This Statutory Instrument has been made in consequence of an error in S.I. 2022/293 and is being issued free of charge to all known recipients of that Statutory Instrument.

Draft Regulations laid before Parliament under paragraph 6(1) of Schedule 5 to the European Union (Future Relationship) Act 2020 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2022 No. 0000

ROAD TRAFFIC
TRADE

The Goods Vehicles (Licensing of Operators) (Amendment) (No. 2) Regulations 2022

Made - - - -	***
Coming into force - -	***

The Secretary of State for Transport makes these Regulations in exercise of the powers conferred by section 31(1) of, and paragraph 27 of Schedule 5 to, the European Union (Future Relationship) Act 2020(**1**).

A draft of these Regulations has been laid before, and approved by a resolution of, each House of Parliament in accordance with paragraph 6(1) of Schedule 5 to the European Union (Future Relationship) Act 2020.

PART 1

Preliminary provisions

Citation and commencement

1. These Regulations—

(a) may be cited as the Goods Vehicles (Licensing of Operators) (Amendment) (No. 2) Regulations 2022, and

(b) come into force on the day after the day on which they are made.

(**1**) 2020 c. 29. Section 37 (interpretation) provides that the Secretary of State for Transport, as a Minister of the Crown, is a relevant national authority able to exercise the powers conferred by section 31 (implementation power).

Extent

2.—(1) This Part and Part 2 extend to England and Wales, Scotland and Northern Ireland.

(2) Part 3 extends to England and Wales and Scotland.

(3) Part 4 extends to Northern Ireland.

PART 2

Amendment of Regulation (EC) No 1071/2009

Amendment of Regulation (EC) No 1071/2009

3. Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC(**2**) is amended in accordance with regulations 4 and 5.

Amendment to Article 4 (transport manager)

4. For Article 4(1) substitute—

"**1.** An undertaking which engages in the occupation of road passenger transport operator shall designate at least one natural person, the transport manager, who satisfies the requirements set out in Article 3(1)(b) and (d) and who:

(a) effectively and continuously manages the transport activities of the undertaking;

(b) has a genuine link to the undertaking, such as being an employee, director, owner or shareholder or administering it, or, if the undertaking is a natural person, is that person; and

(c) is resident in the United Kingdom or a member State.

2. If an undertaking which engages in the occupation of road passenger transport operator does not satisfy the requirement of professional competence laid down in Article 3(1)(d), the competent authority may authorise it to engage in the occupation without a transport manager designated in accordance with paragraph 1 of this Article, provided that:

(a) the undertaking designates a natural person residing in the United Kingdom or in a member State who satisfies the requirements laid down in Article 3(1)(b) and (d), and who is entitled under contract to carry out duties as transport manager on behalf of the undertaking;

(b) the contract linking the undertaking with the person specifies the tasks to be performed on an effective and continuous basis by the person, and indicates the person's responsibilities as transport manager. The tasks to be specified shall comprise, in particular, those relating to vehicle maintenance management, verification of transport contracts and documents, basic accounting, the assignment of loads or services to drivers and vehicles, and the verification of safety procedures;

(c) in the person's capacity as transport manager, the person may manage the transport activities of up to four different undertakings carried out with a combined maximum total fleet of 50 vehicles; and

(**2**) EUR 2009/1071, amended by S.I. 2019/708 and S.I. 2022/293.

(d) the person performs the specified tasks solely in the interests of the undertaking and the person's responsibilities are exercised independently of any undertakings for which the undertaking carries out transport operations.

3. The competent authority may decide that a transport manager designated in accordance with paragraph 1 may not in addition be designated in accordance with paragraph 2, or may only be so designated in respect of a limited number of undertakings or a fleet of vehicles that is smaller than that referred to in paragraph 2(c).

3A. An undertaking which engages in the occupation of road haulage operator shall designate at least one natural person, the transport manager, who satisfies the requirements set out in Article 3(1)(b) and (d) and who:

(a) if the undertaking is established in Great Britain, satisfies the requirements set out in paragraph 14A(1) and (2), or (1) and (3), of Schedule 3 to the 1995 Act(**3**); or

(b) if the undertaking is established in Northern Ireland, satisfies the requirements set out in any regulations made for the purposes of section 12A(3)(a)(ii) or (b) of the 2010 Act(**4**).".

Insertion of Article 22A (transitional provisions)

5. After Article 22 (penalties) insert—
"Article 22A

Transitional provisions relating to the Goods Vehicles (Licensing of Operators) (Amendment) (No. 2) Regulations 2022

1. A natural person who was designated a transport manager by an undertaking which engages in the occupation of road haulage operator:

(a) under Article 4(1) before the commencement date is, beginning with the commencement date, to be treated by the competent authority as a natural person designated a transport manager by the undertaking under:

(i) if the undertaking is established in Great Britain, Article 4(3A)(a); or

(ii) if the undertaking is established in Northern Ireland, Article 4(3A)(b);

(b) under Article 4(2) before 17th March 2022 is, beginning with the commencement date, to be treated by the competent authority as a natural person designated a transport manager by the undertaking under:

(i) if the undertaking is established in Great Britain, Article 4(3A)(a); or

(ii) if the undertaking is established in Northern Ireland, Article 4(3A)(b).

2. For the purposes of paragraph 1, "the commencement date" means the day on which the Goods Vehicles (Licensing of Operators) (Amendment) (No. 2) Regulations 2022 come into force.".

(**3**) The expression "the 1995 Act" is defined in Article 2(A1) of EUR 2009/1071 as meaning the Goods Vehicles (Licensing of Operators) Act 1995 (c. 23). Paragraph 14A of Schedule 3 to the 1995 Act was inserted by S.I. 2022/293.

(**4**) The expression "the 2010 Act" is defined in Article 2(A2) of EUR 2009/1071 as meaning the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2 (N.I.)). Section 12A(3)(a) and (b) of the 2010 Act were substituted by S.I. 2022/293.