule 3, in paragraph 16—

- (a) in sub-paragraph (1), after “commissioner must” insert “, in accordance with paragraph 5(2) (if applicable),”; and
- (b) in sub-paragraph (3)—
  - (i) in paragraph (a), for “for any road transport undertaking” substitute “in relation to any operator’s licence”; and
  - (ii) omit paragraph (b).

(10) In Schedule 3, in paragraph 17—

- (a) in sub-paragraph (1), for “sub-paragraph” substitute “sub-paragraphs (1A) and”; and
- (b) after sub-paragraph (1) insert—
  - “(1A) If the disqualification order was made because a traffic commissioner determined that the disqualified person ceased to be of good repute, the order may be cancelled—
    - (a) not before the end of the period of one year beginning with the day on which the order was made, and

- (b) only if the disqualified person has, after the order was made—
  - (i) passed the written examination referred to in paragraph 13(1)(a), or
  - (ii) for no less than three months undertaken training a traffic commissioner considers appropriate.”.

**Amendment of Schedule 4 (transfer of operating centres)**

**55.**—(1) In Schedule 4, in paragraph 1—

- (a) in sub-paragraph (1), in the words before paragraph (a), for “an operator’s” substitute “a heavy goods vehicle”;
  - (b) in sub-paragraph (2), for “an operator’s” substitute “a heavy goods vehicle”;
  - (c) in sub-paragraph (3), for “operator’s” substitute “heavy goods vehicle”;
  - (d) in sub-paragraph (7)—
    - (i) in the words before paragraph (a), in both places it occurs, for “an operator’s” substitute “a heavy goods vehicle”;
    - (ii) in paragraph (b)(i), for “an operator’s” substitute “a heavy goods vehicle”;
  - (e) in sub-paragraph (8), for “operator’s” substitute “heavy goods vehicle”.
- (2) In Schedule 4, in paragraph 2(1), for “an operator’s” substitute “a heavy goods vehicle”.
- (3) In Schedule 4, in paragraph 3—
- (a) in sub-paragraph (1), for “an operator’s” substitute “a heavy goods vehicle”;
  - (b) in sub-paragraphs (2) and (3), for “operator’s” substitute “heavy goods vehicle”;
  - (c) in sub-paragraph (7)—
    - (i) in the words before paragraph (a), in both places it occurs, for “an operator’s” substitute “a heavy goods vehicle”;
    - (ii) in paragraph (b)(i), for “an operator’s” substitute “a heavy goods vehicle”;
  - (d) in sub-paragraph (8), for “operator’s” substitute “heavy goods vehicle”.
- (4) In Schedule 4, in paragraph 4(1), for “an operator’s” substitute “a heavy goods vehicle”.

**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.”.