

# Goods Vehicle Operator Licensing

Guide for Operators



GUIDE

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### Disclaimer

This publication gives general guidance only and should not be regarded as a complete or authoritative statement of the law and does not provide legal advice. If you need independent advice about operator licensing you should either seek independent legal advice or contact the FTA or RHA. Please note that Northern Ireland and the Isle of Man are covered by separate licensing systems and so are not dealt with here.

If you need more information, please contact the Contact Centre on **0300 123 9000**. All forms referred to in this guide are available from **[www.dft.gov.uk/vosa](http://www.dft.gov.uk/vosa)**.

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# Introduction

This guide has been produced to give an overview of how the licensing system works for operators of heavy goods vehicles (HGVs). Written with the support of the traffic commissioners and industry associations, the guide is intended to help both new and existing operators understand the core requirements of the operator licensing system.

It is produced to give a general overview and to point operators and other interested parties in the direction of more comprehensive guidance as required; it is therefore not a legal document.

This guide is concerned with goods vehicle operator licensing only.

If you are a new operator, you will find this guide useful for advice on the operator licensing procedures and where more information is available on the legal requirements and undertakings you will be required to meet. If you are an experienced and established operator, it will help you to find further information to refresh your understanding of operator licensing.

**If you need further help with applying for a licence or with any other aspect of the operator licensing system, our staff are here to help – just phone the Contact Centre on 0300 123 9000. You can also download copies of all the guides at [www.dft.gov.uk/vosa](http://www.dft.gov.uk/vosa).**



**Take note:** Neither the traffic commissioners nor the Department for Transport can provide legal advice to operators. If you are unsure as to whether you are compliant with the law, you should seek independent legal advice or take advice from the RHA or FTA (see Annex 2 for their contact details). For details of the law please refer to Annex 1 for reference. All applications for operators' licences are made to the traffic commissioner and are processed through the Central Licensing Office. However, the country

is divided into eight different traffic areas, each with its own traffic commissioner who can make the final decisions on applications. Details of the traffic area boundaries and how to contact your traffic area can be found at Annex 2.

## Purpose of Operator Licensing

The main purpose of goods vehicle operator licensing is to ensure the safe and proper use of goods vehicles and to protect the environment around operating centres. The licensing provisions can be found in the Goods Vehicles (Licensing of Operators) Act 1995 (the Act), the Goods Vehicles (Licensing of Operators) Regulations 1995, the Road Transport Operator Regulations 2011, and the Goods Vehicles (Licensing of Operators) (Fees) Regulations.

## Central Licensing Office

Applications are made to the traffic commissioner and will be processed at:

✉ Central Licensing Office  
Hillcrest House  
386 Harehills Lane  
Leeds, LS9 6NF

📞 0300 123 9000

✉ [self.service@vosa.gov.uk](mailto:self.service@vosa.gov.uk)

## Role of Traffic Commissioners and the Office of the Traffic Commissioners

The operator licensing system in Great Britain is divided into eight traffic areas. A traffic commissioner is responsible for issuing these licences in each traffic area. They will consider and grant a licence on the basis of the undertakings given by the applicant and they are entitled to expect the operator to comply with those undertakings during the life of the

licence. Traffic commissioners are appointed by the Secretary of State for Transport and are independent from VOSA and other enforcement authorities.

In Great Britain, the traffic commissioners are regulators of the road transport industry. Their function is to ensure that only safe and reliable operators of goods and passenger vehicles are permitted to be licensed. Traffic commissioners may take regulatory action against an operator - where they may revoke, suspend or curtail an operator's licence.

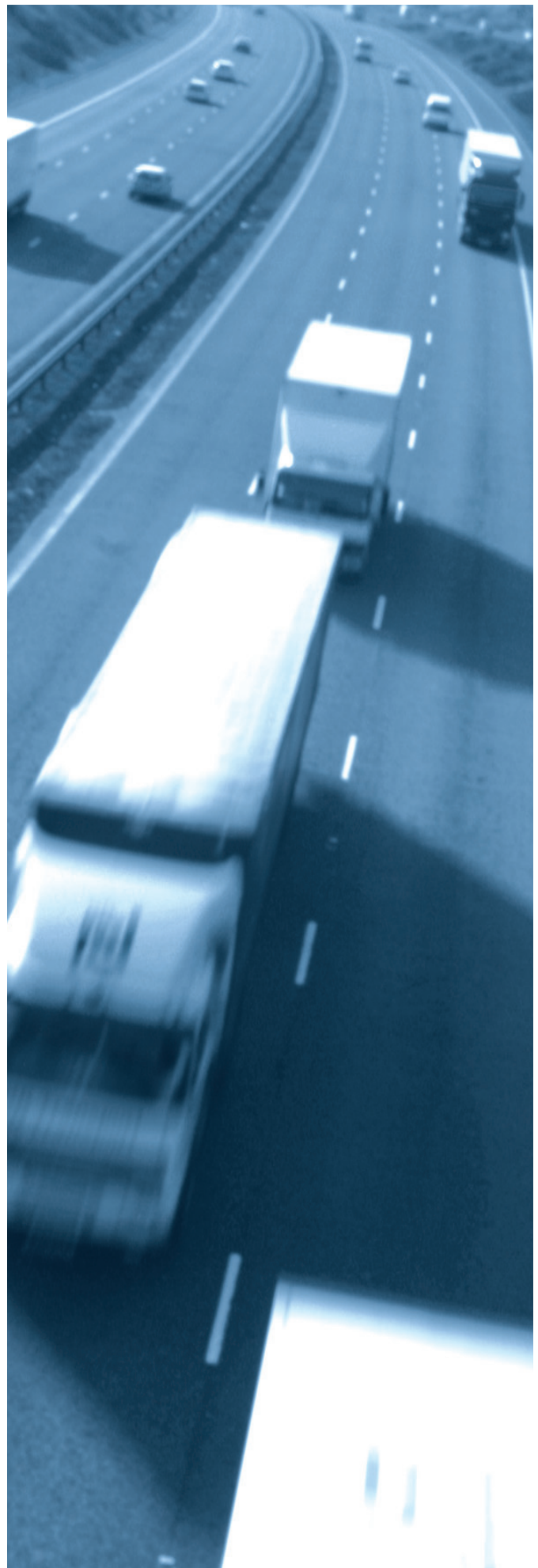
## Role of VOSA

The Vehicle and Operator Services Agency is committed to making our roads safer, cutting crime and protecting the environment by ensuring that operators of heavy goods and passenger vehicles are compliant with legislation relating to matters including drivers' hours, roadworthiness, operator licensing and the safe loading of vehicles. (Please refer to annex 4 for more information on VOSA Examiners).

VOSA also hold the National Register on behalf of the UK Government. This register includes certain operator licensing and transport manager data that is required by EU Regulations to be held centrally. The National Register combines the required information from the various authorities who control the operator licensing system in Great Britain, Northern Ireland and Gibraltar.

## Role of the Department for Transport and the EU

The Secretary of State for Transport is responsible for the overall policy and general direction of the operator licensing regime. This includes the legal requirements of operator licensing and the roles and responsibilities of the traffic commissioners and VOSA. The Secretary of State is also responsible to Parliament for the negotiation and implementation of the European law on operator licensing.





# Section one: Overview of Operator Licensing

## 1. Who needs a goods vehicle operator's licence?



**Take note:** It is an offence to operate a goods vehicle without a valid licence if one is required. You could be liable to prosecution and your vehicle could be impounded.

You will need a goods vehicle operator's licence if you use a goods vehicle of over 3.5 tonnes gross plated weight or (where there is no plated weight) an unladen weight of more than 1,525kg to transport goods for hire or reward or in connection with a trade or business. (In this instance 'goods' means goods or burden of any description).

For a vehicle and trailer combination, generally you will need a goods vehicle operator's licence if the gross plated weights or unladen weights of the vehicle and trailer combined exceed the limits stated above for a single vehicle. (For more information on weight thresholds, see Annex 3).



**Take note:** You will need an operator's licence even if you use a vehicle for one day on a one-off hire. If you are still not sure whether you need a licence, contact **0300 123 9000**.

The operator's licence should be applied for in the name of the person, company or partnership that is the 'user' of the vehicle. You will be considered to be the user of the vehicle if:

- ▶ you are the driver and owner of the vehicle; or
- ▶ it is in your lawful possession under an agreement for hire, hire purchase or loan; or
- ▶ the driver is your employee or agent (i.e. you pay them to drive the vehicle for you).

## Exemptions from goods vehicle operator licensing

### Small trailer exemption

- ▶ A trailer with an unladen weight of less than 1,020kg need not be taken into account in the weight calculation for a vehicle pulling a trailer. It therefore can be ignored for the purposes of adding up total gross weights or unladen weights to determine whether they are above the threshold for requiring an operator's licence.
- ▶ However, this exemption does not apply if you are carrying other people's goods for hire or reward (e.g. working as a courier or freight transport business). In such circumstances, the weight calculation must include any trailer attached (irrespective of the trailer's weight). In this case, if the vehicle and trailer combination exceeds 3.5 tonnes gross plated weight or (where there is no plated weight) an unladen weight of more than 1,525 kg), a standard licence is required.

### Other exemptions from Operator Licensing

Some vehicles do not need an operator's licence. These are:

- ▶ vehicles first used before 1977 that have an unladen weight not exceeding 1,525kg and for which the maximum gross plated weight exceeds 3,500kg (and is less than 3,556.21kg);
- ▶ motor vehicles and their trailers using public roads for less than 9.654km (6 miles) a week, while moving between private premises owned by the same person;
- ▶ vehicles being used under a trade licence (i.e. with trade plates);
- ▶ vehicles constructed or adapted for carrying passengers and their effects (any trailer) and being used for that purpose;
- ▶ vehicles used by, or under the control of, Her Majesty's United Kingdom forces and visiting forces' vehicles;

- ▶ vehicles being used by local authorities for civil defence purposes, or to carry out their functions for the purposes of enactments relating to weights and measures or the sale of food and drugs;
- ▶ vehicles being used by a highway authority for the purpose of section 196 of the Road Traffic Act 1988 (i.e. the provision of weighbridges);
- ▶ vehicles being used for police, fire or ambulance purposes;
- ▶ fire-fighting and rescue vehicles used in mines;
- ▶ Royal National Lifeboat Institution and Coastguard vehicles when used for transporting lifeboats, appliances or crew;
- ▶ vehicles being held ready for use in emergencies by water, electricity, gas and telephone companies;
- ▶ tractors, including agricultural tractors, used for the specific purposes described in Part II of Schedule 3 to the Goods Vehicles (Licensing of Operators) Regulations 1995, within 24.135 km (15 miles) of a farm, forestry or estate;
- ▶ vehicles being used to carry goods within aerodromes;
- ▶ vehicles being used for funerals;
- ▶ uncompleted vehicles on test or trial;
- ▶ vehicles being used for or in connection with (or on their way to) snow clearing or distribution of salt, grit, etc;
- ▶ vehicles on their way to a Department for Transport examination and being presented laden at the request of an Examiner;
- ▶ electric and steam-propelled vehicles;
- ▶ recovery vehicles. Paragraph 3 of the Goods Vehicles (Licensing of Operators) Regulations 1995 states that a recovery vehicle has the same meaning as in Part V of Schedule 1 to the Vehicle Excise and Registration Act 1994 (i.e. a vehicle which is constructed or permanently adapted for any one or more of

the purposes of lifting, towing and transporting a **disabled** vehicle);



**Take note:** The returning of a vehicle to a customer after repair does not constitute the transportation of a disabled vehicle. You will require a standard operator's licence for this.

- ▶ a vehicle with equipment permanently attached to it for the life of that vehicle. Examples of such equipment include permanently fixed machines or appliances. Additionally, the only other goods or burden that such vehicles are allowed to carry are those essential for use in connection with that fixed equipment. As a general rule, loose tools, cooking equipment, foodstuffs, furniture or display units of any kind or other articles that are not a permanent fixture on the vehicle would not constitute goods that are essential for the use of the fixed equipment.
- ▶ tower wagons and any trailers that are transporting goods related to the work carried out by the vehicle;
- ▶ dual-purpose vehicles (e.g. Land Rovers) and their trailers;
- ▶ trailers whose primary purpose is not to carry goods but do so incidentally in connection with the construction, maintenance or repair of roads;
- ▶ road rollers and trailers;
- ▶ showmen's goods vehicles and trailers. (such vehicles should be registered in the name of a person following the business of a travelling showman where he is the sole user of the vehicle for this and for no other purpose);
- ▶ Crown vehicles that are vehicles operated by central government departments (e.g. Home Office, Department for Transport) but not by their external contractors;
- ▶ vehicles permitted to carry out cabotage in the United Kingdom (cabotage is where non-resident carriers from one EU

member state may carry out temporary domestic haulage operations within another member state);

- ▶ vehicles being used for international haulage by operators established in Northern Ireland; and
- ▶ vehicles being used under the provisions of the Goods Vehicles (Operators' Licences) (Temporary Use in Great Britain) Regulations 1980. These Regulations include provision for the use in Great Britain of Northern Ireland vehicles that have an operating centre in Northern Ireland, provided that certain conditions are met. Own account (vehicles used for your own purposes and not for hire or reward, for example restricted operators) and hire and reward operations are covered by the exemption.



**Take note:** These explanations are not definitive legal advice and provide a summary only. For definitive information, please refer to Schedule 3 to the Goods Vehicles (Licensing of Operators) Regulations 1995.

The exemptions from HGV operator licensing may be amended by future legislation. The Department for Transport and VOSA will ensure that any proposed changes are fully publicised.

## 2. Types of licence

There are three types of goods vehicle operator's licences. They are:

- ▶ **standard international licence** for national and international haulage operations;
- ▶ **standard national licence** for national haulage operations only; and
- ▶ **restricted licence** for the carriage of goods on the the licence holder's own account in connection with their business. (The term "own account" is described in more detail under the heading "Restricted Licence" below).

### Standard international licence

A standard international licence allows you to carry your own goods, and goods for other people for hire or reward, both in Great Britain and on international journeys. Operators who are issued with standard international licences will also receive Community Licences. These are required for all hire or reward operations in, or through EU countries and are documents required to be carried on the vehicle at such times. (Further information about Community Licences is provided below).

To get a standard international licence, you and your transport manager must each satisfy the requirement of good repute and professional competence. (See section 4 on transport managers).



**Take note:** Community Authorisations will not cover you for journeys to non-EU countries, where you might require special permission to travel. You can find more information in section 4 below.

### Standard national licence

A standard national licence allows you to carry your own goods on your own account, or other people's goods for hire or reward, in Great Britain and to carry **your own** goods on your own account abroad. This will allow you to haul loaded trailers to or from ports within Great Britain as long as your vehicle does not actually leave Great Britain.

To get a standard licence, you and your transport manager must be of good repute and satisfy the requirement of professional competence.

### Restricted licence

A restricted licence only allows you to carry your own goods on your own account within Great Britain and the EU. You do not have to satisfy the requirement of professional competence to get a restricted licence and the rates of financial standing may be less. However, you should obey the same rules as for a standard licence.



The term “own account” is essentially described in European legislation as where:

- ▶ the goods carried are the property of the undertaking or have been sold, bought, let out on hire or hired, produced, extracted, processed or repaired by it;
- ▶ the purpose of the journey is to carry the goods to or from the undertaking or to move them for its own requirements;
- ▶ vehicles are driven by personnel employed by, or put at the disposal of, the undertaking under a contractual obligation;
- ▶ the vehicles carrying the goods are owned by the undertaking, have been bought by it on deferred terms or have been hired in line with European legislation; and
- ▶ the carriage is no more than ancillary to the overall activities of the undertaking.



**Take note:** The carriage of goods for a subsidiary, sister-subsidiary or a holding company is also permitted under a restricted licence, but you must not carry goods for any other organisations for hire or reward. If you do, you could be fined or even lose your licence.

(The rules for standard national and standard international licences will change and details on this will be provided nearer the time).

### 3. Transport Managers

If you are an operator applying for a standard international or standard national licence, you will need to have at least one transport manager who satisfies the requirements of good repute and professional competence. Note: transport managers are not required for restricted licences, but the operator must still meet the good repute requirement and be fit to hold a licence and ensure the transport operations are properly managed. Further information about transport managers is provided in Section 4.



**Take note:** If your transport manager ceases to have responsibility for a business for which you are the licence holder, you must inform a traffic commissioner right away, by writing to the Central Licensing Office.



**Take note:** As the licence holder, you are ultimately responsible for all aspects of your operations. This applies to holders of all licence types.

## 4. Community Licences

### Extra authorisation needed for international journeys in the EU

All hauliers carrying goods for hire or reward within EU countries must have a Community Licence (as well as a standard international operator's licence). Traffic commissioners issue Community Licences automatically and free of charge to all hauliers who are granted a standard international operator's licence. The authorisations are operator specific and are sent out by the Central Licensing Office together with the international licence documents.

The Community Licence consists of:

- ▶ A Community Licence. This must be kept in the operator's main office so that it can be inspected by enforcement authorities.
- ▶ Certified copies of the Licence. These are not vehicle specific, but operators must make sure that each vehicle keeps one of these copies at all times on international journeys. It is an offence not to do so. Enforcement agencies throughout the EU expect drivers to produce the document at any time during an international road haulage journey.

Community Licences are issued for five year periods. Their expiry date is the same as the next five-year continuation date of the operator's licence.

If your Community Licence documents are lost, damaged or stolen, you should contact the Central Licensing Office. If your licence is surrendered or terminated in any way, you must return the Community Licence documents to the Central Licensing Office.

### For more information

You can find more information on international journeys in the guidance 'Taking your lorry or bus abroad'. You will find this under 'Transporting your goods by road' in the International Trade section on [www.businesslink.gov.uk](http://www.businesslink.gov.uk).

### Self Service registration

(For more information on how to register for self service see Annex 5).



## Section two: The application process

### 1. Applying for a licence

To apply for a new licence you will need to complete the GV79 application form and read the associated GV79 (G) guidance notes. You can download this form and guidance from [www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport) or you can get a copy by contacting **0300 123 9000**.

Industry associations (such as the Freight Transport Association or the Road Haulage Association) can also help you prepare your application. You can find their contact details in Annex 2

#### When to apply for a licence

You should apply for a licence at least nine weeks before the date you need it. This allows time for the necessary checks to be made. In straightforward cases, a licence is usually issued within nine weeks.



**Take note:** It is illegal to operate your vehicle before a licence (or interim licence) is issued. You could be liable to prosecution and your vehicle could be impounded.

#### Applying for an interim licence for operation within nine weeks

If you need to start operations within nine weeks, you should ask for an interim licence to be considered as part of your application by completing form Int 1. Please note that you will not be able to apply for an interim licence unless your application is complete.

There is no statutory time limit or expiry date for an interim licence. It will expire when the full licence is granted or if the application for a full licence is either withdrawn or refused. However, a traffic commissioner may only consider issuing you with an interim licence if you have sent in a complete application that meets all the requirements.

You will be charged a fee if your interim licence is granted. You should not send your fee for the interim licence until you are notified that it has been granted. When you have paid the fee, you will be sent a vehicle identity disc that you should display on the windscreen of the relevant vehicle.



**Take note:** Being issued with an interim licence does not guarantee that you will get a full licence. Avoid making long-term plans until you get a firm decision on the full licence you have applied for.

#### Applications and Decisions

A traffic commissioner will also publish details of your application in *Applications and Decisions*. This is a publication that provides notification of details of applications for new operators' licences and variations to existing licences.

*Applications and Decisions* is sent to various organisations, including local authorities, the police and industry associations, all of which have a statutory right to object to your application. The publication is also available on the VOSA website at [www.dft.gov.uk/vosa](http://www.dft.gov.uk/vosa).

#### The number of vehicles you can operate

Your licence authorises you to use a maximum number of motor vehicles and, if applicable, trailers. The number of vehicles you apply for should include the number of vehicles you intend to use straight away as well as extra motor vehicles to cover increases in business or emergencies such as breakdowns.

This is particularly important if you use only a few motor vehicles. The authorisation for these extra vehicles is called 'the margin'. See Section 3 for more information about using vehicles under the margin.



**Take note:** The margin is the number of vehicles authorised minus the number of vehicles you have in your possession, i.e. the margin (space) left on the licence before it is full up. For example: the licence specifies the use of 10 motor vehicles and 10 trailers. You have six motor vehicles and six trailers specified on your licence (for which you have been sent vehicle-specific discs). The margin is therefore four motor vehicles and four trailers.

## How long does a licence last?

Your licence is valid for life unless you:

- ▶ operate outside the terms of your licence and a traffic commissioner takes regulatory action;
- ▶ surrender it; or
- ▶ fail to pay the required fees to keep the licence live.

Certain legal changes to your business will also require you to apply for a new licence (see page 20 for more details).

## Advertising your application

You must advertise your licence application in a local newspaper that circulates in the **locality** of the proposed operating centre. Please refer to form GV79 (and guidance) for full information regarding the advertising requirements. The GV79 contains a blank advertisement form with instructions on how to fill it in.



**Take note:** An operating centre is the place where you normally park your vehicles when they are not in use.

If your application is for several operating centres, you may have to advertise in several different newspapers to make sure you cover all the areas.

## Why you need to advertise your application

Advertising your application gives anyone who owns or occupies a building or land in the area

surrounding your proposed operating centre a chance to raise any concerns or make a representation against your application.

There are also certain bodies, such as police and local authorities, that are able to make a statutory objection to your application.

## Getting your advertisement and timings right

The advertisement you place must be big enough to be easily read, and must appear at least once within the period of 21 days before to 21 days after you make your application. It must contain the exact wording as shown in the application form.

If you are placing advertisements in several different newspapers, each advertisement must appear within 21 days before or after the Central Licensing Office receives your application form.



**Take note:** The date of receipt of the GV79 form and the date of publication of the advertisement must not be more than 21 days of one another. If they are, the application will be ruled 'out of time' and you will need to re-advertise or reapply. (For example, an application received on 1 November by the Central Licensing Office must be advertised between 12 October and 21 November).

When the advertisement is published, you should send a copy of it immediately to the Central Licensing Office. This will reduce the risk of your application being ruled 'out of time'. (It is therefore advisable to send immediately the advertisements, the GV79 form and all other necessary application documents – under the same cover – to the Central Licensing Office, in order to reduce this risk.)

You should send the Central Licensing Office the whole page of the newspaper (containing the name of the newspaper and the date) showing your advertisement. This will allow the Central Licensing Office to check that you have advertised your application correctly.



## Things to remember when advertising an application

If you do not advertise your application correctly your application cannot be considered.

You should also check the following:

- ▶ The numbers of vehicles and trailers applied for on the GV79 form (at each operating centre applied for) are the same as those shown in the advertisement for the centre.
- ▶ The address of the operating centre is correct in the newspaper advertisement and is the same as the one given on the GV79 form.
- ▶ You have included the correct postcode for both the correspondence address and the operating centre(s) in the advertisement.
- ▶ The address for correspondence given in the advertisement is correct.

## 2. Licence requirements

If you are applying for a standard or restricted licence, you must satisfy a traffic commissioner that you:

- ▶ are of good repute and fit to hold a licence;
- ▶ are of appropriate financial standing (i.e. you have enough money to run your business);
- ▶ have good enough facilities (or arrangements) for maintaining your vehicles; and
- ▶ are capable of ensuring that both you and your staff obey all the rules.

### For a standard licence

For a standard licence, there are three other requirements:

- ▶ the applicant must be properly established in Great Britain. 'Established' in this context means have premises

in which the operator keeps their core business documents (i.e personnel, driving and vehicle maintenance records). Therefore, a PO Box or third party address cannot be used for a correspondence on a standard licence;

- ▶ You must also have a transport manager that is of good repute and professionally competent,
- ▶ The licence holder must have "access" to a vehicle. This means that the holder either owns at least one vehicle or has in place a formal contract with a hire company, other operator or other organisation to hire one when needed.



**Take Note:** Licence holders are not required to own or hire a vehicle all the time – e.g. where licences granted for seasonal work or other circumstances where a vehicle is either not permanently owned or operated under the licence. However, in these cases a formal arrangement must be in place to hire or otherwise secure access to a vehicle when one is required. A licence cannot be granted where no vehicles are in possession and no formal hire agreement is in place.

### Good repute

A traffic commissioner will look at any relevant convictions that either you or any of your employees have had in the last five years (for details of what relevant convictions are, see Annex 7). A traffic commissioner may also take into account any other matters that affect your good repute, including those brought up by anyone objecting to your application.

If you do not disclose convictions on your application form or notify the traffic commissioner of any convictions incurred after you have been issued a licence, you will seriously threaten the continuation of your licence and may also be fined by the courts.

Any person who is a nominated transport manager on a standard licence must also meet the good repute requirement.



**Take Note:** From 4 December 2011, it is possible to call the transport manager to a public inquiry and take enforcement action against them in their own right (i.e. independently of the licence holder(s) that employ them). For further information on transport managers and how the good reputation and professional competence requirements apply to them, see section 4.

## Appropriate financial standing

You will need to assure a traffic commissioner that you have enough money to run your business properly. Indication of funds can be in the form of a bank or building society balance (original statements for the three months immediately preceding your application will be required, including evidence of an overdraft facility if one is in place). You can find further guidance on the amount of finance required and other ways in which financial standing can be demonstrated in the application pack or from [www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport), or by contacting **0300 123 9000**



**Take note:** If you are applying for a standard licence, the required amount of available capital and reserves is set out in EU regulations. This amount changes every year on 1 January. Contact **0300 123 9000** to find out the current requirements.

## Facilities (or arrangements) for maintaining your vehicles

You must satisfy a traffic commissioner that your vehicles will be kept in a fit and serviceable condition at all times.

A traffic commissioner will require examples of the forms used for vehicle safety inspections, regardless of whether or not the work is carried out by a garage. They may ask to see copies of any maintenance contracts or letters from a garage if you do not do this work yourself. You can find full advice about the requirements for maintenance arrangements in *The Guide to Maintaining Roadworthiness*, which can be downloaded

from [www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport) or by contacting **0300 123 9000**.

## Ability to obey all the rules

You will need to show a traffic commissioner that you and – for standard licences – your transport manager(s) - have adequate systems in place to make sure you and your staff are able to obey all the rules, particularly covering:

- ▶ speed limits;
- ▶ driver obligations;
- ▶ driver licensing/driver CPC;
- ▶ drivers' hours rules and the Working Time Directive;
- ▶ taxation and insurance of vehicles; and
- ▶ authorised weights.

This means having management structures, monitoring and reporting systems in place that you can use to show a traffic commissioner the extent to which there has been and will be compliance.



**Take note:** You should ensure that your entire fleet of vehicles is kept in a roadworthy condition and keep records for each vehicle to prove this. If a vehicle is off the road, there should be a formal record kept of this fact.

## Operating centres

Your operating centre should provide sufficient off street parking for all your vehicles and trailers.

### Key requirements

When you apply for a licence, you will be asked to list your proposed operating centres and provide information about the vehicles you intend to keep there. You will need to satisfy a traffic commissioner that your operating centres are suitable, for example that they will:

- ▶ be big enough;
- ▶ have safe access; and
- ▶ be in an environmentally acceptable location.

If you do not own the operating centre, you may be asked to provide evidence that you are entitled to use it.

In deciding environmental suitability, a traffic commissioner must, by law, take into account certain factors. You can find a list of these factors in Annex 8.

You will also need to make sure that your proposed operating centre meets the requirements of planning law. If you are unsure about the planning position of your site you should consult your local planning authority.



**Take note:** Authorisation under an operator's licence does not convey any approval under planning law, and likewise approval under planning law is not a pre-condition for the granting of an operator's licence.

If a traffic commissioner requires more information about any of your proposed operating centres (for example if an objection or representation has been received), you may be sent an additional form (GV79E) to complete.

## Established operating centres

There are safeguards for established operating centres. In certain circumstances a traffic commissioner may not refuse an application on environmental grounds (other than for parking). If any of the operating centres you propose to use are currently on another operator's licence and are being transferred to your licence, then these provisions may apply to you.

Established operating centres are also subject to review by the traffic commissioner. However, there are restrictions on action that can be taken against operating centres at the time of review (see page 21).

## Special provision for the transfer of operating centres

There are some circumstances where you may not need to advertise your application

for a licence (or variation to an existing one) – for example if you are simply transferring an operating centre, currently on another operator's licence, to your licence.

This is provided that:

- ▶ the other operator is giving up his use of that operating centre; and
- ▶ you are prepared to use it on the same terms as the existing licence holder.

This is provided for under Schedule 4 to the Goods Vehicles (Licensing of Operators) Act 1995, subject to the following conditions:

- ▶ The operating centre(s) being transferred must be specified on a current and valid licence (but not on more than one – see below) on the date the application is made, and the operating centre(s) will be removed from that licence when the application is granted.
- ▶ The application may specify only up to the total number of vehicles already specified at the operating centre(s) of the 'donor' licence.
- ▶ Any conditions that apply to the operating centre(s) concerned are transferred with it, and any undertakings must be repeated by the new operator. Conditions and undertakings cannot be amended at the time of application.
- ▶ The site of the operating centres should not be shared with another operator licence holder.

Approval of Schedule 4 will be at the discretion of a traffic commissioner. For example, where an address has a history of objections and representations, a traffic commissioner may not agree to Schedule 4.



**Take note:** If you wish to use the Schedule 4 procedure, you are strongly advised to contact the Central Licensing Office prior to making the application. You need a GV72 form to apply for Schedule 4 transfer. This can be obtained by contacting **0300 123 9000**.

### 3. Objections and representations

For further information on this, our guide “*A Guide to Making Representations, Objections and Complaints*” is available on:

[www.dft.gov.uk/vosa](http://www.dft.gov.uk/vosa).

### 4. Public inquiries

A traffic commissioner will decide if it is necessary to hold a public inquiry.

If a public inquiry is to be held, written notice (of no less than 21 days) of the inquiry and where it will be held will be sent to you and to any other affected parties. Public inquiries are usually held on a weekday and may take place either at a traffic commissioner’s office or somewhere near the operating centre.

Notice of a public inquiry will also be published in *Applications and Decisions*. However, a traffic commissioner can postpone or cancel the inquiry at any time.

An inquiry will be held in public but a traffic commissioner can stop the public (including, for example, potential competitors) from attending the parts of the inquiry where financial or other sensitive information is given.

It is up to the traffic commissioner concerned to decide how to run the public inquiry. However, he must give the applicant, and any objectors and representors, an opportunity to present their cases.

The procedure will be explained at the start of the inquiry, which will be informal. A traffic commissioner, after hearing from the applicant, objectors and representors will make his decision based on the following:

- ▶ **Evidence:** Anyone putting forward facts at the inquiry must be able to prove them. Often the best way to do this is to get someone who has first-hand knowledge to appear and state those facts. Anyone who gives evidence in this way (whether

he or she is the applicant, an objector, a representor, or a witness for any of these people) can then be asked questions by the other parties and by a traffic commissioner. Any evidence that is not relevant to the case will not be considered.

- ▶ **Documents:** If you are going to present documents or photographs at the inquiry, it is useful to provide several copies to avoid taking up time by passing them around.

#### What happens at public inquiries

Before the inquiry begins, the inquiry clerk will make a note of all the people who wish to speak (so be sure to report to the clerk as soon as you arrive at the inquiry if you hope to put your case forward).

A traffic commissioner will then enter the room. The inquiry clerk will announce the case by giving the name and address of the applicant, brief details of the application (i.e. the type of licence applied for and the number of vehicles involved) and the names of anyone who will be representing the applicant or giving evidence on his or her behalf.

The clerk will also name any objectors and representors present, and anyone representing them.

The inquiry might then proceed in the following way:

#### Step 1:

A traffic commissioner will deal with preliminary matters, such as whether objections or representations are valid and should be heard.

#### Step 2:

The applicant (or his/her representative) will be invited to outline his application and will be questioned about it.



**Step 3:**

A traffic commissioner will invite the objectors and/or the representors (or people appearing on their behalf) to present their cases in general terms.

**Step 4:**

A traffic commissioner will then call the objectors, representors and the applicant (usually in that order), or their representatives, to present their cases in detail.

The points they make may in turn be questioned by any of the other parties and by a traffic commissioner.

**Step 5:**

During the proceedings, a traffic commissioner might ask the applicant about the effect that conditions imposed in the licence might have on the business.

**Step 6:**

A traffic commissioner will then invite the objectors, representors and the applicant to sum up the cases they have presented. No new facts can be introduced at this stage.

**Finally**, a traffic commissioner will consider all the evidence presented at the inquiry and either announce the decision straight away or give it in writing at a later date.

## Your part in the inquiry proceedings

Inquiries held by a traffic commissioner are not as formal as in a court of law, but they do follow the same basic pattern. You do not have to bring a legal or professional representative with you. However, as a traffic commissioner's decision could have serious repercussions for your business, you should consider whether a representative could help you to prepare and present your case.



**Take note:** You must read the call-up papers carefully. If you are asked to provide information by a set date, you must do so.

At an inquiry, a traffic commissioner will first briefly summarise its purpose. If the inquiry is to consider an application for a licence, a traffic commissioner will ask you questions and may also ask any witnesses (e.g. a Vehicle or Traffic Examiner – see Annex 4 for their powers) to give a report before making a decision. You will be able to ask the witnesses questions and answer any points that are made.

If there is a representor or objector to the application (a resident, the local authority or the police), then a traffic commissioner will probably ask them to explain the grounds for their opposition. You or your representative will then be able to cross-examine the representor or objector, who in turn will be able to cross-examine you.

A traffic commissioner will give a decision only after hearing both sides of the argument. A traffic commissioner may also, at his or her discretion, allow other people who do not have a right to object (but who have relevant things to say about the application) to make their points at the inquiry. If this happens, you can ask them questions and reply to any points they make.

If a traffic commissioner has called the inquiry to consider taking regulatory action against your licence and/or your transport manager(s), the Vehicle Examiner, Traffic Examiner or anyone else who has supplied evidence will probably be asked to present evidence in person at the inquiry. You will be able to put questions to any witnesses.

A traffic commissioner will also ask you questions, and you will always have the right to answer them before a decision is made.

When a traffic commissioner is considering whether you satisfy the requirements of financial standing, a financial assessor may be asked to sit in the inquiry and examine



any evidence that you present. The financial assessor may also ask you questions during the inquiry and a traffic commissioner will consult the assessor before making a decision.



**Take note:** You will normally be able to operate under an existing licence until the appeal is heard.

## 5. Refusal of applications

### Your right of appeal

If your application is refused or if the licence is granted with conditions on it that you think are unacceptable, you have a right of appeal to the Administrative Appeals Chamber of the Upper Tribunal, Traffic Commissioner Appeals ('the Tribunal'). Details are available from the Tribunal (see the address Annex 1 or visit [www.administrativeappeals.tribunals.gov.uk](http://www.administrativeappeals.tribunals.gov.uk)). The Tribunal will call you to a hearing, and if your appeal is successful it will order a traffic

commissioner to grant you a licence or change the conditions on it.

Alternatively, the Tribunal may refer your application back to a traffic commissioner for reconsideration.

### Who can appeal against your application?

Where a statutory objector (e.g. the police or the local authority) objected to your application, they can appeal to the Tribunal against a traffic commissioner's decision to grant you a licence, but nobody else has right of appeal.

Where this is the case, you will be able to operate under your new licence until the appeal is heard.

(If local representors wish to appeal against the granting of the licence, the only course of action open to them is to seek a judicial review.)

## Section three: How to comply with your licence

### 1. If your licence is granted

A traffic commissioner will inform you if your application has been granted and will request the appropriate fee. Once the fee has been received, your licence and (if you have specified a vehicle) vehicle-specific discs will be sent to you.

#### The licence will include:

- ▶ the operator's name;
- ▶ the type of licence;
- ▶ the maximum number of vehicles you can operate under it;
- ▶ the number of vehicles/trailers that have been authorised;
- ▶ any conditions attached to the licence; and
- ▶ any undertakings that are relevant to the granting of the licence.

If you provide us with the vehicle registration mark, you will also receive an identity disc for each specified motor vehicle. Each disc will show the licence type, the licence holder's name and number, the vehicle registration mark and the date the disc expires.

#### How long will your licence last?

Under the continuous licensing system, once granted, your licence will continue to remain in force. This will change, however, if you operate outside the terms of your licence, or if you do not pay the necessary continuation fee when required to do so.

Every five years we will aim to contact you prior to renewal of your licence to confirm a summary of information held on your record is correct and to ask you to pay the fee required at that time.

The onus is on the operator to ensure their licence is continued before the expiry date as indicated on their licence document and/or vehicle disc(s). Failure to do so will result

in the licence being terminated. If you have received no contact two weeks before the expiry date, please urgently contact **0300 123 9000**.



**Take note:** It is your responsibility to pay all your fees on time and failure to do so will automatically terminate your licence. You will have to stop operating and apply for a new licence.

#### Using your disc correctly

The vehicle discs that you are sent when your licence is granted must be displayed on the windscreen of the vehicle to which it belongs, and not used on any other vehicle. The disc should be displayed from inside the vehicle – normally adjacent to the Vehicle Excise Duty disc – so that it can easily be read from outside the vehicle.



**Take note:** It is an offence to write on or alter an operator's licence disc in any way.

#### Lost, stolen or damaged discs

If your vehicle discs are lost or stolen, inform us immediately in writing and you will be issued with a replacement.

If the writing on a disc has faded so that it cannot be read, or the disc has been damaged, it should be returned to the Central Licensing Office (giving details of the operator's licence number and the vehicle registration mark). A replacement disc will be issued free of charge.

### 2. Making changes to your licence



**Take note:** You can make many changes to your licence online using the operator self service system, at:

[www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport)



Self-service is the recommended option for making changes to your licence. (For further information on how to register for the self-service system, see Annex 5).

### “Non-chargeable” variations

You can add additional vehicles to your licence at any time by recording their registration number on the vehicle list – how to do this is explained in the next section. However, when your licence is first issued, it will specify the maximum number of motor vehicles and trailers that can be operated under the licence. You can only add additional vehicles up to that maximum.

You do not need to pay anything to add additional vehicles to or remove existing ones from your licence. This is called a ‘non-chargeable variation’.



**Take note:** When you operate a new vehicle under your licence, you must record its registration mark against your licence within one month of it coming into your lawful possession. Your vehicle ceases to be authorised if you do not specify the vehicle registration mark on the operator’s licence within the month – you will, in effect, be operating it illegally.

### Removing or adding vehicles to your licence

#### Removing a vehicle

If you wish to remove a vehicle listed on your licence, you can use the online self-service system (see below). Alternatively, you can complete form GV80. In both cases, you must notify us immediately.

#### Adding a vehicle

There are different ways to add a vehicle to your licence, depending on whether you are registered for operator self-service or not. However, self service is the recommended option – because it is the fastest way to make changes to your licence. Therefore, we recommend that you make an effort to register and use it.

#### If you are registered for operator self service, you must:

- ▶ log on to operator self-service at [www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport);
- ▶ click on the ‘Remove/add vehicles’ option in the left-hand menu; and
- ▶ follow the on-screen instructions to remove any vehicles from your licence before adding new ones.

#### If you are not registered for operator self service, you must:

- ▶ send a completed GV80 listing the registration numbers of the vehicles to be taken off and those to be added on; and
- ▶ return the discs for removed vehicles and the GV79A vehicle list with the GV80 to the Central Licensing Office. If preferred, you may destroy these documents, indicating in your signed declaration that you have done so.

New licence documents will then be issued. Discs for added vehicles will also be sent to you.



**Take note:** This type of change – where you are adding vehicles within your authorised limit – does not have to be advertised by you, or published by a traffic commissioner.

### Making a “chargeable” variation to your licence

If you wish to:

- ▶ increase your vehicle authorisation;
- ▶ add a completely new operating centre to your licence;
- ▶ remove an existing operating centre from your licence; or
- ▶ make changes to the way in which you use an operating centre that is specified on your licence

– you will need to make a chargeable variation to your licence.



To do this, you must complete form GV81 and send it with an application fee to a traffic commissioner at the Central Licensing Office. This must be done at least nine weeks before you need the extra vehicles or you change your operating centre.

Neither additional vehicles nor additional operating centres can be used until the application has been granted and the varied licence issued, unless an interim direction has been granted.



**Take note:** If your new operating centre is in a different traffic area, you will need to apply for a new licence in that area.

**You can find details of current fee levels at [www.dft.gov.uk/vosa](http://www.dft.gov.uk/vosa).**

As with your original application for a licence, a traffic commissioner will publish details of your variation application in the publication *Applications and Decisions* and you must also advertise your application in a newspaper circulating in the vicinity of your operating centre. The GV81 application form contains a blank advertisement form with instructions on how to fill it in.



**Take note:** You will have to pay a fee to make a variation application and it will be open to objections and representations. If you are applying for extra vehicles, you will be issued with vehicle identity disc(s) only after the variation has been granted and you have specified the additional vehicles on the licence.

## Upgrading the type of licence

If required, you can change the licence you hold from, for example, restricted to standard national, or from standard national to standard international. To do this you must apply to the Central Licensing Office on form GV80A at least nine weeks before you require the change to happen.

As before, proof of professional competence, good repute and financial standing will have to

be provided if you want to change to a standard national or standard international licence.

A traffic commissioner must publish applications to upgrade licences (e.g. those from restricted to standard) in *Applications and Decisions*. This will enable your application to be open to objection by statutory objectors (i.e. those that have a right in law to do so - such as local authorities and the police).

However, you do not have to advertise these applications in a local newspaper, even though they are variations to your licence.

If the changes you request are granted, you will not be charged a fee but all your licence documents and vehicle discs have to be returned so that your documents can be amended.

The change in licence type does not take effect until the application has been granted and the varied licence issued, unless an interim direction has been granted.

## Applying for an interim authority for operation within nine weeks

If you need to use your new vehicles or operating centre within nine weeks, you should request an interim authority (known as a direction) as part of your application.

If your application is complete, a traffic commissioner may grant an interim direction that will allow you to operate in the way you have applied for while your application to vary your licence is being considered.

When applying for an interim direction, it is advisable to enclose your written request (on form Int 1), under the same cover as your application documents.

If the interim direction is given for an increase in authorisation or a new operating centre, documents will be issued on payment of the relevant fee. You should not send your fee as part of your application, as you will only be charged if your interim is granted (please note: there is no fee payable for upgrades).

There is no statutory time limit or expiry date for an interim direction. It will expire either when the variation is granted or if the application is withdrawn or refused.



**Take note:** Being issued with an interim direction does not guarantee that you will get the increase in authorisation or the upgrade you have applied for. Avoid making long-term plans until you get a firm decision on the variation application.

### Refusal of applications to vary a licence

If your application to vary your licence is refused, you have the same right of appeal to the Administrative Appeals Chamber of the Upper Tribunal Traffic Commissioner Appeals 'the Tribunal' as you would do with an initial application. See page 16 for more information.

## 3. Changes in your circumstances

You must notify a traffic commissioner in writing within 28 days (by contacting the Central Licensing Office) of any of the following changes:

1. Any change in legal entity in your business, for example:
  - ▶ if you change from being a sole trader or partnership into a limited company; or
  - ▶ if the structure of a limited company changes, resulting in a change of registered company number; or
  - ▶ material change in the company such as a change of name, directors or share holding.
2. If any of the people named on the licence dies.
3. If any of the people involved in the management of the company faces personal or company bankruptcy, liquidation or a similar situation.

4. If a relevant person (for example the licence holder) becomes sectioned under the Mental Health Act, or; (in Scotland), when a representative has been appointed by a court for the reason of the mental incapacity of that person.

When one of the changes noted in 2, 3 and 4 above happens, the licence will normally terminate automatically unless a traffic commissioner specially allows it to continue for a specified period. At the request of the operator (or, in the case of bankruptcy, the receivers), a traffic commissioner may, in the case of restricted licence holders, grant an extension of up to 12 months or (where it appears to a traffic commissioner that there are exceptional circumstances) 18 months. However, these extension periods are lower for standard licence holders.

5. Notification of a change of transport manager(s) should be made on form GV80A. You must also enclose the professional competence certificates for any new transport manager and form TM1 which can be obtained from the Central Licensing Office.
6. Any change of partners within a partnership firm. In some cases you may need to apply for a new licence.
7. Any relevant convictions or accepted fixed penalties of yourself, your transport manager, officers, employees or agents (see Annex 11).
8. Any change in the address for correspondence that you gave on your original application.
9. Any change in the address of your operating centre(s).
10. Any other changes that a traffic commissioner may have required you to report as a condition of granting your licence.



**Take note:** Goods vehicle operators' licences are not transferable. Therefore, it is against the law to operate as a new or different entity without informing a traffic commissioner. A new licence for the new entity must be obtained before operating.

## 4. Rules relating to holding companies and subsidiaries



**Take note:** The brief information in this section does not cover every case relating to this topic. If you have a specific problem that is not covered here, you should seek further advice. For example, consult an industry association or a professional adviser for help.

If a holding company is applying for an operator's licence, it can include the vehicles of any named subsidiary of which it owns more than 50%.

If a licence is granted in the name of a holding company and that company later acquires a subsidiary, the subsidiary's vehicles can be added to the holding company's licence.

Adding these vehicles to the licence may involve a change in the holding company's licence and the Central Licensing Office should be contacted for advice. An application will have to be made to a traffic commissioner, using form GV81, if an increase in authorisation is needed to accommodate these vehicles.

## 5. Complaints about an operating centre and non-compliance

(You can find additional information on this in our booklet *A Guide to Making Representations, Objections and Complaints* available on [www.dft.gov.uk/vosa](http://www.dft.gov.uk/vosa)).

Anyone can complain, at any time, about the suitability of an operating centre after it has been specified on your licence. A traffic commissioner then has the opportunity to review those centres at five-year intervals.

If a traffic commissioner does decide to review your operating centre(s), they may impose or change conditions on your licence for road

safety or environmental reasons. They may also remove an operating centre altogether.

However, you will be given the opportunity to make representations about the effect that any new conditions would have on your business, before steps are taken to impose those conditions.

A traffic commissioner may take action against your licence if they are informed of non compliance, for example:

- ▶ you no longer meet the requirements of good repute or financial standing;
- ▶ you (or another person associated with the licence) have been convicted of certain offences (see Annex 7);
- ▶ in the case of a standard licence, there is no longer a professionally competent person working in the firm (see Section 4);
- ▶ you make a false statement to get a licence, or have not kept to an agreement you made when you applied for your licence;
- ▶ you have broken a condition or not kept an undertaking on your licence;
- ▶ a VOSA Vehicle Examiner has prohibited the use of any of your vehicles because of their dangerous condition;
- ▶ your vehicles have not been maintained in a safe and roadworthy condition;
- ▶ rules surrounding the safe operation of vehicles and drivers' hours regulations have not been adhered to;
- ▶ there has been a change of circumstances that affects your suitability as an operator; or
- ▶ there has been a material change, e.g. a business has changed from sole trader or partnership to a limited company. This would constitute a change in legal entity. See 'Changes in your circumstances' on page 20 for more information.



**Take note:** A traffic commissioner must revoke:

- ▶ a standard licence if the holder no longer fulfils the requirements of good repute, financial standing or professional competence; and
- ▶ a restricted licence if the holder has two convictions within five years for using a goods vehicle on a restricted licence for hire or reward.

## Review of an operating centre

You will be informed by a traffic commissioner if they intend to review any of your operating centres. If the decision is taken not to review an operating centre then it is secure for another five years, provided you pay your licence fees when they are due and a traffic commissioner does not have to take regulatory action.

You have the right of appeal to the Administrative Appeals Chamber of the Upper Tribunal Traffic Commissioner Appeals ('the Tribunal') if you consider that you will be affected by added or varied conditions, or by the removal of an operating centre. (See the section on page 16 for more information.)

## Evidence of non-compliance

Evidence of your non-compliance can be brought to a traffic commissioner's attention from a number of sources. However, the main source of this information is usually VOSA Examiners.



**Take note:** There are a wide range of powers available to VOSA Vehicle Examiners. See Annex 4 for more information.

## Action that a traffic commissioner may take

**A traffic commissioner has the power to:**

- ▶ revoke or suspend your licence;
- ▶ reduce the number of vehicles you are authorised to use;

- ▶ put conditions on your licence restricting the weights of vehicles you are allowed to use on your licence and/or their hours of operation; or
- ▶ take action against your transport manager(s), particularly where serious infringements have been reported. Action can include declaring them unfit and invalidating their CPC.

In most cases a traffic commissioner will ask you and/or your transport manager(s) to come to a public inquiry before any action is taken against your licence. If a traffic commissioner does not invite you to an inquiry, you can ask for one to be held.

In some cases, a traffic commissioner may take action immediately (e.g. in the interests of public safety) and the inquiry will be held later. You and/or your transport manager(s) can be represented by a legal or professional advisor if you wish.



**Take note:** If you operate outside the terms of your licence, you may attract complaints.

## Appealing to the Administrative Appeals Chamber of the Upper Tribunal Traffic Commissioner Appeals (the Tribunal)

If a traffic commissioner has taken regulatory action or imposes a condition against your licence, you may appeal to the Tribunal.

If your licence has been revoked, suspended or had conditions placed on it, the start date will be stipulated by a traffic commissioner. You can ask a traffic commissioner to delay any decision pending appeal.

If they refuse, you can apply to the Tribunal to make a special direction – called a 'stay' – which will let you carry on as before until the appeal is heard.

The Tribunal must reach a decision on the application for a stay within 14 days of receipt of the appeal. Whatever it decides, this will not affect the result of the appeal when it is heard.



### Applying for another licence if your licence has been revoked

If you have had a licence revoked, you can apply for another one. However, you should wait until you have resolved all the issues that have been found against you and can satisfy a traffic commissioner that you are now a suitable person to operate goods vehicles.

### Disqualified from holding an operator's licence

A traffic commissioner has the power to disqualify anyone whose licence has been revoked from holding an operator's licence in that or any other traffic area, indefinitely or for a specified period of time. If the disqualification applies to another traffic area, the licence will automatically be suspended from the date of the disqualification order.

A disqualification order may also stop you operating in a partnership or being a director

or major shareholder in a company that operates goods vehicles. Operators' licences held by partnerships or companies in which you are involved may also be revoked, but a traffic commissioner is likely to take such a step only where it is very clearly justified.



**Take note:** You have a right of appeal to the Tribunal against a disqualification order.

If, after a period of time, you feel that your circumstances have improved, you may apply to a traffic commissioner to have the order cancelled or varied.



**Take note:** It is an offence to attempt to apply for a new licence before a traffic commissioner has lifted a disqualification order.



## Section four: Transport Managers

A professionally competent person (generally known as the “Transport Manager”) must be nominated on a standard licence (National or International). This person can be you if you are qualified, or a qualified transport manager that you employ (the person does not have to be part of your full-time staff but must be able to demonstrate continuous and effective responsibility for the management of the transport operations). The business may employ more than one transport manager. The professionally competent person must also be of good repute.

If the transport manager is changed at any time, you must notify a traffic commissioner of this right away.

Changes to the rules concerning transport managers apply from 4 December 2011 onwards. If you require any further information on how these requirements apply, please contact the Central Licensing Office.

### The changes are as follows:

There will be two types of transport manager – “**internal**” and “**external**”;

### Internal transport managers

This type of transport manager is closely connected with the operator. To qualify, they must meet three requirements:

- ▶ Be resident in a European Union country,
- ▶ Effectively and continuously perform their transport manager role for the operator in question,
- ▶ Have a genuine link to the operator, such as being a full-time or part-time employee, director or owner.

The same person can act as an ‘internal’, part-time, employee transport manager for more than one operator, and therefore be named on more than one O-licence. However, in each case, the traffic commissioner would need to

be satisfied that the person had a genuine link to the operator and satisfied the requirement of effective and continuous management, as set out above.

### External transport managers

When an operator does not:

- a) Himself fulfil the role of transport manager (i.e. they lack the professional qualification and are perhaps an owner/driver or sole trader); or
- b) Employ a qualified transport manager on a full or part-time basis (i.e the operator does not have an ‘internal’ transport manager)

The operator may ‘hire in’ a transport manager – e.g. a consultant transport manager under contract to an operator on a part-time basis. This is considered to be an ‘external’ transport manager. The contractor must have effective and continuous management responsibility for the transport activities of the operator and:

- ▶ Be of good repute and be resident in a European Union country,
- ▶ Have a contract with the operator that specifies the tasks they perform as transport manager. The new Regulation sets out, in broad terms, what that contract should cover, although contract details will be a matter for individual transport managers and operators to determine.
- ▶ Only work for a maximum of 4 operators with a combined maximum total fleet of 50 vehicles – meaning that across all four operators, they cannot have responsibility for more than 50 vehicles. Individual Member States do have freedom to lower the 4/50 maximum and we intend that traffic commissioners should be able to set lower limits in individual cases.
- ▶ Each transport manager must act solely in the interests of the operator and independently of transport customers.

At the discretion of a traffic commissioner, it is possible for internal transport managers to do some consultancy work for another standard licence holder - as an external transport manager.

From 4 December 2011, traffic commissioners can take regulatory action against both internal and external transport managers, independently of any action they may decide to take against the licence holder.

### **Declaration that a transport manager is “unfit” to manage transport operations**

At a public inquiry, a traffic commissioner may decide that a transport manager is unfit to oversee transport operations. If this is the case, their Certificate of Professional Competence will no longer be valid in any EC Member State during any period of disqualification - ie **they will not be able to work as a transport manager in the UK or any other EC Member State.**

Where a traffic commissioner has taken such action, the transport manager may also appeal to the Tribunal (see page 16).

A person can be professionally competent for national operations only, or for both national and international operations. If the transport manager has a certificate of professional competence for national operations only, you may only nominate them on a standard national licence. If they have professional competence for both national and international operations, you will be able to nominate them on a standard international licence.

### **Professional competence: standard national or international licence**

There are three ways professional competence can be established. These are:

- ▶ Possession of a Transport Manager Certificate of Professional Competence,
- ▶ Possession of an alternative acceptable qualification or diploma – via an exemption certificate,

- ▶ Holding of Transport Manager “Grandfather Rights” (until 4 December 2011) or Transport Manager “Acquired Rights” (from 4 December 2011).

### **Transport Manager Certificate of Professional Competence**

From 4 December 2011 a number of Awarding Organisations are able to offer the Certificate of Professional Competence (CPC) examination. A list of Awarding Organisations who have approval to supply the exam is provided at the end of this section, we will update the list over time. From 4 December 2011 the national Transport Manager CPC examination will be discontinued – all future examinations will be for the international Transport Manager CPC. Existing national Transport Manager CPCs will remain valid for national operations after that date.

There are no academic entry requirements for the examination. Neither are there any fixed rules or requirements for study. You can prepare for the examination by:

- ▶ attending a residential course;
- ▶ attending a non-residential course;
- ▶ studying with the help of a special learning pack or by a correspondence course; or
- ▶ studying without assistance.

For details of examination dates, test and study centres, and a more detailed syllabus, contact an examination provider.

### **List of current Transport Manager CPC Awarding Organisations:-**

- ✉ OCR Examinations Board  
Progress House  
Westwood Way  
Coventry  
CV4 8JQ
- ☎ 02476 851509
- 🌐 [www.ocr.org.uk](http://www.ocr.org.uk)



## Other acceptable qualifications or diplomas

There are a number of other qualifications that are acceptable as proof for professional competence (for the operation of goods vehicles) – as long as they have been obtained before 4 December 2011. You are likely to be exempt from CPC examination if you have one of these qualifications listed below.

The bodies who provided the original qualifications will be issuing qualified persons with new certificates of Transport Manager CPC exemption in late 2011. For licences granted after 4 December 2011 an accompanying CPC exemption certificate issued by the examination body will be required to claim exemption from the Transport Manager CPC examination. If you do not have an exemption certificate, but believe you qualify for one, please contact your examining body listed below.



**Please note:** These qualifications remain valid as proof of professional competence indefinitely, but only for after 4

December for those who held the qualification on or before 4 December 2011.

### Standard national and standard international licences

- ▶ Fellow or Member of the Institute of Logistics and Transport (formerly the Chartered Institute of Transport in the UK) by examination or formal accreditation in Road Freight Transport.
- ▶ Certificate in Transport (Road Freight) awarded by the Chartered Institute of Logistics and Transport.
- ▶ Honorary Fellow, Fellow or Member of the Society of Operations Engineers.
- ▶ Fellow or Associate of the Institute of the Furniture Warehousing and Removing Industry.
- ▶ Fellow or Associate of the Movers Institute.

- ▶ Associate of the Institute of Transport Administration by examination.

### Standard National licences

- ▶ Member of the Chartered Institute of Logistics and Transport (formerly the Chartered Institute of Transport in the UK) by examination or formal accreditation in Road Freight Transport.
- ▶ Certificate in Transport (Road Freight) awarded by the Institute of Logistics and Transport.
- ▶ Associate Member of the Society of Operations Engineers (by examination).
- ▶ General and Ordinary Certificate in Removals Management issued by the Institute of the Furniture Warehousing and Removals Industry.
- ▶ National Certificate in Removals Management issued by the Movers Institute.
- ▶ RSA Certificate in Road Freight Transport which specifically contains a footnote granting exemption.

## Validity of professional competence in other EU member states (goods)

If you need to prove your professional competence in another EU country, you will require an international qualification. Depending on the type of qualification, you may also need an additional certificate.

A RSA or OCR full professional competence certificate, issued no earlier than March 1992 (whether it is national or international), is valid in any EU country.

If you hold any other qualification, you will also need to get a mutual recognition certificate. This is available for a nominal fee. For more information, contact VOSA's Central Licensing Office.





### ‘Grandfather rights’

There are new rules in effect from 4 December 2011 which mean that the current ‘Grandfather Rights’ exemptions need to be renewed to remain valid after 4 December 2011.

A new certificate (which will now be known as “Transport Manager Acquired Rights”) will automatically be issued by the Department for Transport to all transport managers with grandfather rights that are listed on an operators licence when the re-certification process takes place in late 2011. If you believe you qualified for the automatic issue of a new grandfather rights certificate, but have not received one by the end of 2011, please contact Steve Blackmore at the Department for Transport on **0207 944 3339**  
- email [steve.blackmore@dft.gsi.gov.uk](mailto:steve.blackmore@dft.gsi.gov.uk).

However, if you were a grandfather rights holder but not listed on an operator’s licence in late 2011, you will need to apply to the Department for Transport to have those rights renewed. An application form to renew grandfather rights is also available for download on [www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport) at the page covering transport manager professional competence, or from Steve Blackmore at the Department for Transport.



**Take Note:** You have until **4 December 2013** to apply for a replacement certificate. They will not be available after this date, and, without one, your grandfather rights will no longer be valid.

# Annex 1:

## Further information

For further information, you can also visit [www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport).

If you need any more help or advice, please contact the Central Licensing Office, who process applications on behalf of the traffic commissioners.

✉ Central Licensing Office  
Hillcrest House  
386 Harehills Lane  
Leeds, LS9 6NF

📞 **0300 123 9000**

💻 [self.service@vosa.gov.uk](mailto:self.service@vosa.gov.uk)

*Senior Traffic Commissioner Practice Directions and Guidance* will be available from 4 December 2011 at:  
<http://www.dft.gov.uk/vosa/corporatepoliciesandstandards/practicedirections/practicedirections.htm>

*Guide to Maintaining Roadworthiness* explains the responsibilities and systems involved in maintaining vehicles in safe and roadworthy condition. Available free of charge from:

- ▶ [www.dft.gov.uk/vosa](http://www.dft.gov.uk/vosa)
- ▶ the VOSA Customer Contact Centre  
– call **0300 123 9000**

*Rules on Drivers' Hours and Tachographs – Goods vehicles in the UK and Europe (GV262)* explains the drivers' hours rules and the keeping of records for both drivers and operators. Available free of charge from:

- ▶ [www.dft.gov.uk/vosa](http://www.dft.gov.uk/vosa)
- ▶ the VOSA Customer Contact Centre  
– call **0300 123 9000**

*Code of Practice on Safety of Loads on Vehicles (Department for Transport)* – available free of charge from: [www.dft.gov.uk](http://www.dft.gov.uk)

It is important that all operators are aware of the contents of this Code, which gives detailed advice on how most types of loads should best be secured. If you have an insecure load, you could be charged with dangerous driving and this can lead to imprisonment.

*Planning Permission: A Guide for Business* – available free of charge from:  
[www.communities.gov.uk](http://www.communities.gov.uk)

*A Simplified Guide to Lorry Types and Weights* – available free of charge from:  
[www.dft.gov.uk/vosa](http://www.dft.gov.uk/vosa)

*Safe Operator's Guide* summarises best practice advice on safety procedures relating to all aspects of employees' and drivers' duties. Available free of charge from:  
[www.dft.gov.uk/vosa](http://www.dft.gov.uk/vosa)

*Public Service Vehicle Operator Licensing: Guide for Operators* – provides general guidance to both new and experienced operators. The guide explains the public service vehicle (PSV) operator licensing system, including how to apply for a licence and how to minimise the risk of losing your licence, once it has been granted.

### International Journeys

You can find more information on international journeys in the guidance *Taking your lorry or bus abroad*. You will find this under 'Transporting your goods by road' in the International Trade section on:  
[www.businesslink.gov.uk](http://www.businesslink.gov.uk).

## Relevant legislation

Copies of the legislation can be viewed or downloaded from:

<http://www.legislation.gov.uk/>

- ▶ The Goods Vehicles (Licensing of Operators) Act 1995
- ▶ The Goods Vehicles (Licensing of Operators) Regulations 1995 (as amended) (SI 1995/2869)
- ▶ The Goods Vehicle Operators (Qualifications) Regulations 1999 (SI 1999/2430) (as amended)
- ▶ The Goods Vehicles (Licensing of Operators) Act 1995 (Commencement and Transitional Provisions) Order 1995
- ▶ The Road Transport Operator Regulations 2011 (SI 2011/2632)
- ▶ The Goods Vehicles (Licensing of Operators) (Fees) Regulations 1995 (SI 1995/3000)
- ▶ EU Regulation 1071/2009 establishing common rules concerning conditions to be complied with to pursue the occupation of road transport operator
- ▶ EU Regulation 1072/2009 on common rules for access to the international road haulage market
- ▶ The Goods Vehicle (Community Authorisations) Regulations 2011
- ▶ The Transport Act 2000
- ▶ Council Directive 2003/59 on initial qualification and periodic training of drivers (Driver CPC)

# Annex 2: Useful contacts

- ✉ Central Licensing Office  
Hillcrest House  
386 Harehills Lane  
Leeds, LS9 6NF
- 📞 0300 123 9000
- 📧 [self.service@vosa.gov.uk](mailto:self.service@vosa.gov.uk)

## Traffic Areas

Traffic Area	Responsible for
<p>North Eastern</p>	<p><b>The metropolitan boroughs within:</b></p> <ul style="list-style-type: none"> <li>▶ South Yorkshire</li> <li>▶ Tyne and Wear</li> <li>▶ West Yorkshire</li> </ul> <p><b>The counties of:</b></p> <ul style="list-style-type: none"> <li>▶ Durham</li> <li>▶ Northumberland</li> <li>▶ North Yorkshire</li> <li>▶ Nottinghamshire</li> </ul> <p><b>The districts of:</b></p> <ul style="list-style-type: none"> <li>▶ Darlington</li> <li>▶ East Riding of Yorkshire</li> <li>▶ Hartlepool</li> <li>▶ Kingston-upon-Hull</li> <li>▶ Middlesbrough</li> <li>▶ North East Lincolnshire</li> <li>▶ North Lincolnshire</li> <li>▶ Nottingham</li> <li>▶ Redcar and Cleveland</li> <li>▶ Stockton-on-Tees</li> <li>▶ York</li> </ul>



Traffic Area	Responsible for
<p><b>North Western</b></p>	<p><b>The metropolitan boroughs within:</b></p> <ul style="list-style-type: none"> <li>▶ Greater Manchester</li> <li>▶ Merseyside</li> </ul> <p><b>The counties of:</b></p> <ul style="list-style-type: none"> <li>▶ Cheshire</li> <li>▶ Cumbria</li> <li>▶ Derbyshire</li> <li>▶ Lancashire</li> </ul> <p><b>The districts of:</b></p> <ul style="list-style-type: none"> <li>▶ Blackburn with Darwen</li> <li>▶ Blackpool</li> <li>▶ Derby City</li> <li>▶ Halton</li> <li>▶ Warrington</li> </ul>
<p><b>Eastern</b></p>	<p><b>The counties of:</b></p> <ul style="list-style-type: none"> <li>▶ Bedfordshire</li> <li>▶ Buckinghamshire</li> <li>▶ Cambridgeshire</li> <li>▶ Essex</li> <li>▶ Hertfordshire</li> <li>▶ Leicestershire</li> <li>▶ Lincolnshire (except the Districts of North Lincolnshire and North East Lincolnshire)</li> <li>▶ Norfolk</li> <li>▶ Northamptonshire</li> <li>▶ Suffolk</li> </ul> <p><b>The districts of:</b></p> <ul style="list-style-type: none"> <li>▶ Leicester</li> <li>▶ Luton</li> <li>▶ Milton Keynes</li> <li>▶ Peterborough</li> <li>▶ Rutland</li> <li>▶ Southend-on-Sea</li> <li>▶ Thurrock</li> </ul>
<p><b>Welsh (Cymru)</b></p>	<ul style="list-style-type: none"> <li>▶ Wales (Cymru)</li> </ul>

Traffic Area	Responsible for
<p><b>West Midland</b></p>	<p><b>The metropolitan boroughs within the West Midlands.</b></p> <p><b>The counties of:</b></p> <ul style="list-style-type: none"> <li>▶ Shropshire</li> <li>▶ Staffordshire</li> <li>▶ Warwickshire</li> <li>▶ Worcestershire</li> </ul> <p><b>The districts of:</b></p> <ul style="list-style-type: none"> <li>▶ Herefordshire</li> <li>▶ Stoke-on-Trent</li> <li>▶ Telford and Wrekin</li> </ul>
<p><b>Western</b></p>	<p><b>The counties of:</b></p> <ul style="list-style-type: none"> <li>▶ Cornwall</li> <li>▶ Devon</li> <li>▶ Dorset</li> <li>▶ Gloucestershire</li> <li>▶ Hampshire</li> <li>▶ Oxfordshire</li> <li>▶ Somerset</li> <li>▶ Wiltshire</li> </ul> <p><b>The districts of:</b></p> <ul style="list-style-type: none"> <li>▶ Bath and North East Somerset</li> <li>▶ Bournemouth</li> <li>▶ Bracknell Forest</li> <li>▶ Bristol</li> <li>▶ Isle of Wight</li> <li>▶ North Somerset</li> <li>▶ Plymouth</li> <li>▶ Poole</li> <li>▶ Portsmouth</li> <li>▶ Reading</li> <li>▶ Slough</li> <li>▶ Southampton</li> <li>▶ South Gloucestershire</li> <li>▶ Swindon</li> <li>▶ Torbay</li> <li>▶ West Berkshire</li> <li>▶ Windsor and Maidenhead</li> <li>▶ Wokingham</li> </ul>

Traffic Area	Responsible for
South Eastern and Metropolitan	<ul style="list-style-type: none"> <li>▶ Greater London</li> </ul> <p><b>The counties of:</b></p> <ul style="list-style-type: none"> <li>▶ Kent</li> <li>▶ Surrey</li> <li>▶ East Sussex</li> <li>▶ West Sussex</li> </ul> <p><b>The districts of:</b></p> <ul style="list-style-type: none"> <li>▶ Brighton and Hove</li> <li>▶ the Medway Towns.</li> </ul>
Scottish	<ul style="list-style-type: none"> <li>▶ Scotland</li> </ul>

## Other useful contact details

VOSA	<ul style="list-style-type: none"> <li>✉ Berkeley House Croydon Street Bristol BS5 0DA</li> <li>☎ 0300 123 9000</li> <li>🌐 <a href="http://www.businesslink.gov.uk/transport">www.businesslink.gov.uk/transport</a></li> <li>✉ <a href="mailto:enquiries@vosa.gov.uk">enquiries@vosa.gov.uk</a></li> </ul> <p>For details of VOSA Enforcement Offices, see <a href="http://www.dft.gov.uk/vosa">www.dft.gov.uk/vosa</a></p>
Offices of the Traffic Commissioner (OTC)	
Eastern	<ul style="list-style-type: none"> <li>✉ City House 126-130 Hills Road Cambridge CB2 1NP</li> <li>☎ 0122 353 1001</li> </ul>
North Eastern	<ul style="list-style-type: none"> <li>✉ Hillcrest House Harehills Lane Leeds LS9 6NF</li> <li>☎ 0113 254 3231</li> </ul>

## Other useful contact details (continued)

<b>North Western</b>	 Suite 4-6 Stone Cross Place Stone Cross Lane Golborne Warrington WA3 2SH  01942 229 5021
<b>South East and Metropolitan</b>	 Ivy House 3 Ivy Terrace Eastbourne BN21 4QT  0132 345 2422
<b>Western</b>	 2 Rivergate Temple Quay Bristol BS1 6EH  0117 900 8523
<b>West Midland</b>	 38 George Road Edgbaston Birmingham B15 1PL  0121 609 6820
<b>Scottish</b>	 J Floor Argyle House 3 Lady Lawson Street Edinburgh EH3 9SE  0131 200 4926
<b>Welsh</b>	 38 George Road Edgbaston Birmingham B15 1PL  0121 609 6820
<b>Administrative Appeals Chamber of the Upper Tribunal Traffic Commissioner Appeals</b>	 7th Floor Victory House 30–34 Kingsway London WC2B 6EX  0203 077 5860



## Other useful contact details (continued)

<b>Freight Transport Association</b>	<p>✉ St John's Road Tunbridge Wells Kent TN4 9UZ</p> <p>☎ 0189 252 6171</p> <p>📠 0189 253 4989</p>
<b>Road Haulage Association</b>	<p>✉ Roadway House Bretton Way Peterborough PE3 8DD</p> <p>☎ 0173 326 1131</p> <p>📠 0173 333 2349</p>
<b>OCR Examinations Board</b>	<p>✉ Progress House Westwood Way Coventry CV4 8JQ</p> <p>☎ 0247 685 1509</p> <p>🌐 <a href="http://www.ocr.org.uk">www.ocr.org.uk</a></p>



# Annex 3:

## Weight thresholds

### Unladen weight

For the purposes of legislation relating to the use of vehicles and trailers on roads, the unladen weight shall be taken to be the weight of the vehicle or trailer:

- ▶ inclusive of the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle or trailer when working on a road; but
- ▶ exclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle or, as the case may be, of any vehicle by which the trailer is drawn, and of loose tools and loose equipment.

### Total permitted weight

The total permitted weight of a loaded vehicle is called the gross plated weight.

To confirm this weight, check the Department for Transport (DfT) plate (also called a Ministry plate). If there is no department plate, check the manufacturer's plate.

Department for Transport plates are fitted:

- ▶ on motor vehicles – after their first registration; and
- ▶ on trailers – after they have undergone a Department for Transport annual test.

### Where to find the plate

The plates are usually found:

- ▶ on motor vehicles – inside the cab in a conspicuous position; and
- ▶ on trailers – on the nearside, often on the headboard.

If a vehicle is not fitted with a ministry plate and you do not know the unladen weight,

you should take the unladen vehicle to a weighbridge.

### How weight requirements affect licences

For an articulated vehicle (i.e. a tractor unit with a semi-trailer), you need a licence if:

- ▶ (where the semi-trailer is plated), the combined unladen weight of the tractor unit and the gross plated weight of the semi trailer is more than 3,500kg; or
- ▶ (where the semi-trailer is not plated), the combined unladen weight is more than 1,525kg.

For a motor vehicle with a drawbar trailer, you need a licence if:

- ▶ (where both the motor vehicle and the trailer are plated), the total of their gross-plated weights is more than 3,500kg; or
- ▶ in any other case, the total unladen weight is more than 1,525kg.



**Take note:** (For applicants for RESTRICTED licences only).

If your trailer is no more than 1,020kg unladen weight, you do not need to include its weight when adding up the total gross weight or unladen weights for drawbar outfits.

# Annex 4:

## VOSA Examiners

### (their authorisation and powers)

#### Warrants

Warrants are issued by the Secretary of State for Transport to:

- ▶ Traffic Examiners (TEs), who tend to concentrate on driver documentation such as tachograph charts, driver's and operator's licences or other vehicle documentation such as plating and testing or insurance certificates; and
- ▶ Vehicle Examiners (VEs), who primarily concentrate on vehicle condition, inspection systems and maintenance records.

The warrant gives an Examiner the authority to carry out a number of duties:

- ▶ To inspect any goods or passenger carrying vehicle. This means that an examination is carried out, and an Examiner may issue a prohibition notice for any defect found.
- ▶ To prohibit a vehicle if the driver has breached the regulations concerning drivers' hours or record keeping.
- ▶ To request the driver to take the vehicle to a suitable place (up to five miles away) for inspection or weighing.
- ▶ To confiscate and impound a vehicle and its load when the vehicle is being used by a known unlicensed operator.
- ▶ To enter any premises where the Examiner has reason to believe that a goods or public service vehicle is kept and to inspect that vehicle.
- ▶ To investigate an operator's vehicle inspection and maintenance system, including the engineering facilities and vehicle maintenance records.
- ▶ To inspect tachograph charts, drivers' records such as drivers' licences and drivers' hours related documents (e.g. payment records), and remove those items where an offence is suspected.
- ▶ To instigate, on behalf of VOSA and the Secretary of State for Transport, prosecution proceedings in a magistrates' court.
- ▶ To issue drivers with fixed penalties for certain offences.



# Annex 5: Self Service

## Registering online

You have the option of registering online to use the self-service system. If you do this, you will be able to:

- ▶ check your licence details;
- ▶ add and remove vehicles;
- ▶ transfer vehicles between licences held by the same entity; and
- ▶ apply to vary licences and track the progress of these variation applications.

If you are a new applicant, you can also register online to use the self-service system as soon as you have an acknowledgment of your application. You will be able to see and track the progress of your application and, if the licence is granted, pay your fees online as well.



**Take note:** Under Self Service you will not be able to:

- ▶ Upgrade or downgrade your licence
- ▶ Change your maintenance details

## How to register

To register for operator self-service, follow these steps.

### Step 1

Before you start, make sure you have your operator licence number to hand (i.e. the number beginning OB, OC, OD etc followed by seven digits).

If you have more than one licence in your name you will see all of those licences on the screen during the registration process. If you think one is missing, you can tell us about that online once you have logged on to the system.

### Step 2

Go to:

[www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport).

Click on 'Vehicle operator licensing self service' from the 'Do it online' menu.

### Step 3

Click on 'Start using the self-service system'. Then click on the 'Register' button.

### Step 4

The registration pages will guide you through the process.



# Annex 6:

## Fees

### Application fee

The application fee is payable when you apply for a new licence or a chargeable variation to an existing licence. The fee covers the cost of processing the application. The fee must be sent in full together with the application. It is non-refundable.



**Take note:** You do not have to pay a fee if you are simply applying to upgrade your licence (e.g. if you are upgrading from a restricted licence to a standard national licence).

### Issue fee (for a new licence)

The issue fee is payable when your application for a licence is granted. It covers the costs of maintaining and monitoring the licence for a period of five years. It must be paid in full when your application has been granted. The fee is non-refundable.

### Continuation fee (for an existing licence)

The continuation fee is payable every five years, so you will have to pay the first payment five years after your licence was granted. The fee covers the costs of maintaining and monitoring the licence for another five years. It is non-refundable.

### Interim licence or direction fee

An interim fee is payable after an interim licence has been granted. It is non-refundable.

Information on scale of fees can be found on the VOSA website:  
[www.dft.gov.uk/vosa](http://www.dft.gov.uk/vosa) - under “forms”.

# Annex 7:

## Relevant convictions

### Convictions and Penalties

You must declare all relevant convictions and penalties at the time you make your application and any additional convictions after the licence has been granted. You must also inform a traffic commissioner immediately of any convictions that occur between the date of you applying for a licence and a decision being made on your application. A traffic commissioner will decide whether the convictions are relevant. It is a criminal offence to make a false declaration.

A more general explanation of what a traffic commissioner can take into account is detailed at section A below. You should provide full details of the background circumstances of any convictions or penalties declared.

Failure to provide all information could subsequently lead to regulatory action.

### Spent convictions

You do not have to declare convictions which are “spent” under the Rehabilitation of Offenders Act 1974. The table below shows the rehabilitation period, at the end of which convictions will become spent. The rehabilitation period depends on the sentence for the original offence and runs from the date of conviction.

A sentence of imprisonment for life or a sentence of imprisonment, detention in a YOI, a sentence of preventative detention or a sentence of detention during Her Majesty’s pleasure for terms exceeding 30 months are excluded from rehabilitation. Otherwise:

Where on a conviction the sentence imposed is:	The rehabilitation period begins on conviction and lasts for:
IMPRISONMENT IN A YOI, CORRECTIVE TRAINING for MORE THAN 6 MONTHS but not exceeding 30 months	10 years*
IMPRISONMENT NOT EXCEEDING 6 MONTHS	7 years*
FINE (or other order not specified below)	5 years*
BORSTAL TRAINING	7 years

\* Reduced by half if the offender was under 18 at the date of conviction.

DETENTION (PCC(S)A 2000, s.91) under CYPA 933, s.53 for MORE THAN SIX MONTHS but not exceeding 30 months	3 years
DETENTION under PCC(S)A 2000, s.91, s.53 for NOT MORE THAN 6 MONTHS	3 years
Detention in a YOI	3 years
PROBATION (COMMUNITY REHABILITATION) ORDER, where offender 18 years or over at date of conviction;  Where offender under 18 at date of conviction	5 years  2½ years from conviction or a period beginning with date of conviction and ending when order ceases to have effect (whichever is the longer)
DETENTION AND TRAINING ORDER under CDA 1998, S.73	In the case of a person aged 15 or over a date of conviction, 5 years if order was, 3½ years if it was not, for a term exceeding 6 months. In the case of a person under 15, a period beginning with date of conviction, and ending 1 year after the date on which the order ceases to have effect
SECURE TRAINING ORDER. BIND OVER to keep the peace or be of good behaviour, CARE ORDER, SUPERVISION ORDER under PCC(S) A 2000, s.63(1), Care order under CYPA 1933, S.57, Supervision order under CYPA 1933 or CYPA 1963	1 year or duration of order (whichever is longer)
Attendance at an ATTENDANCE CENTRE	Duration of the order plus 1 year
HOSPITAL ORDER (with or without restriction order)	5 years or duration of the order plus 2 years (whichever is longer)
DISQUALIFICATION, disability, prohibition or other penalty	The duration of the order

A later conviction may affect the rehabilitation period for an earlier conviction if it happens before the first period has run out.

If you are not sure whether your convictions are “spent”, you should declare it and a traffic commissioner will then consider each case on its merits.

## All applicants for restricted licences and holders of restricted licences

You must notify a traffic commissioner if any person named on your application, or on your licence (including partners, directors or transport managers), any company of which a person named on the application/licence is a director, or any parent company if you are a limited company, has been convicted of any of the following:

- ▶ An offence under the Goods Vehicles (Licensing of Operators) Act 1995
- ▶ An offence under the Transport Act 1968 or the Road Traffic Act 1960 which relates to licences or means of identification
- ▶ An offence relating to section 13 of the Hydrocarbon Oil Duties Act 1979 (unlawful use of rebated fuel oil in relation to goods vehicles)
- ▶ An offence under Section 74 of the Road Traffic Act 1988 (duty to keep inspection records in relation to goods vehicles)

You must also notify a traffic commissioner if any person named on your application/licence, (including partners, directors or transport managers), any company of which a person named on your application/licence is a director, or any parent company if you are a limited company, or any of your employees or agents, has been convicted of any of the following:

- ▶ An offence under section 53 of the Road Traffic Act 1988 (plating certificates and goods vehicle test certificates)
- ▶ An offence in relation to a goods vehicle relating to the maintenance of vehicles in a fit and serviceable condition

- ▶ An offence in relation to a goods vehicle relating to speed limits or overloading
- ▶ An offence in relation to a goods vehicle relating to the licensing of drivers
- ▶ A drivers hours offence relating to a goods vehicle
- ▶ An offence under sections 173 or 174 of the Road Traffic Act 1988 (forgery, false statements or the withholding of information) in relation to an international road haulage permit
- ▶ An offence under section 2 of the International Road Haulage Permits Act 1975 (removing, causing, or permitting the removal of a goods vehicle or trailer from the UK in contravention of a prohibition)
- ▶ An offence under section 3 of the Control of Pollution Act 1974
- ▶ An offence under section 2 of the Refuse Disposal (Amenity) Act 1978
- ▶ An offence under section 1 of the Control of Pollution (Amendment) Act 1989
- ▶ An offence under section 33 of the Environmental Protection Act 1990
- ▶ An offence in relation to a goods vehicle in contravention of a provision prohibiting or restricting waiting vehicles made under the Road Traffic Regulation Act 1984 or a relevant traffic regulation order

## Applicants for/holders of Standard National and Standard International licences only

In addition to the above convictions, you must notify a traffic commissioner if any person named on your application/licence, (including partners, directors or transport managers), any company of which a person named on your application/licence is a director, or any of your employees or agents, has any of the following:

Any conviction under the law of Northern Ireland or any country outside the United Kingdom which relates to the offences noted above for all applicants/licence holders



Any conviction where one or more of the following punishments was imposed:

- ▶ Imprisonment exceeding 3 months
- ▶ A fine exceeding level 4 on the standard scale
- ▶ A community service order (or equivalent) requiring unpaid work for more than 60 hours
- ▶ Any punishment outside the UK corresponding to any of the above
- ▶ Any conviction or penalty for an offence under UK law relating to road transport, or any corresponding offence outside the UK. In particular, but not limited to offences relating to:
  - ▷ Drivers' hours of work and rest periods
  - ▷ The weights and dimensions of commercial vehicles
  - ▷ Road and vehicle safety

Any conviction or penalty for an offence under UK law relating to road transport, or any corresponding offence outside the UK. In particular:

- ▶ Exceeding the maximum 6-day or fortnightly driving time limits by margins of 25 % or more.
- ▶ Exceeding, during a daily working period, the maximum daily driving time limit by a margin of 50 % or more without taking a break or without an uninterrupted rest period of at least 4.5 hours.
- ▶ Not having a tachograph and/or speed limiter, or using a fraudulent device able to modify the records of the recording equipment and/or the speed limiter or falsifying record sheets or data downloaded from the tachograph and/or the driver card.
- ▶ Driving without a valid roadworthiness certificate if such a document is required under Community law and/or driving with a very serious deficiency of, inter alia, the braking system, the steering linkages, the wheels/tyres, the suspension or chassis

that would create such an immediate risk to road safety that it leads to a decision to immobilise the vehicle.

- ▶ Transporting dangerous goods that are prohibited for transport or transporting such goods in a prohibited or non-approved means of containment or without identifying them on the vehicle as dangerous goods, thus endangering lives or the environment to such extent that it leads to a decision to immobilise the vehicle.
- ▶ Carrying passengers or goods without holding a valid driving licence or carrying by an undertaking not holding a valid Community licence.
- ▶ Driving with a driver card that has been falsified, or with a card of which the driver is not the holder, or which has been obtained on the basis of false declarations and/or forged documents.
- ▶ Carrying goods exceeding the maximum permissible laden mass by 20 % or more for vehicles the permissible laden weight of which exceeds 12 tonnes, and by 25 % or more for vehicles the permissible laden weight of which does not exceed 12 tonnes.

# Annex 8:

## Environmental factors and conditions

### Summary

When a traffic commissioner is considering granting a licence, he will take the following environmental matters into account:

- ▶ The effect (or potential harm) that granting an application would have on the nature and the use of any other land in the vicinity of the operating centre.
- ▶ Any planning permission (or planning application) relating to the operating centre or the land in its vicinity (if the land has not previously been used as an operating centre).
- ▶ The number, type and size of the authorised vehicles that will use the operating centre.
- ▶ The parking arrangements for the authorised vehicles that will use the operating centre.
- ▶ The effect that the nature and times of these activities may have on residents living in the vicinity of that operating centre.
- ▶ The nature and times of use of the equipment at the operating centre.
- ▶ How many vehicles would be entering and leaving the operating centre, and how often.

### Environmental conditions

To prevent or minimise adverse effects on the environment, a traffic commissioner may attach conditions to a licence. These could include:

- ▶ the number, type and size of authorised vehicles (including trailers) at the operating centre for maintenance or parking;
- ▶ parking arrangements for the authorised vehicles (including trailers) at the operating centre or in its vicinity;
- ▶ the times when the operating centre may be used for maintenance or movement of authorised vehicles; and
- ▶ how authorised vehicles enter and leave the operating centre.

For more details, contact us on **0300 123 9000**.



## Visit our websites:

for commercial customers

**[www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport)**

for private motorists

**[www.direct.gov.uk](http://www.direct.gov.uk)**

for corporate information

**[www.dft.gov.uk/vosa](http://www.dft.gov.uk/vosa)**

## Contact us:

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