Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Goods Vehicles (Community Licence) Regulations (Northern Ireland) 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY RULES OF NORTHERN IRELAND

2013 No. 115

ROAD TRAFFIC AND VEHICLES

The Goods Vehicles (Community Licence) Regulations (Northern Ireland) 2013

Made - - - -	*23rd April 2013*
Coming into operation	*27th May 2013*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 [F1].

The Department of the Environment has been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the carriage of passengers and goods by road [F2].

F1 1972 c.68.
F2 S.I. 1996/266

Citation and commencement

1. These Regulations may be cited as the Goods Vehicles (Community Licence) Regulations (Northern Ireland) 2013 and shall come into operation on 27th May 2013.

Interpretation

2.—(1) In these Regulations—

"the 2010 Act" means the Good Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 [F3];

"Community authorisation" means a Community authorisation issued under Article 3 of Council Regulation 881/92;

"Community licence" means a licence issued under Article 4 of Regulation **[**[F4](EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market as it has effect in EU law as amended from time to time**]**;

"Council Regulation 881/92" means Council Regulation (EEC) No 881/92 on access to the market in the carriage of goods by road within the Community [F5];

[F6]"Department" means the **[**[F7]Department for Infrastructure**]** ;

"driver attestation" means a driver attestation issued under Article 5 of Regulation 1072/2009;

[[F8]"EU driver attestation" means a driver attestation issued under Article 5 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market as it has effect in EU law as amended from time to time;

"exit day" has the meaning given in section 20 of the European Union (Withdrawal) Act 2018;**]**

"Regulation 1071/2009" means 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[F9];

"Regulation 1072/2009" means Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market [F10];

"standard operator's licence" means a standard licence within the meaning of section 2 of the 2010 Act.

[[F11]"UK licence for the Community" means a licence issued under Article 4 of Regulation 1072/2009.**]**

(2) Expressions used which are also used in Regulation 1072/2009 have the meaning as in Regulation 1072/2009.

(3) The Interpretation Act (Northern Ireland) 1954 [F12] shall apply to these Regulations as it applies to an Act of the Assembly.

F3 2010 c. 2 (N.I.)
F4 Words in reg. 2(1) substituted (31.12.2020) by The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708), regs. 1(1), **8(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
F5 O.J. No. L 095, 09.04.92, p1.
F6 Reg. 2(1): by The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708), regs. 1(1), **8(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1), it is provided that (31.12.2020) in the definition of "Department", the words "for Infrastructure" are substituted for the words "of the Environment"
F7 Words in reg. 2(1) substituted (18.2.2019) by The Road Traffic and Vehicles and Waterways (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/6), regs. 1(1), **16**
F8 Words in reg. 2(1) inserted (31.12.2020) by The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708), regs. 1(1), **8(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
F9 O.J. No. L 300, 14.11.09, p51.
F10 O.J. No. L 300, 14.11.09, p72.
F11 Words in reg. 2(1) inserted (31.12.2020) by The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708), regs. 1(1), **8(2)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
F12 1954 c.33

Use of goods vehicle without Community licence or a driver attestation

3. A person who uses a vehicle in Northern Ireland in contravention of Article 3 of Regulation 1072/2009 (requirement to possess a Community licence **[**[F13]etc.**]**) is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

F13 Word in reg. 3 inserted (31.12.2020) by The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708), regs. 1(1), **8(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Competent Authority

4. Where a person holds, or has applied for, a standard operator's licence that authorises international transport operations, the competent authority for the purposes of Regulation 1072/2009 is the Department.

Issue of a [F14UK licence for the Community] and driver attestation

5.—(1) Subject to regulation 11(1) (supply of information), a person is entitled to be issued by the Department with a **[**F15UK licence for the Community**]** if the person holds a standard operator's licence that authorises international transport operations F16.

[F17(2) On and after exit day a Community licence issued by a competent authority referred to in regulation 4 is treated as a UK licence for the Community.**]**

[F18(3) Subject to regulation 11(1) (supply of information), the holder of a UK licence for the Community is entitled to be issued with a driver attestation if the holder complies with the requirements of Article 5(1A) of Regulation 1072/2009.**]**

[F19(4) On and after exit day any driver attestation issued by the Department under the provisions of Article 5(1) of Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market is treated as a driver attestation for the purposes of Article 5(1A) of Regulation (EC) No 1072/2009.**]**

F14 Words in reg. 5 heading substituted (31.12.2020) by The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708), regs. 1(1), **8(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F15 Words in reg. 5(1) substituted (31.12.2020) by The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708), regs. 1(1), **8(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F16 see section 2(5) of the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010

F17 Reg. 5(2) substituted (31.12.2020) by The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708), regs. 1(1), **8(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

F18 Reg. 5(3) substituted (31.12.2020) by The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708), regs. 1(1), **8(4)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

F19 Reg. 5(4) inserted (31.12.2020) by The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708), regs. 1(1), **8(4)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

Withdrawal of a [F20UK licence for the Community] and driver attestation

6.—(1) Where the holder of a **[**F21UK licence for the Community**]** issued by the Department, is guilty of an infringement in Northern Ireland of F22... road transport legislation which may lead to the loss of good repute in accordance with Article 6(1) and (2) of Regulation 1071/2009 F23, the Department may impose either or both of the following penalties—

(a) the temporary or permanent withdrawal of some or all of the certified true copies of the **[**F21UK licence for the Community**]** ;

(b) the temporary or permanent withdrawal of the **[**F21UK licence for the Community**]** as determined by the Department.

(2) Where the holder of a **[**F21UK licence for the Community**]** issued by the Department is guilty of an infringement involving any misuse of driver attestations within the meaning of Article 12(2) of Regulation 1072/2009, the Department may impose either one or both of the following penalties—

(a) the temporary or permanent withdrawal of some or all of the certified true copies of the driver attestation;

(b) the temporary or permanent withdrawal of the driver attestation.

F20 Words in reg. 6 heading substituted (31.12.2020) by The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708), regs. 1(1), **8(5)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F21 Words in reg. 6 substituted (31.12.2020) by The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708), regs. 1(1), **8(5)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F22 Word in reg. 6(1) omitted (31.12.2020) by virtue of The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708), regs. 1(1), **8(5)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

F23 Article 6(1) of Regulation 1071/2009 states that, subject to paragraph (2), Member States are to determine the conditions to be met to satisfy the good repute provisions of Article 3(1)(b). This is prescribed in regulation 5 of the Goods Vehicles (Qualifications of Operators) Regulations (Northern Ireland) 2012 (S.R. 2012 No. 257).

[F24Review and appeal of decision – **[**F25UK licence for the Community**]**

7.—(1) A person who—

(a) applies for a **[**F26UK licence for the Community**]** ; and

(b) wishes to dispute a reasoned decision of the Department to refuse to issue the person with a **[**F26UK licence for the Community**]** ,

may apply to the Department for a review of that reasoned decision.

(2) A person who—

(a) is the holder of a **[**F26UK licence for the Community**]** ; and

(b) wishes to dispute a reasoned decision of the Department to withdraw it or any certified true copies of it,

may apply to the Department for a review of that reasoned decision.

(3) An application under paragraph (1) or (2) must be made within a period of 28 days, beginning with the day on which the aggrieved person ("the applicant") was informed of the decision of the Department to refuse to issue that person with a **[**F26UK licence for the Community**]** or to withdraw it or any certified true copies of it.

(4) The Department must—

(a) consider any written representations made and any evidence provided by the applicant; and

(b) within the period of 56 days beginning with the day on which the application was made, provide the applicant with a review decision (setting out the Department's reasons for so doing) confirming, reversing or varying the reasoned decision.