Department for Infrastructure
An Roinn Bonneagair
www.infrastructure-ni.gov.uk

GV(NI)74: Guide for Operators

Goods Vehicle Operator Licensing

Disclaimer

This publication gives **general guidance only** and should not be regarded as a complete or authoritative statement of the law and does not provide legal advice. If you need independent advice about operator licensing you should either seek independent legal advice, or consider contacting Logistics UK, the RHA or other advisory bodies.

If you need more information, please contact NI Direct on 0300 200 7831. All forms referred to in this guide are available at infrastructure-ni.gov.uk/.

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Introduction

This Guide has been produced to give an overview of how the licensing system works for operators of Heavy Goods Vehicles (HGVs). Written with the support of the industry associations, the Guide is intended to help both new and existing operators understand the core requirements of the operator licensing system.

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

This Guide is concerned with goods vehicle operator licensing only.

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

If you need further help with applying for a licence, or with any other aspect of the operator licensing system, our staff are here to help – just phone the Department for Infrastructure (DfI) – contact number 0300 200 7831. You can also download copies of all the guides from infrastructure-ni.gov.uk/.

Take note: the Department cannot provide legal advice to operators. If you are unsure as to whether or not you are compliant with the law, you should seek independent legal advice[1]. All applications for operator licences are made to the Department through the Central Licensing Office.

Purpose of Operator Licensing and relevant legislation

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.

Copies of the legislation can be viewed or downloaded from legislation.gov.uk/

The DfI's Transport Regulation Unit has published "Practice Guidance and Instruction Documents" to inform how the Department interprets the law in relation to the application of Goods Vehicle Operator Licensing legislation.

The Practice Guidance documents, which can be viewed here infrastructure-ni.gov.uk/articles/goods-vehicle-licensing-practice-guidance-documents, reflect the different powers of the Department, and seek to explain how those powers impact goods vehicle operator licence applicants and operators, and provide advice and guidance to those applicants and operators who are regulated by the Department.

[1] For details of the applicable legislation, please refer to Annex 1.

The licensing provisions can be found in:

The Goods Vehicles (Licensing of Operators) Act (NI) 2010;

The Goods Vehicles (Licensing of Operators) Regulations (Northern Ireland) 2012;

The Goods Vehicles (Licensing of Operators) (Exemption) Regulations (Northern Ireland) 2012;

The Goods Vehicles (Licensing of Operators) (2010 Act) (Commencement No.1) Order (Northern Ireland) 2012;

The Goods Vehicles (Licensing of Operators) (2010 Act) (Commencement No.2 and Transitional Provisions) Order (Northern Ireland) 2012;

The Goods Vehicles (Licensing of Operators) (Fees) Regulations (Northern Ireland) 2012;

The Goods Vehicles (Qualifications of Operators) Regulations (Northern Ireland) 2012;

The Goods Vehicles (Community Licence) Regulations (Northern Ireland) 2013 No 115;

The Goods Vehicles (Enforcement Powers) Regulations (Northern Ireland) 2012;

Regulation (EC) 1071/2009 – common rules concerning road transport operators;

Regulation (EC) 1072/2009 – common rules for access to the international road haulage market; and

Council Directive 2003/59 on initial qualification and periodic training of drivers (Driver CPC).

Applications are made to the Department for Infrastructure and will be processed at:

Central Licensing Office
PO Box 180
Leeds
LS9 1BU

Tel: 0300 200 7831 (NI Direct)
Email: niclo@dvsa.gov.uk

Role of the Transport Regulation Unit

The DfI's Transport Regulation Unit is responsible for issuing Goods Vehicle Operator licences in Northern Ireland. It will consider and grant a licence on the basis of the undertakings given by the applicant, and it expects the operator to comply with those undertakings during the life of the licence. The Transport Regulation Unit is a stand-alone branch within the Department and is separate from the Driver & Vehicle Agency (DVA) and other enforcement authorities.

The Transport Regulation Unit's function is to ensure that only safe and reliable operators of goods vehicles are permitted to be licensed. The Department may also take regulatory action against an operator for non-compliance with the requirements of the law or with licence conditions or undertakings. This may be in the form of curtailment or suspension of an operator's licence and, in serious cases of non-compliance, the revocation of a licence and disqualification from holding one.

Role of DVA and DVSA

The DVA is committed to making our roads safer, cutting crime and protecting the environment, by ensuring that operators of heavy goods vehicles are compliant with legislation relating to matters including drivers' hours, roadworthiness, operator licensing and the safe loading of vehicles[2].

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

Role of the Department and the EU

The Minister of the Environment is responsible for the overall policy and general direction of the operator licensing regime. This includes the legal requirements of operator licensing and the roles and responsibilities within the Department. The Minister is also responsible to the NI Assembly for the negotiation and implementation of the European law on operator licensing.

[2] Please refer to Annex 4 for more information on DVA Examiners.

Section One – Overview of Operator Licensing

1. Who needs a Goods Vehicle Operators' Licence?

Take note: It is an offence to operate a goods vehicle without a proper licence, if one is required. You could be liable to prosecution and your vehicle could be impounded if you do not hold the appropriate operator licence.

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 on a road for hire or reward or in connection with a trade or business. (In this instance, 'goods' means goods or a burden of any description.)

For a vehicle and trailer combination, if you are carrying goods for hire or reward generally you will need a goods vehicle operator's licence if the gross plated weights or unladen weights, of the vehicle and trailer combined, exceed the limits stated above for a single vehicle[3]. If you are an own account operator, you will need a licence for vehicles exceeding 3.5 tonnes and for combinations **where the towing vehicle exceeds 3.5 tonnes.**

There are some exemptions from operator licensing (see below).

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 unsure as to whether or not you need a licence, contact 0300 200 7831.

The operator's licence should be applied for in the name of the person, company or partnership that is the 'user' of the vehicle.

You will be considered to be the user of the vehicle if:

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

Exemptions from Goods Vehicle Operator Licensing

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

1. A vehicle constructed or adapted primarily for the carriage of passengers and their effects, and any trailer drawn by it, while being so used.

[3] For more information on vehicle thresholds, see Annex 3.

2. A vehicle which is being used for funerals.

3. An emergency vehicle which is being used for police, fire and rescue or ambulance purposes.

4. A vehicle being used in by the Serious Organised Crime Agency in exercise of its functions.

5. A vehicle which is being used under a trade licence issued under the Vehicle Excise and Registration Act 1994[4].

6. A vehicle used by or under the control of Her Majesty's United Kingdom forces or a visiting force.

7. A vehicle being used under the direction of HM Coastguard or of the Royal National Lifeboat Institution (or similar) for the carriage of lifeboats, life-saving appliances or crew.

8. A vehicle being used solely on roads under the control of a harbour authority.

9. A vehicle being used by a local authority in the discharge of any function conferred on or exercisable by that authority under Regulations made under the Civil Contingencies Act 2004[5].

10. A vehicle being used in an emergency by a public undertaking for the supply of water, electricity, gas or telephone services.

11. A vehicle proceeding to or from a vehicle testing centre[6] for the purposes of an examination of that vehicle and/or its trailer, provided that the only load being carried is a load required for the purposes of the examination under the Goods Vehicles (Testing) Regulations (Northern Ireland) 2003[7].

12. A vehicle fitted with a machine, appliance, apparatus or other contrivance which is a permanent or essentially permanent fixture for carrying out maintenance on the road, water, electricity or gas networks and provided that the only goods carried on the vehicle are -

(a) required for use in connection with the function of the machine, appliance, apparatus or contrivance or the running of the vehicle; or

(b) mud, including contents of road gullies, or other matter swept up from the surface of a road by the use of the machine, appliance, apparatus or other contrivance.

13. A tower wagon, mobile elevated platform or trailer drawn thereby, provided that the only goods carried on the trailer are goods required for use in connection with the work on which the tower wagon or mobile elevated platform is ordinarily used as such.

14. A vehicle which is being used for snow clearing, or for the distribution of grit, salt or other materials on frosted, icebound or snow-covered public roads or for

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4 1994 c.22

5 2004 c.36

6 S.I. 1995/ 2994 (N.I. 18) *see* Article 73

7 S.R. 2003 No. 304

going to or from the place where it is to be used for the said purposes or for any other purpose directly connected with those purposes.

15. A showman's goods vehicle and any trailer drawn thereby.

16. An agricultural tractor as defined under regulation 2 of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999[8] and used on the public roads solely for -

(a) agriculture, horticulture or forestry purposes;

(b) activities falling within cutting verges bordering public roads; and

(c) cutting hedges or trees bordering public roads or bordering verges which border public roads.

17. An agricultural vehicle which is -

(a) designed for off road use;

(b) designed to lift and load; and

(c) used only in agriculture, horticulture or forestry.

18. A limited use vehicle which is used solely for the purposes relating to agriculture, horticulture or forestry and -

(a) is used on public roads only in passing between different areas of privately-owned land; and

(b) the distance it travels on public roads in passing between any two such areas Does not exceed 1.5 km.

19. (1) A motor vehicle authorised to carry goods for hire and reward or in connection with a trade or business elsewhere than in the United Kingdom—

(a) which if it were used in Great Britain for purposes or in circumstances corresponding to those for which it is used in Northern Ireland, would by virtue of regulations made for the purpose of implementing any Community obligation or any agreement relating to the international carriage of goods by road which has been applied to Northern Ireland, be exempt from the requirement for the user to hold an operator's licence under section 2 of the 1995 Act; or

(b) which carries a permit valid for the journey on which the goods are being carried issued with the authority of the Secretary of State for Transport such as, if the vehicle were used in Great Britain for purposes and in circumstances corresponding to those for which it is being used in Northern Ireland, would satisfy the requirements of section 2 of the 1995 Act, as amended by regulations made for the purposes of implementing any Community obligation or any agreement relating to the international carriage of goods by road which has been applied to Northern Ireland.

(2) A motor vehicle which is authorised under section 2 of the 1995 Act to carry goods for hire or reward in Great Britain and which is being used in Northern Ireland to carry goods for hire and reward shall be exempt from the provisions of section 1 of the 2010 Act.

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[8] S.R. 1999 No. 454

20. A vehicle proceeding to or from or engaged in a practical test of competence to drive that vehicle under Article 5 of the Road Traffic (Northern Ireland) Order 1981[9], provided that the only load being carried is the load required to be carried on the vehicle for the purposes of the test, as prescribed in regulation 26 of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996[10].

21. A vehicle being used for the instruction of drivers who have not passed the practical test of competence to drive the vehicle under Article 5 of the Road Traffic (Northern Ireland) Order 1981, provided that the only load being carried is the load required to be carried on the vehicle for the purposes of the test, as prescribed in regulation 26 of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996.

22. A vehicle being used in the course of a driving lesson, periodic training or driving test for the purpose of enabling that person to obtain a CPC within the meaning of the Vehicle Drivers (Certificate of Professional Competence) Regulations 2007[11], provided that no goods are being carried other than those allowed to be carried for the purposes of the initial CPC test as prescribed in regulation 5A of those Regulations[12].

23. A vehicle from another EU member state used in the UK under EU cabotage regulations.

24. A vehicle which is constructed or permanently adapted primarily for any one or more of the purposes of lifting, towing and transporting a disabled vehicle when it is carrying out one of the following functions -

(a) the recovery of a disabled vehicle;

(b) the removal of a disabled vehicle from the place where it became disabled to premises at which it is to be repaired or scrapped; and

(c) the removal of a disabled vehicle from premises to which it was taken for repair to other premises at which it is to be repaired or scrapped.

Some definitions

"Agriculture, Horticulture or forestry" – the term "used only in agriculture, horticulture or forestry" is defined as carrying animals, produce or materials, essentially and obviously required for the purposes of agriculture, horticulture or forestry.

Agriculture – means cultivating land, raising crops and feeding, breeding and raising livestock or poultry.

Horticulture – means the cultivation of a garden, orchard or nursery, the cultivation of flowers, fruits, vegetables or ornamental plants.

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9 S.I. 1981/154 (N.I. 1)

10 S.R. 1996 No. 542

11 S.I. 2007/605

12 Regulation 5A was inserted by regulation 7 of S.I. 2008/1965

Forestry – means the process of establishing, managing and taking care of trees and forests.

Specifically excluded are building and construction materials (even when being used in connection with the above).

A “disabled vehicle”, referred to in the above exemptions, is defined as a vehicle that has become disabled through malfunction or collision while being used. It does not include any vehicle that has been deliberately disabled.

Take note: These explanations are not definitive legal advice and provide guidance only. The exemptions from HGV operator licensing may be amended by future legislation. The Department will ensure that any proposed changes are fully publicised.

2. Types of Licence

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

- **Standard international licence** for national and international haulage operations;
- **Standard national licence** for national haulage operations only; and
- **Restricted licence** for the carriage of goods on the licence holder's own account in connection with their business.

(The term "own account" is described in more detail under the heading "Restricted licence" below.)

Standard international licence

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

To get a standard international licence, you must satisfy the requirement of finance and of establishment in Northern Ireland and both you and your transport manager must each satisfy the requirement of good repute and professional competence[13].

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

Standard national licence

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

To get a standard licence, you must satisfy the requirement of finance and of establishment in Northern Ireland and both you and your transport manager must be of good repute and satisfy the requirement of professional competence.

[13] See Section 4 on Transport Managers.

Restricted licence

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

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

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

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

3. Transport Managers

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

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

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

4. Community Licences

Extra authorisation needed for international journeys in the EU.

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

The Community Licence consists of:

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

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

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

Section Two – The application process

1. Applying for a licence

To apply for a new licence you will need to create an account on VOL (Vehicle operator licensing). To do this go to infrastructure-ni.gov.uk/articles/transport-regulation-unit, click on 'Licensing' under the heading 'Responsibilities', click on 'Apply for a goods vehicle operator's licence', then click on 'create an account' to get started. To use the new VOL service you'll need to have a modern and secure browser installed to access the new services and to make sure that we can protect your data. A list of acceptable browsers is on the DfI website.

When to apply for a licence

You should apply for a licence at least **40 working days** 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 40 working days.

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

Applying for an interim licence for operation within 40 working days

If you need to start operations within 40 working days, you should ask for an interim licence to be considered as part of your digital application. Please note that a decision on an interim licence will not be considered unless your application is complete.

There is no statutory time limit or expiry date for an interim licence. It will expire when the full licence is granted or if the application for a full licence is either withdrawn or refused. However, the Department 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. 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. If it is refused and you paid the fee in advance, the fee will be refunded.

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

Applications and Decisions

The DfI will also publish details of your application in *Applications and Decisions*. This is a publication that provides notification of details of applications for new operator licences and variations to existing licences.

Applications and Decisions is sent to various organisations, including district councils, the police and industry associations, all of which have a statutory right to object to your application. The publication is also available at infrastructure-ni.gov.uk.

The number of vehicles you can operate

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

This is particularly important if you use only a few motor vehicles. The authorisation for these extra vehicles is called 'the margin'[14].

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

How long does a licence last?

Your licence is valid for life unless you:

- operate outside the terms of your licence and DfI 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[15].

Advertising your application

You must advertise your licence application in a local newspaper that circulates in the locality of the proposed operating centre. Please refer to the guidance below and that contained in the operating centre section of the digital application for full information regarding the advertising requirements.

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

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

Why you need to advertise your application

Advertising your application gives anyone who owns or occupies a building or land in the area surrounding your proposed operating centre a chance to raise any concerns or make a representation against your application on environmental grounds.

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

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14 See Section 3 for more information about using vehicles under the margin

15 See Section 3 paragraph 3 for more details

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, the application is received in the Central Licensing Office (CLO). 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 CLO receives your application form.

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

When the advertisement is published, you should upload a copy to your digital application immediately. This will reduce the risk of your application being ruled 'out of time'. It is therefore advisable to upload the advertisement(s), financial evidence, transport manager CPC if applicable, and all other necessary application documents to the digital application before it is submitted to the Department.

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

Things to remember when advertising an application

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

You should also check the following:

- the numbers of vehicles and trailers applied for at each operating centre are the same as those shown in the advertisement for the centre(s)
- the address of the operating centre is correct in the newspaper advertisement and is the same as the one given in the application
- you have included the correct postcode for both the correspondence address and the operating centre(s) in the advertisement
- the address for correspondence given in the advertisement is correct

2. Licence requirements

If you are applying for a standard or restricted licence, you must satisfy the DfI that you:

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

For a standard licence

For a standard licence, there are three other requirements:

- the applicant must be properly established in Northern Ireland. 'Established' in this context means have premises in which the operator keeps their core business documents (i.e. personnel, driving and vehicle maintenance records). Therefore, a PO Box or third-party address cannot be used for correspondence on a standard licence
- you must also have a transport manager that is of good repute and professionally competent
- the licence holder must have "access" to a vehicle. This means that the holder either owns at least one vehicle or has in place a formal contract with a hire company, other operator or other organisation to hire one when needed

Take note: Licence holders are not required to own or hire a vehicle all the time e.g. where licences are granted for seasonal work or other circumstances where a vehicle is either not permanently owned or operated under the licence. However, in these cases a formal arrangement must be in place to hire, or otherwise secure, access to a vehicle when one is required.

Good repute

The DfI will look at any penalties and unspent convictions recorded against either you or any of your employees. The Department may also take into account any other matters that affect your good repute, including those brought up by anyone objecting to your application.

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

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

Take note: It is possible to call the transport manager to a public inquiry and take regulatory action against them in their own right (i.e. independently of the licence holder(s) that employ them. For further information on transport managers, and how the good repute and professional competence requirements apply to them, see Section 4).

Appropriate financial standing

You will need to assure the DfI 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 must be supplied for the past 28 days, the last balance of which must not be more than two months from the date of receipt of the application, this would include evidence of an overdraft facility if one is in place). We calculate an average balance over a recent 28-day period. It is not acceptable to rely on a closing balance that shows access to the required funds if the average balance is still below the finance level required for the application. You can find further guidance on the amount of finance required, and other ways in which financial standing can be demonstrated in the published Practice Guidance at infrastructure-ni.gov.uk or by contacting 0300 200 7831.

Facilities (or arrangements) for maintaining your vehicles

You must satisfy the Department that your vehicles will be kept in a fit and serviceable condition at all times. You can find full advice about the requirements for maintenance arrangements in the *Guide to Maintaining Roadworthiness,* which can be downloaded from infrastructure-ni.gov.uk or by contacting 0300 200 7831.

Ability to obey all the rules

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

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

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

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

Operating centres

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

Key requirements

When you apply for a licence, you will be asked to list your proposed operating centres and provide information about the vehicles you intend to keep there. You will need to satisfy the Department 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, the Department must, by law, take into account certain factors[16].

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

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

If the Department requires more information about any of your proposed operating centres (for example if an objection or representation has been received), you may be sent an additional form (GV(NI)79E) to complete.

[16] You can find a list of these factors in Annex 8.

Established operating centres

There are safeguards for established operating centres. In certain circumstances the Department may not refuse an application on environmental grounds (other than for parking)[17]. If any of the operating centres you propose to use are currently on another operator's licence and are being transferred to your licence, then these provisions may apply to you.

Established operating centres are also subject to review by the Department. However, there are restrictions on action that can be taken against operating centres at the time of review[18].

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 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 1 to the Goods Vehicles (Licensing of Operators) Act (NI) 2010, 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's licence holder

Approval of Schedule 1 will be at the discretion of the Department. For example, where an address has a history of objections and representations, the Department may not agree to Schedule 1.

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17 http://www.legislation.gov.uk/nia/2010/2/section/28

18 See Section 3 paragraph 5

Take note: If you wish to use the Schedule 1 procedure, you are strongly advised to contact the DfI prior to making the application. You need a GV(NI)72 form to apply for a Schedule 1 transfer. This can be obtained by contacting 0300 200 7831.

3. Objections and representations

For further information on this, our guide "A Guide to making Representations, Objections and Complaints" is available at nidirect.gov.uk.

4. Public inquiries

The Department will decide if it is necessary to hold a public inquiry to determine your application and/or to decide on whether any regulatory action should be taken against the licence holder and or transport manager[19].

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 central Belfast location, or somewhere near the operating centre.

Notice of a public inquiry will also be published in Applications & Decisions; the Department can postpone or cancel the inquiry at any time.

An inquiry will be held in public but the Department 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 Department to decide how to run the public inquiry. However, it 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. The Department, after hearing from the applicant, objectors and representors will make its 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 the Department. 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.

[19] See Section Three – Part 5 for Public Inquiries on existing licences.

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).

When the inquiry commences 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: Preliminary matters, such as whether objections or representations are valid and should be heard, will be dealt with.

Step 2: The applicant (or his/her representative) will be invited to outline the application and will be questioned about it.

Step 3: The objectors and/or the representors (or people appearing on their behalf) will be invited to present their cases in general terms.

Step 4: The objectors, representors and the applicant (usually in that order), or their representatives, will be called to present their cases in detail.

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

Step 5: During the proceedings, the applicant might be asked about the effect that conditions imposed in the licence might have on the business.

Step 6: The objectors, representors and the applicant will be invited to sum up the cases they have presented. No new facts can be introduced at this stage.

Finally, the Department 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 the Department 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 the Department'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, the Department will first briefly summarise its purpose. If the inquiry is to consider an application for a licence, the Department 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 the Department 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.

The Department will give a decision only after hearing both sides of the argument. He/she 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 the Department has called the inquiry to consider taking regulatory action against your licence and/or your transport manager(s), the Vehicle Examiner, Traffic Examiner or anyone else who has supplied evidence will probably be asked to present evidence in person at the inquiry. You will be able to put questions to any witnesses.

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

When the Department 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 the Department will consult the assessor before making a decision.

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, ('the Tribunal'). Details are available from the Tribunal[20].

The Tribunal will call you to a hearing, and if your appeal is successful it will order the Department to grant you a licence or change the conditions on it.

Alternatively, the Tribunal may refer your application back to the Department for reconsideration.

Take note: You will normally be able to operate under an existing licence until an appeal is disposed of - if one is lodged - provided that you have been given

[20] See the address at Annex 2 or visit gov.uk/courts-tribunals/upper-tribunal-administrative-appeals-chamber

permission to do so by the Department or been granted with a ‘stay’ of the decision by the Upper Tribunal.

Who can appeal against your application?

Where a statutory objector (e.g. the police or a district council) objected to your application, they can appeal to the Tribunal against the Department’s decision to grant you a licence, but nobody else has right of appeal.

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

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

Section Three – How to comply with your licence

1. If your licence is granted

The Department 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/trailers you can operate under it
- the number of vehicles/trailers that have been specified
- any conditions attached to the licence; and
- any undertakings that are relevant to the granting of the licence

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

How long will your licence last?

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

Every five years we will aim to contact you prior to a review of your licence to confirm a summary of information held on your record is correct and to ask you to pay the fee required at that time[21].

The onus is on the operator to ensure their licence is continued before the expiry date as indicated on their licence document and/or vehicle disc(s). Failure to do so will result in the licence being terminated. If you have received no contact two weeks before the expiry date, please urgently contact 0113 305 1199.

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

[21] See Annex 6.

Using your disc correctly

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

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

Lost, stolen or damaged discs

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

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

2. Making changes to your licence

Take note: You can make many changes to your licence online using the Goods Vehicles Operator Self-Service system which can be accessed via the DfI website[22]. Self-service is the recommended option for making changes to your licence[23].

"Non-chargeable" variations

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

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

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

Removing or adding vehicles to your licence

Removing a vehicle

If you wish to remove a vehicle listed on your licence, you need to use the online self-service system. We cannot accept removal requests by telephone or by email. Instructions for registering and using the service are below. You must remove any vehicle no longer used by you immediately.

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22 infrastructure-ni.gov.uk/articles/transport-regulation-unit

23 See Annex 5 for further information on how to register for the self-service system.

Adding a vehicle
If you wish to remove a vehicle listed on your licence, you need to use the online self-service system. We cannot accept requests to add vehicles by telephone or by email. Instructions for registering and using the service are below.

If you **are registered for operator self-service**, you must:

- log on to your goods vehicle operator self-service account from the GOV.UK website: vehicle-operator-licensing.service.gov.uk/auth/login/
- click on the 'Remove/add vehicles' option; 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:

- register for a new self-service account from the GOV.UK website: vehicle-operator-licensing.service.gov.uk/register/
- click on the 'create an account' option
- follow the on-screen instructions
- await a password to log on to the system, which could take up to five working days
- log in to your account as soon as the password has been received as it is only valid for a short time
- click on the 'Remove/add vehicles' option; and
- follow the on-screen instructions to remove any vehicles from your licence before adding new ones

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

Take note: This type of change, where you are adding vehicles within your authorised limit, does not have to be advertised by you, or published by the Department.

Making a "chargeable" variation to your licence

If you wish to do the following you will need to make a chargeable variation to your licence:

- increase your vehicle authorisation
- add a completely new operating centre to your licence; (If you remove an existing operating centre from your licence, there is no charge;) or

- make changes to the way in which you use an operating centre that is specified on your licence

To do this, you must apply for the change using the self-service system. If you are not registered to use the system, follow the instructions above. A fee is required for a major change. The application must be submitted at least 40 working days 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.

You can find details of current fee levels on the nidirect.gov.uk/ website.

As with your original application for a licence, the Department 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. Please refer to Section 2 for guidance on meeting the advertising requirements. A template for the advert is available within the online application.

Take note: You will have to pay a fee to make a variation application and it will be open to objections and representations where the following apply where you wish to:

- use this application to add a new operating centre(s)
- increase your vehicle and/or trailer authority; or
- apply to alter or remove conditions or undertakings

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 DfI Central Licensing Office using the self-service system at least 40 working days 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.

The Department must publish applications to upgrade licences (e.g. those from restricted to standard) in *Applications and Decisions*. This will enable your application to be open to objection by statutory objectors (i.e. those that have a right in law to do so, such as district councils and the police).

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

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

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

Applying for an interim authority for operation within 40 working days

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

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

You may apply for an interim direction as part of the digital application.

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 will only be charged if your interim is granted. If you paid the fee in advance with the application, it will be refunded if the interim is not granted or refused. (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, 'the Tribunal' as you would do with an initial application[24].

3. Changes in your circumstances

You must notify the Department 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

[24] See Section Two – 5. Refusal of applications – Your right of Appeal, for more information.

- if there is a material change in the company such as a change of name, directors or share-holding.

2. If any of the people named on the licence dies.

3. If any of the people involved in the management of the company faces personal or company bankruptcy, liquidation or a similar situation.

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

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

5. Notification of a change of transport manager(s) should be made using the self-service system. You must upload the professional competence certificate(s) to any new transport manager application.

6. Any change of partners within a partnership firm - in some cases you may need to apply for a new licence.

7. Any convictions or accepted fixed penalties of you, your transport manager, officers, employees or agents[25].

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 the Department may have required you to report as a condition of granting your licence.

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

4. Rules relating to holding companies and subsidiaries

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

[25] See Annex 11.

If a holding company is applying for an operator 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 DfI Central Licensing Office should be contacted for advice. An application will have to be made using the self-service system if an increase in authorisation is needed to accommodate these vehicles.

5. Complaints about an operating centre and non-compliance

You can find additional information on this in our booklet 'A Guide to Making Representations, Objections and Complaints' available at nidirect.gov.uk

The Department can take complaints or representations into consideration at the time when you apply for a licence or when a new or additional operating centre is added to an operator licence. However, anyone can complain, at any time, about the suitability of an operating centre after it has been specified on your licence. The Department can, upon the five yearly review interval, review those operating centres.

If the Department does decide to review your operating centre(s), it may impose or change conditions on your licence for road safety or environmental reasons. It 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.

The Department may take action against your licence if it 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[26]
- in the case of a standard licence, there is no longer a professionally competent person working in the firm[27]
- 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

[26] See Annex 7
[27] See Section 4

- a DVSA or DVA Examiner has prohibited the use of any of your vehicles because of their 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[28]

Take note: The Department:

- must revoke a standard licence if the holder no longer fulfils the requirements of establishment, good repute, financial standing or professional competence; and
- may revoke 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 the Department if it 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 the Department does not take regulatory action.

You have the right of appeal to the Administrative Appeals Chamber of the Upper Tribunal ('the Tribunal') if you consider that you will be affected by added or varied conditions, or by the removal of an operating centre[29].

Evidence of non-compliance

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

Take note: There is a wide range of powers available to DVA and DVSA Examiners[30].

Action that the Department may take

The Department has the power to:

- revoke or suspend your licence

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28 See 'Changes in your circumstances' on page 30 for more information.
29 See the section on page 24 for more information.
30 See Annex 4 for more information.

- reduce (curtail) the number of vehicles you are authorised to use

- place additional undertakings or conditions on your licence which may include restricting the weights of vehicles you are allowed to use on your licence and/or their hours of operation; and/or increasing the frequency of safety and maintenance inspections; or

- take action against your transport manager(s), particularly where serious infringements have been reported. Action can include declaring them unfit and invalidating their Certificate of Professional Competence (CPC)

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

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

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

Appealing to the Administrative Appeals Chamber of the Upper Tribunal (the Tribunal)

If the Department 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 the Department. You can ask the Department to delay any decision until the appeal is disposed of.

If the Department 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 the Department that you are now a suitable person to operate goods vehicles.

Disqualified from holding an operator licence

The Department has the power to disqualify anyone whose licence has been revoked from holding an operator’s licence indefinitely or for a specified period.

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 the Department is likely to take such a step only where it is very clearly justified.

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

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

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

Section Four – Transport Managers

Transport managers

A professionally competent person (generally known as the "Transport Manager") must be nominated on a standard licence (National or International). This person can be you if you are qualified or a qualified transport manager that you employ. The person does not have to be part of your full-time staff but must be able to effectively and continuously manage the transport activities of the undertaking. The business may employ more than one transport manager. The professionally competent person must also be of good repute.

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

There are two types of transport manager – “internal” and “external”.

Internal transport managers

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

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

The same person can act as an ‘internal’, part-time, employee transport manager for more than one operator, and therefore be named on more than one licence. However, in each case, the Department would need to be satisfied that the person had a genuine link to the operator and satisfies the requirement of effective and continuous management, as set out above.

External transport managers

When an operator does not:

a. himself fulfil the role of transport manager (i.e. they lack the professional qualification and are perhaps an owner/driver or sole trader); or

b. employ a qualified transport manager on a full or part-time basis (i.e. the operator does not have an ‘internal’ transport manager)

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

- be of good repute and be resident in a European Union country

- have a contract with the operator that specifies the tasks they perform as transport manager. The Regulation sets out, in broad terms, what that contract should cover, although contract details will be a matter for individual transport managers and operators to determine

- only work for a maximum of four operators with a combined maximum total fleet of 50 vehicles – meaning that across all four operators, they cannot have responsibility for more than 50 vehicles. Individual Member States do have freedom to lower the 4/50 maximum and we intend that the Department should be able to set lower limits in individual cases

- each transport manager must act solely in the interests of the operator and independently of transport customers

At the discretion of the Department, it is possible for internal transport managers to act as an external transport manager for another standard licence holder.

The Department can take regulatory action against both internal and external transport managers, independently of any action they may decide to take against the licence holder.

Declaration that a transport manager is "unfit" to manage transport operations

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

Where the Department has taken such action, the transport manager may also appeal to the Upper Tribunal[31].

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.

[31] See page 24

Professional competence: standard national or international licence

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

- possession of a Transport Manager Certificate of Professional Competence (CPC)
- possession of an alternative acceptable qualification or diploma – via an exemption certificate
- holding of Transport Manager "Grandfather Rights" (until 4th December 2011) or Transport Manager "Acquired Rights" (from 4th December 2011)

Transport Manager Certificate of Professional Competence

- Since 4th December 2011 several awarding organisations have been able to offer the Certificate of Professional Competence (CPC) examination. A list of awarding organisations who have approval to supply the exam is provided at the end of this section, we will update the list over time. Also, since 4 December 2011 the national transport manager CPC examination has been discontinued; all future examinations will be for the international transport manager CPC. Existing national transport manager CPCs will remain valid for national operations

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

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

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

- list of current transport manager CPC awarding organisations:

    - OCR Examinations Board, Progress House, Westwood Way, Coventry, CV4 8JQ
      Tel: 02476 851509.
      Website: ocr.org.uk

    - CILT(UK), Earlstrees Court, Earlstrees Road, Corby
      Northants, NN17 4AX
      Tel: 01536 740100
      Website: ciltuk.org.uk

    - City & Guilds (C&G), 1 Giltspur Street, London, UK, EC1A 9DD
      Tel: 02072 942468
      Website: cityandguilds.com

Other acceptable qualifications or diplomas

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

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

Take note: that these qualifications remain valid as proof of professional competence indefinitely, but (after 4th December) only for those who held the qualification on or before the 4th December 2011.

Standard national and standard international licences

- Fellow or Member of the Institute of Logistics and Transport (formerly the Chartered Institute of Transport in the UK) by examination or formal accreditation in Road Freight Transport

- Certificate in Transport (Road Freight) awarded by the Chartered Institute of Logistics and Transport

- Honorary Fellow, Fellow or Member of the Society of Operations Engineers

- Fellow or Associate of the Institute of the Furniture Warehousing and Removing Industry

- Fellow or Associate of the Movers Institute

- Associate of the Institute of Transport Administration by examination

Standard national licences

- Member of the Chartered Institute of Logistics and Transport (formerly the Chartered Institute of Transport in the UK) by examination or formal accreditation in Road Freight Transport

- Certificate in Transport (Road Freight) awarded by the Institute of Logistics and Transport

- Associate Member of the Society of Operations Engineers (by examination)

- General and Ordinary Certificate in Removals Management issued by the Institute of the Furniture Warehousing and Removals Industry.

- National Certificate in Removals Management issued by the Movers Institute

- RSA Certificate in Road Freight Transport which specifically contains a footnote granting exemption

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

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

- an 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 the DfI Central Licensing Office

‘Grandfather rights’

- ‘Grandfather Rights’ exemptions needed to be renewed before 4 December 2011 to remain valid after that date

- a certificate (known as "Transport Manager Acquired Rights") was automatically issued by the Department to all transport managers with Grandfather Rights who were listed on an operator’s licence when the re-certification process took place in late 2011

- anyone who was a Grandfather Rights holder, but not listed on an operator’s licence in late 2011, needed to apply to the Department to have those rights renewed. Applications for a replacement certificate closed on 4 December 2013, after which date Grandfather Rights were no longer valid

- if you believe you qualified for the automatic issue of a transport manager Acquired Rights certificate but did not receive one please contact the Department on 300 200 7831

Annex 1 - Further information

For further information, you can also visit infrastructure-ni.gov.uk/.

If you need any more help or advice, please contact the DfI Central Licensing Office.

DfI Central Licensing Office
PO Box 180
Leeds
LS9 1BU

Tel: 0300 200 7831 (NI Direct)
Email: niclo@dvsa.gov.uk

Guide to Maintaining Roadworthiness explains the responsibilities and systems involved in maintaining vehicles in safe and roadworthy condition. Available free of charge at nidirect.gov.uk.

Annex 2 – Useful Contacts

For operator licensing queries	DfI Central Licensing Office PO Box 180 Leeds, LS9 1BU Tel: 0300 200 7831 Email: niclo@dvsa.gov.uk

Other useful contact details

Driver & Vehicle Agency	Driver & Vehicle Agency 148 – 158 Corporation Street Town Parks Belfast BT1 3DH Tel: 0300 123 9000 Website: nidirect.gov.uk/motoring
Upper Tribunal (Transport) - Administrative Appeals Chamber	Tribunal Hearing Centre 2nd Floor, Royal Courts of Justice Belfast BT1 3JF Helpline: 020 7071 5662 Website: gov.uk/courts-tribunals/upper-tribunal-administrative-appeals-chamber
Logistics UK	109 Airport Road West Belfast BT3 9ED Tel: 02890 466699 Fax: 02890 466690
Road Haulage Association	Roadway House The Rural Centre Ingliston Newbridge EH28 8NZ Tel: 0131 333 4900 Fax: 0131 333 0939
CILT(UK)	Earlstrees Court Earlstrees Road Corby Northants NN17 4AX Tel: 01536 740100 ciltuk.org.uk

City & Guilds (C&G)	1 Giltspur Street London EC1A 9DD Tel: 02072 942468 cityandguilds.com
OCR Examinations Board	Progress House Westwood Way Coventry CV4 8JQ Tel: 02476 851509 ocr.org.uk
Driver & Vehicle Licensing Agency	0300 790 6802 For vehicle registration enquiries

Annex 3 – Weight Thresholds

Unladen weight

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

- inclusive of the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary 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, 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 manufacturer's plate.

This plate is checked when the vehicle undergoes its annual test by the Driver & Vehicle Agency.

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 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 for hire or reward operations 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 for hire or reward operations 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: (Applicants for **RESTRICTED** licences only).

The weight of the trailer is not included in the overall weight calculation in deciding if a vehicle/combination is included in the requirement to hold an operator licence. The only weight to be considered is that of the towing vehicle.

Annex 4 – DVA Examiners
(Their authorisation and powers)

Warrants

Warrants are issued by the Department to Vehicle Examiners (VEs), who can undertake a wide variety of tasks including checks:

- on driver documentation such as tachograph charts or records, driver's and operator licences or other vehicle documentation such as roadworthiness test certificates or insurance certificates, weighing of vehicles, vehicle condition, maintenance facilities and records and other relevant documentation applicable to road transport activities.

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

- inspect any goods carrying vehicle. This means that an examination is carried out, and an Examiner may issue a prohibition notice or defect notice for any defect found
- request the driver to take the vehicle for up to ten miles to a suitable place for inspection or up to five miles for weighing
- confiscate and detain a vehicle when the vehicle is being used by a known unlicensed operator
- enter any premises where the Examiner has reason to believe that a goods vehicle is kept and to inspect that vehicle
- investigate an operator vehicle maintenance systems or arrangements, including the engineering facilities and vehicle maintenance records
- undertake compliance audits on an operator's procedures, processes and records for maintenance, drivers' hours and tachographs, vehicle weighing, establishment and transport managers.
- 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.
- instigate, on behalf of the Department, prosecution proceedings in a magistrates' court
- issue drivers with fixed penalties for certain offences

Annex 5- Self Service

Registering online

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

- check your licence details
- add and remove vehicles
- apply to vary licences and track the progress of these variation applications

If you are a new applicant, you can also apply for a new licence online. To do this follow the instructions below.

You will be able to see and track the progress of your application and, if the licence is granted, pay your fees online, and upgrade or downgrade your licence.

How to register

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

Step 1

Before you start, make sure you have your operator's licence number to hand. You will need it at the first stage of registration.

Step 2

Go to infrastructure-ni.gov.uk/articles/transport-regulation-unit

Click on 'Licensing' under the heading 'Responsibilities'

Step 3
Click on 'Apply for a goods vehicle operator's licence'

Step 4
Click create an account to get started

Step 5

The registration pages will guide you through the process

Licence renewals

Section three of this guide explains the continuous licensing system and the need to pay a renewal fee every five years; details of fee payments are at Annex 6.

If you are registered to use self-service, you will be notified electronically of the need to review your licence details online. You will also be able to pay the renewal fee online.

Annex 6 - Fees

Application fee

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

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

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[32]. The fee covers the costs of maintaining and monitoring the licence for another five years. It is non-refundable. You must also ensure that you are aware of the expiry date of your licence, which is printed on the vehicle identity discs and operator licence. The Department is not required to issue a reminder to pay the continuation fee and if you fail to pay the fee by the expiry date your licence will be terminated. In such circumstances you will have to re-apply for a new licence unless you can prove that there were exceptional circumstances for failing to pay the fee by the deadline. If you have not heard anything from the Department about the continuation of your licence within two weeks of its expiry, please contact the Central Licensing Office on 0113 305 1199.

If you are registered to use self-service, you will be notified electronically of the need to review your licence details online. You will also be able to pay the renewal fee online. If you are registered to use Verify, then you will not need to return any documents to the office providing that there are no changes to your licence.

Interim licence or direction fee

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

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[32] See Section Three – How to comply with your licence – How long will your licence last?

Annex 7 - Convictions

Convictions and Penalties

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

You should provide full details of the background circumstances of any convictions or penalties declared.

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

Spent convictions

You do not have to declare convictions which are “spent” under the Rehabilitation of Offenders (Northern Ireland) Order 1978. The table below shows the rehabilitation period, at the end of which convictions will become spent. The rehabilitation period depends on the sentence for the original offence and runs from the date of conviction.

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

Rehabilitation periods (subject to reduction by half for persons under 18).

Sentence	**Rehabilitation period**
A sentence of imprisonment or corrective training for a term exceeding six months but not exceeding thirty months.	Ten years
A sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's service.	Ten years
A sentence of imprisonment for a term not exceeding six months.	Seven years
A sentence of dismissal from Her Majesty's service.	Seven years
Any sentence of detention in respect of a conviction in service disciplinary proceedings.	Five years
A fine or any other sentence subject to rehabilitation under this Order, not being a sentence to which Table B or any of paragraphs (3) to (8) applies.	Five years

Rehabilitation periods for certain sentences confined to young offenders.

Sentence	Rehabilitation period
A sentence of Borstal training.	Seven years
A custodial order under Schedule 5A to the Army Act 1955 or the Air Force Act 1955 or under Schedule 4A to the Naval Discipline Act 1957 where the maximum period of detention specified in the order is more than six months.	Seven years
A custodial order under section 71AA of the Army Act 1955 or the Air Force Act 1955, or under section 43AA of the Naval Discipline Act 1957, where the maximum period of detention specified in the order is more than six months.	Seven years
A sentence of detention for a term exceeding six months but not exceeding thirty months passed under Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998.	Five years
A sentence of detention for a term not exceeding six months passed under that Article 45.	Three years
A custodial order under any of the Schedules to the said Acts of 1955 and 1957, where the maximum period of detention specified in the order is six months or less.	Three years
A custodial order under section 71AA of the said Acts of 1955, or section 43AA of the said Act of 1957, where the maximum period of detention specified in the order is six months or less.	Three years

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

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

Annex 8 – Environmental factors and conditions

Summary

When the Department is considering granting a licence, it 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, the Department 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 the Central Licensing Office on 0113 305 1199.

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