
STATUTORY INSTRUMENTS

2023 No. 805

The Goods Vehicles (Licensing of Operators) (Exemptions and Modifications) (Amendment) Regulations 2023

PART 2

Amendment of the Goods Vehicles (Licensing of Operators) Regulations 1995

Insertion of Schedule 3A (modifications to the 1995 Act and these Regulations for non-exempt vehicles brought temporarily into Great Britain)

8. After Schedule 3 insert—

“SCHEDULE 3A

Regulation 33A

Modification of the 1995 Act and these Regulations for certain international operators

PART 1

Modification of the 1995 Act

Modifications to section 3 (“standard” and “restricted” licences)

1. Section 3 of the 1995 Act has effect as if—

(a) for subsection (5) there were substituted—

“(5) An operator’s licence, whether a standard licence or a restricted licence, may not authorise a goods vehicle to be used on national transport operations.”;

(b) in subsection (7)—

(i) for “international” there were substituted “national”;

(ii) for “goods on national transport operations” there were substituted “goods on international transport operations”.

Modifications to section 5 (vehicles authorised to be used under operator’s licence)

2. Section 5 of the 1995 Act has effect as if—

(a) for subsection (1) there were substituted—

“(1) Subject to the following provisions of this section, the vehicles authorised to be used under an operator’s licence are—

(a) any motor vehicle—

(i) in the lawful possession of the licence-holder, and

(ii) specified in the licence;

- (b) any trailer in the lawful possession of the licence-holder.”;
- (b) in subsection (2)—
 - (i) in paragraph (a) for “no motor vehicle, or no trailer,” there were substituted “no trailer”;
 - (ii) after paragraph (a) there were inserted—
 - “(aa) that no trailer of a type specified in the licence is authorised to be used under it; or”;
 - (iii) at the end of paragraph (b) “; or” were omitted;
 - (iv) paragraph (c) were omitted;
- (c) paragraphs (4) to (7) were omitted.

Modifications to section 6 (maximum numbers of vehicles)

3. Section 6 of the 1995 Act has effect as if—
 - (a) for subsections (1) to (4) there were substituted—
 - “(1) An operator’s licence that does not contain a provision referred to in section 5(2)
 - (b)—
 - (a) must specify a maximum number for trailers, and
 - (b) may specify a maximum number for trailers—
 - (i) whose relevant weight exceeds a weight specified in the licence;
 - (ii) of a type specified in the licence.”;
 - (b) in subsection (5), for “(2)(a)” there were substituted “(1)(a)”;
 - (c) in subsection (6)—
 - (i) for “(2)(b)” there were substituted “(1)(b)”;
 - (ii) after “specified weight” there were inserted “or for trailers of a specified type”;
 - (d) in subsection (8), “(3), (4)(a) or (b),” were omitted.

Cessation of section 7 (operating centres to be specified in heavy goods vehicle licences)

4. Section 7 of the 1995 Act has no effect.

Modifications to section 8 (applications for operators’ licences)

5. Section 8 of the 1995 Act has effect as if—
 - (a) for subsections (1A) to (3) there were substituted—
 - “(2) A person may not at any time hold more than one operator’s licence.
 - (3) A person applying for an operator’s licence must give to the traffic commissioner—
 - (a) a statement—
 - (i) containing such particulars as the commissioner may require of the motor vehicles proposed to be used under the licence, and
 - (ii) stating the number and type of any trailers proposed to be used under the licence; and
 - (b) details of any—

- (i) notifiable conviction (within the meaning given in paragraph 4 of Schedule 2);
 - (ii) notifiable fixed penalty notice (within the meaning given in paragraph 7 of Schedule 2);
 - (iii) prohibition under section 69 or 70 of the Road Traffic Act 1988⁽¹⁾ in relation to a vehicle the person owned at the time the prohibition was imposed.”;
- (b) in paragraph (4) the words from “and in particular” to the end, and the comma before those words, were omitted;
- (c) paragraph (5) were omitted.

Modifications to section 9 (convictions etc. subsequent to the making of an application)

6. Section 9 of the 1995 Act has effect as if for subsections (1) to (3) there were substituted—
- “(1) A person who makes an application for an operator’s licence must immediately notify the traffic commissioner if, in the interval between the making of the application and the date on which it is disposed of, there occurs—
- (a) a notifiable conviction (within the meaning given in paragraph 4 of Schedule 2);
 - (b) a notifiable fixed penalty notice (within the meaning given in paragraph 7 of Schedule 2);
 - (c) a prohibition under section 69 or 70 of the Road Traffic Act 1988 in relation to a vehicle the person owned at the time the prohibition was imposed;
 - (d) a change affecting any information given to the commissioner under section 8(4).
- (2) A person who knowingly fails to comply with subsection (1) is—
- (a) guilty of an offence, and
 - (b) liable on summary conviction to a fine not exceeding level 4 on the standard scale.”.

Cessation of sections 10 and 11 (publication of notice of application for licence)

7. Sections 10 and 11 of the 1995 Act have no effect.

Cessation of sections 12 and 14 (objections to operators’ licences)

8. Sections 12 and 14 of the 1995 Act have no effect.

Substitution of section 13 (determination of applications for operators’ licences)

9. The 1995 Act has effect as if for section 13 there were substituted—

“Determination of applications for operators’ licences

13. On an application for an operator’s licence a traffic commissioner must consider whether the applicant is a fit and proper person to hold an operator’s licence having had regard to any—

- (a) previous known conduct of the applicant in respect of the use and operation of motor vehicles, whether in the United Kingdom or elsewhere;

(1) 1988 c. 52.

- (b) notifiable conviction, notifiable fixed penalty notice or prohibition required to be disclosed under section 8(3);
- (c) notifiable conviction, notifiable fixed penalty notice or prohibition required to be notified under section 9(1);
- (d) information given to the commissioner under section 8(4) and any change to that information notified under section 9(1).”.

Cessation of sections 13A to 13D (requirements for operators’ licences)

10. Sections 13A to 13D of the 1995 Act have no effect.

Substitution of section 15 (issue of operators’ licences)

11. The 1995 Act has effect as if for section 15 there were substituted—

“Issue of operators’ licences

15.—(1) A traffic commissioner may issue an operator’s licence in terms that differ from the terms applied for in any of the following respects—

- (a) more or fewer motor vehicles are specified in the licence;
 - (b) different motor vehicles are specified in it;
 - (c) it includes a provision such as is mentioned in section 5(2);
 - (d) it includes a provision such as is mentioned in section 6(1)(b);
 - (e) a higher or lower maximum number for trailers is specified in it under section 6(1).
- (2) A statement must appear on the face of every operator’s licence indicating—
- (a) whether it is a standard licence or a restricted licence, and
 - (b) that it covers international transport operations only.”.

Modifications to section 16 (duration of operators’ licences)

12. Section 16 of the 1995 Act has effect as if—

- (a) for subsection (2) there were substituted—

“(2) The holder of an operator’s licence may at any time terminate the licence by notifying a traffic commissioner of its termination.”;
- (b) subsections (3) and (4) were omitted.

Substitution of section 17 (variation of operators’ licences)

13. The 1995 Act has effect as if for section 17 there were substituted—

“Variation of operators’ licences

17.—(1) The holder of an operator’s licence may apply to a traffic commissioner for a licence to cease to specify a vehicle (“the replaced vehicle”) and to specify another similar vehicle (“the replacement vehicle”).

(2) A person applying for a variation under subsection (1) must give to the traffic commissioner such information, in such form, as the commissioner may reasonably require for disposing of the application.

(3) If the traffic commissioner grants the application, the commissioner must direct that the licence—

- (a) specify the replacement vehicle, and
- (b) cease specifying the replaced vehicle.”.

Cessation of sections 18 to 20 (further provisions relating to variation of heavy goods vehicles licences)

14. Sections 18, 19 and 20 of the 1995 Act have no effect.

Cessation of sections 21 and 23 (conditions attached to heavy goods vehicle licences)

15. Sections 21 and 23 of the 1995 Act have no effect.

Substitution of section 22 (conditions attached to operators’ licences as to matters required to be notified to traffic commissioner)

16. The 1995 Act has effect as if for section 22 there were substituted—

“Conditions as to matters required to be notified to traffic commissioner

22.—(1) On issuing an operator’s licence, a traffic commissioner may attach to the licence such conditions as the commissioner thinks fit for requiring the holder to inform a traffic commissioner of any event of a kind referred to in subsection (2), and to do so within 28 days of the event.

(2) The kind of event is one which is—

- (a) specified in the conditions which affect the licence-holder, and
- (b) relevant to the exercise of any powers of a traffic commissioner in relation to the licence.”.

Cessation of sections 24 and 25 (interim operators’ licences and interim variations)

17. Sections 24 and 25 of the 1995 Act have no effect.

Substitution of section 26 (revocation, suspension and curtailment of operators’ licences)

18. The 1995 Act has effect as if for section 26 there were substituted—

“Revocation, suspension and curtailment of operators’ licences

26.—(1) A traffic commissioner may, subject to section 29, direct that an operator’s licence be revoked, suspended or curtailed on the grounds that—

- (a) the licence-holder has contravened any condition attached to the licence;
- (b) during the five years ending with the date on which the direction is given there has been—
 - (i) a conviction of the licence-holder of one or more notifiable convictions (within the meaning of paragraph 4 of Schedule 2),
 - (ii) a notifiable fixed penalty notice (within the meaning given in paragraph 7 of Schedule 2), or

- (iii) a prohibition under section 69 or 70 of the Road Traffic Act 1988 in relation to a vehicle which the licence-holder owned at the time the prohibition was imposed;
- (c) since the licence was issued or varied the commissioner has learned that—
 - (i) a statement of fact of the licence-holder made for the purposes of an application for the licence or an application for the variation of the licence was false, or
 - (ii) a statement of expectation of the licence-holder made for those purposes has not been fulfilled.
- (2) In this Act references to directing that an operator's licence be curtailed are references to directing, with effect for the remainder of the duration of the licence or for any shorter period—
 - (a) that one or more of the vehicles specified in the licence be removed from it;
 - (b) that a provision such as is mentioned in section 5(2) or 6(1) or (2)(b) be included in the licence.
- (3) Where a direction suspending or curtailing a licence has been given under subsection (1), a traffic commissioner may at any time—
 - (a) cancel the direction, or
 - (b) with the consent of the licence-holder, vary the direction.
- (4) Where an operator's licence is suspended under this section, the licence remains in force during the time of its suspension subject to the limitation that no vehicles are authorised to be used under it.”.

Cessation of section 27 (revocation of standard licences)

19. Section 27 of the 1995 Act has no effect.

Modifications to section 28 (disqualification)

- 20.—(1) Section 28 of the 1995 Act has effect as if—
- (a) for subsection (1) there were substituted—
 - “(1) If under section 26(1) a traffic commissioner directs that an operator's licence be revoked, the commissioner may order the person who was the holder of the licence to be disqualified from holding or obtaining an operator's licence—
 - (a) indefinitely, or
 - (b) for such period as the commissioner thinks fit.”;
 - (b) subsection (3) were omitted.

Modifications to section 29 (revocation and disqualification etc: supplementary provisions)

21. Section 29 of the 1995 Act has effect as if—
- (a) in subsection (1)—
 - (i) for paragraph (a) there were substituted—
 - “(a) give a direction under section 26(1) in respect of any licence, or”;
 - (ii) paragraph (b) were omitted;

- (b) in subsection (2)—
 - (i) for paragraph (a) there were substituted—
 - “(a) section 26(1), or”;
 - (ii) paragraph (b) were omitted.

Cessation of sections 30 to 34 (provisions relating to operating centres)

22. Sections 30 to 34 of the 1995 Act have no effect.

Modification to section 37 (rights of appeal in connection with operator’s licences)

23. Section 37 of the 1995 Act has effect as if—
 - (a) in subsection (2) for “section 5(9), 26(1) or (2), 27(1), 31 or 32” there were substituted “section 5(9) or 26(1)”;
 - (b) subsection (3) were omitted.

Cessation of section 40 (inspection of maintenance facilities)

24. Section 40 of the 1995 Act has no effect.

Cessation of sections 44 and 49 (miscellaneous provisions)

25. Sections 44 and 49 of the 1995 Act have no effect.

Modification to section 51 (time for bringing proceedings)

26. Section 51 of the 1995 Act has effect as if for “9(3)(a) or (b)” there were substituted “9(2)”.

PART 2

Modification of these Regulations

Modifications to Part 2 (applications)

- 27.—(1) Regulation 4 (manner of making applications) has effect as if for paragraph (c) there were substituted—
 - “(c) if made for the issue of a licence, state whether it relates to a standard licence or a restricted licence.”.
- (2) Regulation 7 (notice of applications) has no effect.
- (3) Regulation 9 (inspection of applications) has effect as if paragraphs (1) and (3) were omitted and the heading is to be read as “Inspection of licences”.

Cessation of Part 3 (objections and representations)

28. Part 3 has no effect.

Cessation of Part 4 (operating centres)

29. Part 4 has no effect.

Modifications to Part 6 (applications and decisions)

30.—(1) Regulation 21 (statement to be issued by the traffic commissioner) has effect as if for paragraph (1) there were substituted—

“(1) A traffic commissioner must publish as occasion may require a statement known as “Applications and Decisions”.

(1A) The statement must contain, unless previously notified—

- (a) any direction given under section 26 to revoke, suspend or curtail a licence;
- (b) in relation to inquiries—
 - (i) the dates on which, and the places at which, the inquiries are proposed to be held, and
 - (ii) decisions on applications.”.

(2) Regulation 22 has effect as if—

- (a) in paragraph (1)—
 - (i) in the words before sub-paragraph (a) for “Articles 6.2(a) and” there were substituted “Article”;
 - (ii) sub-paragraphs (b) and (c) were omitted;
- (b) paragraph (2)(b) were omitted;
- (c) paragraph (3) were omitted.

Modifications to Part 7 (other matters)

31.—(1) Regulation 23 (identification of motor vehicles) has effect as if—

(a) for paragraph (2) there were substituted—

“(2) The disc shall clearly indicate, by colour or other means—

- (a) whether a vehicle is being used under a standard licence or under a restricted licence,
- (b) that the vehicle may not be used for national transport operations, and
- (c) the date on which the disc expires.”;

(b) paragraphs (5) and (6) were omitted.

(2) Regulation 26 (production of licence for examination) has effect as if for paragraph (1) there were substituted—

“(1) If requested by an officer or a police constable, the holder of an operator’s licence must produce the licence for inspection at a place specified by the officer or police constable.”.

(3) Regulation 28 (return of licences and discs) has effect as if—

- (a) paragraphs (2) and (5) were omitted;
- (b) in paragraph (3) “, or if a traffic commissioner has given a direction in respect of a licence under section 26(2),” were omitted.

(4) Regulation 29 (partnerships) has effect as if paragraphs (1), (3), (4), (5), (7) and (12) were omitted.

(5) Regulation 30 (holding companies and subsidiaries) has effect as if—

- (a) in sub-paragraph (1)(b) for “section 17(1)(a)” there were substituted “section 17(3)(a)”;
- (b) in sub-paragraph (2) for “section 17(1)(b)” there were substituted “section 17(3)(b)”;
- (c) sub-paragraph (5) were omitted.

- (6) Regulation 31 (continuance of licence on death, bankruptcy etc) has no effect.
- (7) Regulation 32 (offences) has effect as if “, 28(2)” were omitted.
- (8) Regulation 33 (classes of vehicle for which a licence is not required) has effect as if, in paragraph (2), for the words “on a plate affixed to the vehicle by virtue of regulation 66 of those Regulations” there were substituted “in accordance with the law of the country in which the international operator has an effective and stable establishment”.

Modification to Schedule 2

32. Paragraph 2 of Schedule 2 has effect as if—

- (a) sub-paragraphs (h), (i), (j) and (l) were omitted;
- (b) in sub-paragraph (k) for “(a), (b), (d), (e), (g) and (h)” there were substituted “(a) and (c)”;
- (c) for sub-paragraph (m) there were substituted—
 - “(m) in section 26(1)(b) the references to the licence-holder included references to the subsidiary, and as if the reference in sub-paragraph (iii) to a vehicle which the licence holder owned included a reference to a vehicle which the subsidiary owned.”.