



Goods Vehicle Operator Licensing

Guide for Operators

(Revised January 2011 GV 74)

VOSA 

Vehicle & Operator Services Agency

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 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. A traffic commissioner is an independent person appointed by the Secretary of State for Transport.

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 and the Goods Vehicles (Licensing of Operators) (Fees) Regulations 1995.

Changes to the operator licensing system are expected in 2011 and an amended guide will follow.

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 legal advice, you should seek independent professional advice. Please note that Northern Ireland is covered by a separate licensing system and is not dealt with here.

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

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Foreword by VOSA Chief Executive



Welcome to the heavy goods vehicle (HGV) industry. This new *Goods Vehicle Operator Licensing – Guide for Operators* is part of a suite of Vehicle and Operator Services Agency (VOSA) publications designed to help the operators of goods vehicles establish and run a safe and legal business.

As an HGV industry professional, you will be working alongside VOSA as part of your everyday business. In addition to the annual test and its enforcement function, VOSA is committed to providing excellent customer service and to providing educational material and advice to the industry. This guide is part of that commitment.

VOSA welcomes the opportunity to work with the traffic commissioners and industry associations to bring you this guide. Our aim is to provide both new and existing operators with the necessary information to ensure that they understand and are compliant with the often complex requirements of running a safe and legal business. By working together we can ensure that the UK haulage industry maintains a good reputation for safety.

A handwritten signature in black ink, appearing to read "Alastair Peoples".

Alastair Peoples
VOSA Chief Executive

Foreword by the Senior Traffic Commissioner



I am pleased to launch this edition of *Goods Vehicle Operator Licensing – Guide for Operators*.

Heavy goods vehicles play a critical role in the British economy and it is essential to ensure that those who operate such vehicles have a clear understanding of the responsibilities that accompany the grant of an operator's licence. Compliance is mandatory rather than optional.

This publication affords all operators the opportunity to ensure that their maintenance and management systems demonstrate compliance.

As regulators of the road haulage industry, traffic commissioners often find that operators who appear before them at a public inquiry do so as a result of a lack of attention to their obligations. Such operators rarely receive a sympathetic response from a traffic commissioner.

Anyone who reads this guide and uses it as an essential tool to assist them in applying for and retaining an operator's licence will have the opportunity to benefit from the experience of those who investigate and report non-compliance to a traffic commissioner. Those who follow the guide's instructions and advice will be in a position to minimise the effects of non-compliance.

Traffic commissioners are committed to ensuring that only safe and reliable heavy goods operators and vehicles are permitted to be licensed. By adhering to those principles and recognising the need for fair competition, all operators can work with traffic commissioners in achieving those aims.

A handwritten signature in black ink that reads "Philip Brown". The signature is fluid and cursive, with "Philip" on the top line and "Brown" on the bottom line, which is slightly curved.

Philip Brown
Senior Traffic Commissioner
for Great Britain

Contents

Introduction	4
Section one – Do you need a licence?	6
Section two – The application process	11
Section three – How to keep your licence	21
Further information	29
Annexes	30
Index	51

Introduction

The Vehicle and Operator Services Agency (VOSA) has produced this guide to explain 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 requirements of the operator licensing system. This will help to ensure that all HGVs are used safely and legally.

About this guide

This guide explains how the operator licensing system works for Goods Vehicles. We've produced it to give you general guidance; it is therefore not a legal document.

New and experienced operators

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

What this guide contains

This guide contains a detailed explanation of the requirements that need to be met in order to obtain an operator's licence. It has been set out in the order of the application process, with additional information in the annexes at the back.

This guide is concerned with goods vehicle operator licensing.

Please note: Changes to the operator licensing system are expected in 2011 and an amended guide will follow.

Other guides available to you

(See Annex 14)

The Safe Operator's Guide summarises best practice advice on safety procedures relating to all aspects of employees' and drivers' duties.

The Guide to Maintaining Roadworthiness explains the responsibilities and systems involved in maintaining vehicles in safe and roadworthy condition.

Rules on Drivers' Hours and Tachographs: Goods Vehicles in the UK and Europe explains the drivers' hours rules and the keeping of records for both drivers and operators.

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.

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 VOSA Contact Centre on 0300 123 9000.

Take note

Neither VOSA 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. For details of the law please refer to the Acts and Regulations listed in Annex 12.

All applications for operators' licences are processed through our 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 in their area. Details of the traffic area boundaries and how to contact your traffic area can be found at Annex 1.

This guide has been written with the support of the traffic commissioners and industry associations.

Section one – Do you need a licence?

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

Take note

It is an offence to operate a goods vehicle without a valid licence. 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.)

Vans towing trailers

For a van and trailer combination, you will need a goods vehicle operator's licence if:

- in the case where both the motor vehicle and the trailer(s) are plated, the total of their gross plated weights is more than 3,500kg; or
- where there is no plated weight, the total unladen weight is more than 1,525kg.

Take note

A trailer with an unladen weight of less than 1,020kg need not be taken into account in this calculation. It therefore can be ignored for the purposes of adding up total gross weights or unladen weights for the above.

For more information on weight thresholds, see Annex 2.

Who is the 'user' of a vehicle?

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).

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, phone the VOSA Contact Centre on 0300 123 9000.



2. Vehicles that do not need an operator's licence

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

1. 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);
2. 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;
3. vehicles being used under a trade licence (i.e. with trade plates);
4. vehicles constructed or adapted for carrying passengers and their effects (any trailer) and being used for that purpose;
5. vehicles used by, or under the control of, Her Majesty's United Kingdom forces and visiting forces' vehicles;
6. 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;
7. 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);
8. vehicles being used for police, fire or ambulance purposes;
9. fire-fighting and rescue vehicles used in mines;
10. Royal National Lifeboat Institution and Coastguard vehicles when used for transporting lifeboats, appliances or crew;
11. vehicles being held ready for use in emergencies by water, electricity, gas and telephone companies;
12. 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;
13. vehicles being used to carry goods within aerodromes;
14. vehicles being used for funerals;
15. uncompleted vehicles on test or trial;
16. vehicles being used for or in connection with (or on their way to) snow clearing or distribution of salt, grit, etc;
17. vehicles on their way to a Department for Transport examination and being presented laden at the request of an Examiner;
18. electric and steam-propelled vehicles;
19. 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.

- 20. 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.
- 21. tower wagons and any trailers that are transporting goods related to the work carried out by the vehicle;
- 22. dual-purpose vehicles (e.g. Land Rovers) and their trailers;
- 23. trailers whose primary purpose is not to carry goods but do so incidentally in connection with the construction, maintenance or repair of roads;
- 24. road rollers and trailers;
- 25. 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);
- 26. Crown vehicles that are vehicles operated by **central** government departments (e.g. Home Office, Department for Transport) but **not** by their external contractors;
- 27. 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);
- 28. vehicles being used for international haulage by operators established in Northern Ireland; and
- 29. 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.

3. Types of licence

There are three types of goods vehicle operator's licences that you can apply for.

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 the licence holder's own goods in connection with their business.

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 Authorisations. These are required for all hire or reward operations in, or through EU countries.

To get a standard international licence, you or your transport manager must satisfy the requirement of professional competence. (See the section on transport managers below.)

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 Annex 10.

Standard national licence

A standard national licence allows you to carry your own goods, or other people's goods, in Great Britain and to carry **your own** goods abroad. This will also allow you to haul loaded trailers to or from ports within Great Britain – as part of an international journey – as long as your vehicle does not actually leave Great Britain.

To get a standard licence, you or your transport manager must satisfy the requirement of professional competence. (See the section on transport managers below.)

Restricted licence

A restricted licence also allows you to carry your own goods within the EU. You do not have to satisfy the requirement of professional competence to get a restricted licence. However, you should apply in the same way and obey the same rules as for a standard licence.

Take note

You must not carry goods for other people if you have a restricted licence. If you do, you could be fined or even lose your licence.

Transport managers

If you are applying for a standard international or national licence, you or your transport manager must satisfy the requirement of professional competence. You will not need to do this if you are applying for a restricted licence.

If you or your transport manager can claim professional competence only for national operations, you will not be able to get a standard international licence. (For more information, see Annex 3.)

Your transport manager must be of good repute and actively involved in your business with continuous and effective responsibility for the management of the transport operations. Should you change your transport manager, you must notify a traffic commissioner of this.

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 in writing at the Central Licensing Office (see Annex 1).

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.

Take note

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



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. You can download this form from www.businesslink.gov.uk/transport or you can get a copy by contacting VOSA on 0300 123 9000.

You should send the completed form, along with the application fee and the other documents you need to provide, to:

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

If you are not sure how to fill in the form or if you are unsure about what to include with your application, you can contact VOSA for help by calling us on the number above.

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 1).

You will also have to advertise your application (see below).

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 those 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. You should also give reasons why you want to operate before the full licence is granted, in a covering letter.

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.

Advertising your application

You must advertise your licence application in a local newspaper that is distributed in the area where you are applying to set up an operating centre.

Take note

An operating centre is the place where you normally park your vehicles when they are not in use (see Annex 6).

The local newspaper you choose should have a wide circulation in the area of the proposed operating centre you are applying for.

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, like the police and local authorities, that are able to make a statutory objection to your application.

You can find more information about this in the section 'Objections and representations' on page 16.

The GV79 application contains a blank advertisement form with instructions on how to fill it in. (You can find a copy of this form in Annex 7.)

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 VOSA must be advertised between 12 October and 21 November).

When the advertisement is published, you should send a copy of it immediately to VOSA's 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 VOSA to check that you have advertised your application correctly.

Things to remember

If you do not advertise your application correctly, we will not be able to consider your application.

You should 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.

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.

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.

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 to use 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.

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 25 for more details).

Keeping your licence in force

Every five years VOSA will send you a renewal document that contains a summary of the information it holds about you. You should confirm that the information is correct and pay the required continuation fee by the specified date.

Take note

If you do not pay your fees on time, your licence will automatically terminate. You will have to stop operating and apply for a new licence.

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.

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 11.) 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 VOSA of any convictions incurred after you have been issued a licence, you will seriously threaten the continuation of your licence.

Any person who is a nominated transport manager on a standard licence must also meet the good repute requirement (for details of the professional competence requirement see Annex 3).

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, or by contacting VOSA (see Annex 1).

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 is subject to change. Contact VOSA 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. VOSA 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* (see Annex 5). *The Guide to Maintaining Roadworthiness* can be downloaded from www.businesslink.gov.uk/transport or by contacting VOSA on 0300 123 9000.

Ability to obey all the rules

You will need to show a traffic commissioner that you have adequate systems in place to make sure you and your staff are able to obey all the rules covering:

- speed limits;
- driver obligations;
- driver licensing;
- 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.

Operating centres

An operating centre is the place where your vehicles are normally kept when not in use. 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 6.

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. Please 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), he may send you 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.

There are also restrictions on action that can be taken against operating centres at the time of review (see page 27).

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.

3. Objections and representations

When you apply for an operator's licence (or variation to a licence), there are certain people who can object to your application being granted.

These are:

- statutory objectors, who can make an **objection**; or
- representors, who can make a **representation** – such as owners and occupiers of land or buildings near an operating centre.

Objections

Statutory objections can be made by the following people or authorities:

- a chief officer of police;
- a local authority (but not a parish council);
- a planning authority;
- The British Association of Removers;
- The Freight Transport Association;
- The Road Haulage Association; and
- certain trade unions, prescribed by regulations.

An objection must be made in writing and must state the grounds on which it is made. These may relate to the fitness or repute of the applicant and any operating centre he proposes to use.

Objections may be made on environmental or non-environmental grounds, or both. At the same time as the objection is sent to a traffic commissioner, a copy must be sent to the applicant.

Take note

You can get a free guide to making objections, representations and complaints from www.dft.gov.uk/vosa or by calling 0300 123 9000.

Representations

Representations can be made by the owners or occupiers of land or buildings in the vicinity of an operating centre, where they feel that the use of the site as an operating centre will prejudicially affect their use or enjoyment of their land.

Representations may be made only on environmental grounds. It is up to a traffic commissioner to decide, in the light of local circumstances, the geographical limit of 'the vicinity' of an operating centre.

How objections and representations are made

Any objection or representation against the issue of a new licence or variation must be made in writing and state the grounds on which it is made. At the same time as it is sent to a traffic commissioner, a copy must be sent to the applicant.

The representation must reach a traffic commissioner within 21 days of the date on which the applicant's advertisement appeared in the local paper.

Take note

- An objection must reach a traffic commissioner within 21 days of the application appearing in *Applications and Decisions*.
- A representation must reach a traffic commissioner within 21 days of the date on which the applicant's advertisement appeared in the local newspaper.

Dealing with objections and representations

A traffic commissioner will consider all objections and representations made against an application. If the objections and representations are valid, you will be given the opportunity to comment on the matters raised.

This may take place at a public inquiry. Having assessed all the information, a traffic commissioner may:

- grant your application as applied for; or
- grant your application and attach conditions or undertakings; or
- refuse your application.

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, 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).

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. See page 28 for more information about appeals.

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 keep 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.

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 (see Annex 5).

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.

Take note

It is your responsibility to pay all your fees on time and failure to do so will automatically terminate your licence.

Every five years VOSA will contact you to confirm a summary of information held on your record and to ask you to pay the fee required at that time.

Using your disc correctly

The disc 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 VOSA 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 VOSA (giving details of the operator's licence number and the vehicle registration mark). VOSA will issue you with a replacement disc 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. 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 13.)

Minor variations

The difference between the number of specified vehicles and the maximum number of vehicles authorised on your licence is commonly called 'the margin'.

Adding vehicles within that margin is called a 'minor variation'.

When your licence is first issued, it will authorise you to use up to a maximum number of motor vehicles and trailers. If the number of vehicles specified on your licence (i.e. recorded by registration mark on the vehicle list) is less than the number you are authorised to use, you can take on extra vehicles at any time.

This is provided you do not exceed the maximum number authorised, and provided any conditions attached to your licence allow you to do this.

Take note

Any vehicle that is being used under the margin can be used for only one month (for further details, see page 13). The vehicle ceases to be authorised if you do not notify a traffic commissioner about that vehicle within the month.

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 VOSA 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 and you should 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;
- 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 VOSA at 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 margin – does not have to be advertised by you, or published by a traffic commissioner.

Making a major 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 major variation to your licence.

To do this, you must complete form GV81 and send it with an application fee to VOSA 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.

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. (You can find a copy of this in Annex 8.)

Take note

- You will have to pay a fee to make a variation application.
- And, it will be open to objections and representations in exactly the same way (see page 16).

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.

However, you do not have to advertise these applications in a local newspaper, even though they are major 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 direction for operation within nine weeks

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

A traffic commissioner may give 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 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 28 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 ‘curator bonis’ has been appointed for the reason of mental incapacity.
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 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 entity without informing a traffic commissioner. A new licence for the new entity must be obtained before operating.

Keeping your information up to date

Every five years you will be sent a list of the information currently held on your licence so that you can check it and update any details that are incorrect.

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 grant an extension of up to 12 months or (where it appears to a traffic commissioner that there are exceptional circumstances) 18 months.

Do not wait for the checklist to inform a traffic commissioner of any changes in your circumstances. You must report them as soon as possible when alterations occur and no later than 28 days afterwards.

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 other matters

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), he may impose or change conditions on your licence for road safety or environmental reasons. He 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 he is 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 11);
- in the case of a standard licence, there is no longer a professionally competent person working in the firm (see Annex 3);
- 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 25 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 he intends 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 28 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 is 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; or
- put conditions on your licence restricting the weights of vehicles you are allowed to use on your licence and/or their hours of operation.

In most cases a traffic commissioner will ask you 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 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 he refuses, 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.

Further information

Annexes 12 and 14 list various Acts of Parliament, regulations, guides and booklets that may answer your questions more fully.

For further information, you can also visit www.businesslink.gov.uk/transport.

If you need any more help or advice, please contact VOSA (see Annex 1).

The Road Haulage Association or the Freight Transport Association may also be able to help you (see Annex 1).



Annex 1

Useful contacts

VOSA Central Licensing Office

For operator licensing and permits, contact VOSA's Central Licensing Office.

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

Tel: 0300 123 9000

Email: self.service@vosa.gov.uk

Traffic Areas

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

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

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

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

Other useful contact details

VOSA	<p>Berkeley House Croydon Street Bristol BS5 0DA</p> <p>Tel: 0300 123 9000</p> <p>Website: www.businesslink.gov.uk/transport</p> <p>Email: enquiries@vosa.gov.uk</p> <p>For details of VOSA Enforcement Offices, see www.dft.gov.uk/vosa</p>
Administrative Appeals Chamber of the Upper Tribunal Traffic Commissioner Appeals	<p>7th Floor Victory House 30–34 Kingsway London WC2B 6EX</p> <p>Helpline: 020 3077 5860</p>
Freight Transport Association	<p>St John's Road Tunbridge Wells Kent TN4 9UZ</p> <p>Tel: 01892 526171</p> <p>Fax: 01892 534989</p>
Road Haulage Association	<p>Roadway House Bretton Way Peterborough PE3 8DD</p> <p>Tel: 01733 261131</p> <p>Fax: 01733 332349</p>

Annex 2

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

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 3

Transport managers

A professionally competent person must be nominated on a standard licence. This person can be you or a 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.

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

The Certificate of Professional Competence (CPC) is set by the OCR Examinations Board – formerly the Royal Society of Arts (RSA) – acting on behalf of the Department for Transport. There are two types of examinations:

- the national examination that meets the requirements for a standard national licence; and
- the additional international examination for a standard international licence.

There are no academic entry requirements for either 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 OCR:

OCR Examinations Board
Progress House
Westwood Way
Coventry
CV4 8JQ

Tel: 02476 851509

www.ocr.org.uk

Other acceptable qualifications or diplomas (goods)

There are a number of other qualifications that are acceptable as proof for professional competence (goods). These are currently under review. However, you are likely to be exempt from CPC examination if you have any of the qualifications in the two lists below.

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 an EU country, you can use your national 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'

In the past, those who had experience of operating licensed goods vehicles before 1 January 1975 could apply for a GV203 certificate (also known as 'grandfather rights'). These were issued by traffic commissioners. The certificates are still acceptable as proof of professional competence for both national and international licence applications.

You can no longer apply for this certificate. However, if you have lost or damaged your certificate, you can apply for a replacement free of charge from the Central Licensing Office (see Annex 1 for contact details). You will need to apply in writing, giving your full name, age, date of birth and the reason for seeking a copy.

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

Summary of the Guide to Maintaining Roadworthiness

What are the maintenance requirements?

- On a daily basis, a responsible person must undertake a walk-round check before a vehicle is used.
- Operators who lease, hire or borrow vehicles (including trailers) from other people have to carry out a first-use inspection. If the vehicle or trailer has been off the road for some time, an inspection is essential.
- Drivers must be able to report faults or any evidence of defects that could affect the safe operation of the vehicle. Drivers must make these reports in writing, and operators should keep these for at least 15 months. Operators also need to record any work done to address the faults.
- Operators must make sure that items that affect roadworthiness are checked regularly.
- Safety inspections must include those items covered by the appropriate annual test of the Department for Transport.
- Safety inspections should be pre-planned, preferably using a time-based programme.
- Safety inspections must be regularly monitored.
- Any work carried out as a result of a safety inspection must be recorded in writing.
- The safety inspection report must include:
 - vehicle details;
 - a list of all items to be inspected;
 - when and by whom the inspection is carried out;
 - the result of the inspection;
 - details of any rectification work; and
 - a declaration that confirms the defects have been rectified satisfactorily.
- On some types of vehicle and operations, intermediate safety checks may also be necessary.
- Records of safety inspections must be kept for at least 15 months.
- Staff carrying out safety inspections must be competent to assess the significance of defects. They must be assisted by a person able to operate the necessary vehicle controls.
- There must be a system that makes sure that unroadworthy vehicles are taken out of service.
- Operators who carry out their own safety inspections must have adequate facilities and tools available. These must be appropriate to the size of fleet and the type of vehicle.
- Operators should have access to a way of measuring brake efficiency, setting headlamp aim and measuring exhaust emissions.

- An operator is responsible for the condition of vehicles (including trailers) that are inspected or maintained by agents, contractors or hire companies.
- Operators who contract out their safety inspections must draw up, and have approved, a formal written contract with an inspection agency or garage. Such operators must be able to regularly monitor the quality of work produced for them.
- It must be easy for operators to find out when safety inspections are due. A maintenance planner or wall chart can be used to identify dates at least six months before safety inspections are due.
- Any system of maintaining the roadworthiness of vehicles should be effectively and continually monitored.
- Operators making changes to their arrangements for safety inspections must notify VOSA's Central Licensing Office immediately.
- Operators must give drivers clear written instructions about their responsibilities.

Take note

We recommend that you read the *Guide to Maintaining Roadworthiness*. You can download the full guide at www.businesslink.gov.uk/transport and www.dft.gov.uk/vosa

Annex 6

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 VOSA's Central Licensing Office.

Annex 7

Advertisement form – to use with GV79

Goods vehicle operator's licence

trading as

of.....

is applying for a licence to use

as an operating centre for goods vehicles and trailers

and to use

as an operating centre for goods vehicles and trailers

Owners or occupiers of land (including buildings) near the operating centre(s) who believe that their use or enjoyment of that land would be affected, should make written representations to a traffic commissioner at the Central Licensing Office, Hillcrest House, 386 Harehills Lane, Leeds LS9 6NF stating their reasons, within 21 days of this notice. Representors must at the same time send a copy of their representations to the applicant at the address given at the top of this notice.

A guide to making representations is available from the traffic commissioner's office.

Annex 8

Advertisement form – to use with GV81

Goods Vehicle Operator's licence

trading as

of

.....
.....

is applying to change an existing licence as follows:

- To keep an extra goods vehicles and trailers at the operating centre at

.....
.....

- To add an operating centre to keep goods vehicles and trailers at

.....
.....

- To change existing conditions or undertakings applying at the operating centre at

.....
.....

from

.....
.....

to

.....
.....

- To remove the following conditions or undertakings which reads

.....
..... and which applies at the operating centre
at

.....
Owners or occupiers of land (including buildings) near the operating centre(s) who believe that their use or enjoyment of that land would be affected, should make written representations to a traffic commissioner at the Central Licensing Office, Hillcrest House, 386 Harehills Lane, Leeds LS9 6NF stating their reasons, within 21 days of this notice. Representors must at the same time send a copy of their representations to the applicant at the address given at the top of this notice.

A guide to making representations is available from the traffic commissioner's office.

Annex 9

Fees

Application fee

The application fee is payable when you apply for a new licence or a major 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.

Annex 10

Community Authorisations

Extra authorisation needed for international journeys in the EU

All hauliers carrying goods for hire or payment within EU countries must have a Community Authorisation (as well as a standard international operator's licence).

Traffic commissioners issue Community Authorisations 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 Authorisation consists of:

- A Community Authorisation. This must be kept in the operator's main office so that it can be inspected by enforcement authorities.
- Certified copies of the Authorisation. 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.

Validity

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

Please note that if a traffic commissioner is considering revoking (canceling) an international licence, they will also consider withdrawing the Community Authorisation.

Lost, damaged, stolen or terminated documents

If your Community Authorisation documents are lost, damaged or stolen, you should contact VOSA's Central Licensing Office.

If your licence is surrendered or terminated in any way, you must return the Community Authorisation documents to VOSA's Central Licensing Office (see Annex 1 for contact details).

Annex 11

Relevant convictions

This annex concerns all those who either hold a goods operator's licence, or who are in the process of applying for one, including persons in partnership and those acting on behalf of a company. It aims to summarise what the relevant convictions are, and when they should be reported.

Section 9 of the Goods Vehicles (Licensing of Operators) Act 1995 requires people who are applying for an operator's licence to report certain convictions of themselves and those who work for them to a traffic commissioner. It places a similar requirement on those who already hold an operator's licence. These convictions are known as 'relevant convictions'.

In deciding whether an operator or applicant meets the requirements, a traffic commissioner will take account of any relevant evidence – in particular he will consider relevant convictions.

The weight a traffic commissioner gives to each conviction will depend on the seriousness of the offence, and the extent to which it reflects on the operator's (or applicant's) fitness to manage a transport business.

Convictions

The convictions fall into two broad categories:

Convictions for serious offences

- A sentence of imprisonment for a term exceeding three months.
- A fine exceeding level 4 on the standard scale.
- A community service order for more than 60 hours.

Convictions for offences concerning the use of goods vehicles and the licensing requirements for their operators and drivers

The offences include, but are not limited to:

- goods operator licensing offences;
- contraventions of vehicle fitness/excise/insurance requirements;
- driving and traffic offences;
- offences relating to drivers' hours and records; and
- overloading offences.

Spent convictions

Even if a conviction has occurred, you do not need to report it if it has become a 'spent conviction' (within the meaning of the Rehabilitation of Offenders Act 1974).

For example, a conviction that resulted in a fine becomes spent after five years unless, in certain circumstances, the offender is convicted of a further offence during that five-year period. This means if you have fines imposed every four years for 20 years, all convictions are current. For this purpose, spent convictions include findings of guilt.

If you are in doubt, you should declare a conviction. A traffic commissioner will then consider each case on its merits.

However, if the offender was under 17 at the time of the conviction (finding of guilt), different rules apply.

Foreign convictions

If a conviction has been imposed by a court outside Great Britain (including Northern Ireland), it is relevant and should be reported.

When must relevant convictions be reported?

When applying for a licence

Your application will ask you to list all the relevant convictions over the last five years (excluding spent convictions) that apply to:

- yourself (or any company on whose behalf you are applying);
- the person you propose to engage as your transport manager; or
- any employee or agent of yours.

You must give these details on your application form.

If any of these persons are given a relevant conviction during the period your application is being considered, you must report it immediately to the traffic commissioner to whom you have applied.

Once you hold a licence

Once you hold a goods vehicle operator's licence, you must continue to report relevant convictions throughout the lifetime of the licence as follows:

- Those of yourself (or any company holding the licence), report within 28 days of the conviction.
- Those of your transport manager (if they concern offences committed in the course of your business), report within 28 days of the conviction.
- Those of any other officer, employee or agent (if they concern offences committed in the course of your business), report within 28 days of you learning about them.

Take note

If you have any relevant convictions, you must report them even if they occurred in the course of a business other than the one for which you hold or are seeking a licence.

You are not required to report convictions incurred by your other employees outside your transport business (e.g. in previous jobs, or in any different business). But you should bear in mind that any misconduct by an operator or employee may put the operator's good repute at risk, even if it does not amount to a relevant conviction.

Transport managers

In the case of your proposed transport manager, you should report all relevant convictions, including those incurred outside your own business. After that, you need only report those incurred in your business as a road transport operator.

Partnerships and limited companies

When persons in partnership apply for, or hold, a goods vehicle operator's licence, every one of the partners and directors must meet the requirement of 'good repute'. This means that you must report the relevant convictions of each person as if they were the operator.

Annex 12

Relevant legislation

- The Goods Vehicle Operators (Qualifications) Regulations 1999 (SI 1999/2430) (as amended)
- The Goods Vehicles (Licensing of Operators) Act 1995
- The Goods Vehicles (Licensing of Operators) Act 1995 (Commencement and Transitional Provisions) Order 1995
- The Goods Vehicles (Licensing of Operators) Regulations 1995 (SI 1995/2869)
- The Goods Vehicles (Licensing of Operators) (Fees) Regulations 1995 (SI 1995/3000)
- EU Directive 96/26 as amended by 98/76 (Access to the occupation of road transport operator)
- Council Regulation (EEC) No. 881/92 (Access to the market in the carriage of goods by road within the community)
- Council Regulation 3118/93 laying down the conditions under which non-resident carriers may operate national road haulage services within an EU member state ('cabotage')
- The Goods Vehicle (Community Authorisations) Regulations 1992
- The Transport Act 2000
- Council Directive 2003/59 on initial qualification and periodic training of drivers (Driver CPC).

Annex 13

Self-service registration

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.

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.

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.

The username you select will be confirmed back to you by email. A password will be sent by post to the correspondence address recorded for your licence on the Operator Licensing Business System.

Step 5

Make sure that you remember the username and memorable word that you set up. You will need these when you receive your password to log on to the system and start to use the service.

Annex 14

Further reading

Annual Reports of the Traffic Commissioners

Available free of charge from:
www.dft.gov.uk

Guide to Maintaining Roadworthiness

Available free of charge from:

- 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)

Available free of charge from:

- 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

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

A Simplified Guide to Lorry Types and Weights

Available free of charge from:
www.dft.gov.uk/vosa

Safe Operator's Guide

Available free of charge from:
www.dft.gov.uk/vosa

Index

- advertising of application, 12–13, 16
 blank forms and instructions, 41–3
 of major variations, 23, 42–3
- appeal, rights of, 20, 24, 27, 28
- application process, 11–18, 23
 advertising of application, 12–13, 16, 23, 41–3
 GV79 application form, 11, 41
 objections and representations, 12, 14, 16–17, 23
 public inquiries, 17, 18–20
 refusal of application, 20, 24
- Applications and Decisions*, 13, 18, 23, 24
- articulated vehicles, weight thresholds, 34
- bankruptcy or liquidation, 25
- British Association of Removers, 16
- businesses
 change in legal entity of, 25, 27
 financial standing requirement, 14, 19, 24, 26, 27
 guidance, 50
 partnership firms, 25, 28, 47
 relevant convictions and, 14, 25, 26, 27, 46–7
 transport managers, 9–10, 25, 35–6, 47
- cabotage, 8, 48
- Central Licensing Office, 5, 30
- Certificate of Professional Competence (CPC), 14, 35, 36
- Chartered Institute of Logistics and Transport, 35, 36
- circumstances changes, 25–6, 27
- Code of Practice on Safety of Loads on Vehicles* (Department for Transport), 50
- Community Authorisations, 9, 45, 48
- complaints, 17, 26–8
- conditions imposed on licences, 17, 19, 20, 21, 25, 26, 27
 appeals against, 27, 28
 environmental factors and, 26, 40
 minor variations and, 22
 operating centres and, 16, 26
- contacts, useful, 4, 30–3, 50
- convictions, relevant, 14, 25, 26, 27, 46–7
- disabled vehicles, transportation of, 7
- disqualification orders, 28
- drivers' hours regulations, 15, 27, 37, 50
- environmental factors, 15, 17, 26, 40
- European Union (EU), 8, 14, 36
 Community Authorisations, 9, 45, 48
- exempted vehicles, 7–8
- fees, 11, 13–14, 21, 23, 24, 27, 44
 current fee levels, 23
- financial standing requirement, 14, 19, 24, 26, 27
- fixed penalties, 37
- forms
 GV72, 16
 GV79 application form, 11, 41
 GV80, 22, 23
 GV80A, 24, 25
 GV81, 23, 26, 42–3
 TM1, 25
- Freight Transport Association, 11, 16, 33
- good repute requirement, 10, 14, 24, 26, 27, 35, 46, 47
- 'goods', definition of, 6
- goods vehicle operator's licence
 adding a vehicle to, 22–3
 application process see application process
 applying for another licence after revocation, 28
 circumstances changes and, 25–6, 27
 conditions imposed on see conditions imposed on licences
 details included on the licence, 21
 exempted vehicles, 7–8
 interim licences/directions, 11, 23, 24, 44
 keeping your licence, 21–8
 length of validity, 13
 licence requirements see licence requirements

- major variations, 23–4, 42–3
- making changes to, 22–4
- maximum number of motor vehicles/trailers, 13, 21, 22
- minor variations, 22–3
- non-transferable nature of, 25
- regulatory action, 13, 19, 27–8
- removing a vehicle from, 22–3
- renewals of, 13–14, 21, 27, 44
- reporting of relevant convictions, 47
- revocation of, 27, 28, 45
- suspension of, 27, 28
- types of, 9–10, 24
- upgrading the type of licence, 24, 44
- when to apply for, 11
- who needs one?, 6
- ‘Grandfather rights’ (GV203 certificate), 36
- guidance, 4, 10, 15, 38–9, 50
- Guide to Maintaining Roadworthiness*, 4, 15, 38–9, 50
- GV79A vehicle list, 22, 23

- holding companies and subsidiaries, 26

- industry associations, 4, 5, 11, 13
- Institute of Logistics and Transport, 35, 36
- Institute of the Furniture Warehousing and Removing Industry, 35, 36
- Institute of Transport Administration, 36
- insurance of vehicles, 15, 37, 46
- interim licences/directions, 11, 23, 24, 44
- international journeys, 9, 10
 - see also European Union (EU); standard international licence

- judicial review, 20

- legal advice/representation, 5, 19, 27
- legislation, 7, 8, 16, 46, 48
- licence requirements
 - application process, 14–16
 - financial standing, 14, 19, 24, 26, 27
 - good repute, 10, 14, 24, 26, 27, 35, 46, 47

- maintenance of vehicles, 14–15, 21, 37, 38–9, 50
- professional competence, 9–10, 25, 26, 35–6
- local authorities, 7, 16, 19, 20

- maintenance of vehicles requirement, 14–15, 21, 26, 37, 38
 - first-use inspections, 38
 - Guide to Maintaining Roadworthiness*, 4, 15, 38–9, 50
 - safety inspections, 15, 38–9
- major variations to licence, 23–4, 42–3
- management structures, 15
 - transport managers, 9–10, 25, 35–6, 47
- the margin, 13, 22–3
- minor variations to licence, 22–3
- monitoring and reporting systems, 15, 37, 38, 39
- Movers Institute, 36
- mutual recognition certificates, 36

- non-compliance, 26–7
- Northern Ireland, 8, 46

- objections and representations, 12, 14, 16–17, 18–20, 23, 24
- OCR Examinations Board, 35, 36
- online self-service system, 22, 49
- operating centres, 12, 15–16
 - complaints about, 26
 - environmental factors and, 15, 17, 26, 40
 - major variations, 23, 24, 42–3
 - parking arrangements and, 15, 40
 - removal of, 26, 27
 - reviews of, 26, 27
 - transfers of, 15, 16

- partnership firms, 25, 28, 47
- planning authorities and law, 15, 16, 50
- Planning Permission: A Guide for Business*, 50
- plates, DfT (Ministry plates), 6, 7, 34
- police services, 16, 19, 20
- professional competence requirement, 9–10, 25, 26, 36
 - acceptable qualifications or diplomas (goods), 35–6

- prosecutions, 6, 11, 37
- public inquiries, 17, 18–20, 27
- Public Service Vehicle Operator Licensing: Guide for Operators*, 4
- record-keeping, 4, 15, 21, 37, 38, 46
- refusal of applications, 20, 24
- regulatory action, 13, 19, 27–8
- Rehabilitation of Offenders Act (1974), 46
- renewing the licence, 13–14, 21, 27, 44
- reporting and monitoring systems, 15, 37, 38, 39
- restricted licence, 9, 14, 24, 27
- reviews of operating centres, 26, 27
- Road Haulage Association, 11, 16, 33
- roadworthiness of vehicles see maintenance of vehicles requirement
- Royal National Lifeboat Institution, 7
- RSA Certificate in Road Freight Transport, 36
- Rules on Drivers' Hours and Tachographs: Goods Vehicles in the UK and Europe* (GV262), 4, 50
- safe operation of vehicles, 27, 37, 38, 50
- drivers' hours regulations, 15, 27, 37, 50
 - see also maintenance of vehicles requirement
- Safe Operator's Guide*, 4, 50
- safety inspections, 15, 38–9
- Schedule 4 procedures, 16
- self-service system, operator, 22, 49
- A Simplified Guide to Lorry Types and Weights*, 50
- Society of Operations Engineers, 35, 36
- 'spent convictions', 46
- standard international licence, 9, 24, 26, 27, 45
- licence requirements, 14, 24, 35, 36
- standard national licence, 9, 24, 27
- licence requirements, 14, 35–6
- statutory objections, 12, 16–17, 19, 20, 24
- subsidiaries and holding companies, 26
- tachographs, 4, 37, 50
- taxation and insurance of vehicles, 15, 37, 46
- tractors, 7, 34
- trade associations, 16, 26, 33
- trade licences, 7
- trade unions, 16
- traffic areas, 5, 23, 30–3
- traffic commissioners, 5
- Annual Reports available to download, 50
 - public inquiries and, 18–20
- Traffic Examiners, 7, 19, 37
- trailers, 6, 7, 8, 9
- safety inspections and, 38, 39
 - weight thresholds, 34
- transfers of operating centres, 15, 16
- transport managers, 9–10, 25, 35–6, 47
- the Tribunal (Upper Tribunal Traffic Commissioner Appeals), 20, 24, 27, 28, 33
- unladen weight, definition of, 34
- upgrading the type of licence, 24, 44
- Upper Tribunal Traffic Commissioner Appeals (the Tribunal), 20, 24, 27, 28, 33
- 'user' of the vehicle, definition of, 6
- van and trailer combination, 6
- Vehicle Examiners, 7, 19, 26, 27, 37
- vehicle identity discs, 11, 13, 14, 21, 23
- lost, stolen or damaged, 22
 - major variations and, 23, 24
- websites, 22, 50
- weighbridges, 7, 34
- weight thresholds, 6, 7, 15, 34, 50
- Working Time Directive, 15



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