

# PART 1

## Who needs an operator's licence?

### WHO NEEDS AN OPERATOR'S LICENCE?

1.1 You need an operator's licence to carry goods (or burden) connected with any trade or business if you "USE" a motor vehicle on a road with:

- A gross plated weight of more than 3.5 tonnes; or
- if it has no gross plated weight, an unladen weight of more than 1525kg.

1.2 The use of vehicle combinations also requires a licence. Further details on weights, including relevant combination weights, are in Appendix 3.

### WHO IS THE USER OF A VEHICLE?

1.3 You use a vehicle if you are the driver and are the owner, or the vehicle is in your lawful possession under an agreement for hire, hire purchase, or loan.

1.4 You also use a vehicle if the driver is your servant or agent.

**NB YOU NEED AN OPERATOR'S LICENCE EVEN IF YOU USE A VEHICLE ONLY FOR A SHORT PERIOD, 2 OR 3 WEEKS OR EVEN JUST ONE DAY.**

### ARE THERE ANY GENERAL EXCEPTIONS?

1.5 Yes. You do not need a licence to use certain types of vehicles or to carry out certain functions. An outline of these exemptions is listed in Appendix 2.

**1.6 IF IN ANY DOUBT ABOUT WHETHER OR NOT YOU NEED A LICENCE CONTACT YOUR NEAREST TRAFFIC AREA OFFICE - THEIR ADDRESS IS LISTED AT APPENDIX 1.**

### WHAT KIND OF LICENCE DO I NEED?

1.7 An operator's licence can be issued in one of three formats:

- Restricted
- Standard National
- Standard International

1.8 To carry your own goods in the course of your trade or business in Great Britain you need a *restricted* licence. You must not carry goods for other people for hire or reward if you have a restricted licence. If *you do*, *you could be fined and lose your licence*.

1.9 A *standard national* licence allows you to carry your own goods in Great Britain, AND to carry goods for other people for hire or reward in Great Britain. Even if you carry other people's goods only occasionally, you must have a standard national licence. You can be fined if you use your vehicles for international hire or reward work when your licence covers you for national operations only. However, a standard national licence allows you to haul loaded trailers to or from ports within Great Britain as part of an international journey as long as your motor vehicles do not actually leave Great Britain.

1.10 A *standard international* licence allows you to carry your own goods, and goods for other people for hire or reward, both in Great Britain and on international journeys. Operators who are issued with international licences will also receive Community Authorisations which are required for all hire or reward operations in, or through European Community countries. These have replaced the need for community permits, bilateral permits between member states and permits for transit traffic through the EU but not permits for travel to or through non-EU countries where these are still required. See Appendix 12 for further information.

## PART 2

# How do I get a licence?

### HOW DO I APPLY FOR A LICENCE?

2.1 To apply for a new licence you need to complete a Form GV79. This form is available from your Traffic Area Office (TAO) - the addresses are given in Appendix 1. The completed form, with the application fee (see Appendix 11), must be sent to the TAO in whose area you have an "operating centre". An operating centre is the place where you normally keep your vehicles when not in use. If your operating centre is close to the boundary between two TAO check with one of them to find out where you should send your form.

2.2 If you are not sure how to fill in the form you can contact the Traffic Area Office for help or, for example, a Trade Association such as:

- The Freight Transport Association, Hermes House, St John's Road, Tunbridge Wells, Kent. TW4 9UZ (Tel: 01892 526171); and
- The Road Haulage Association, Roadway House, 35 Monument Hill, Weybridge, Surrey. KT1 38RN (Tel: 01932 841515)

### DO I HAVE TO ADVERTISE MY APPLICATION?

2.3 You must advertise your application in a local newspaper circulating in each place where you are applying to have your operating centres. This gives anyone owning or occupying buildings or land in the vicinity of the operating centre an opportunity to make a representation against your application on environmental grounds. See Part 5.

2.4 Your **GV79** application form contains a blank advertisement form and tells you how to fill it in (a copy is at **Appendix 8**). You can choose the size of the advertisement yourself, but it must be big enough to be easily read. The advertisement must appear **at least once** within the period running **from 21 days before to 21 days after** you make your application. Tear out the whole page of the newspaper showing your advertisement and send it straight away to the Traffic Commissioner. The page sent should contain the date and name of the paper. This will enable the TAO to check that you have advertised correctly. If when your advertisement appears you have not yet sent in your application form, you should do so without delay.

2.5 If you do not advertise your application properly, or within the correct period, the Traffic Commissioner may not be able to consider your application. You should check also that the total number of vehicles and trailers you have applied to be authorised to use (including any 'margins' - see paragraph 2.11), is the same as the number you have stated in your advertisement. In addition to your advertisement, the Traffic Commissioner will publish details of your application in a publication called "Applications and Decisions". This is sent to various organisations including Local Authorities, Police and Trade Associations who have a statutory right to object to the grant of your application.

2.6 For information on advertising applications to vary an existing licence see Part 7 and Appendix 9.

### WHEN SHOULD I APPLY FOR A LICENCE?

2.7 You should apply at **least 9 weeks** before the date when the licence is needed. This allows time for the Traffic Commissioner to make any enquiries thought to be needed. In straightforward cases a licence should be issued within those 9 weeks. **NB IT IS ILLEGAL TO OPERATE BEFORE A LICENCE IS ISSUED.**

### WHAT IF I NEED TO START OPERATING URGENTLY?

2.8 Write to the Traffic Area Office giving reasons why you want to operate urgently. The Traffic Commissioner may issue an interim licence, but can only do so if you have applied for a full licence. A fee will be charged for the issue of the interim licence and for each vehicle specified for use. When the fee is paid a vehicle identity disc will be sent to you for display on the windscreen.

2.9 *Remember:* an interim licence does not guarantee that you will get a full licence. Until you get a firm decision on that, you would be unwise to make any long term commitments.

2.10 The decision on whether or not to issue an interim licence will be made as soon as possible after the request, and a complete application is received. However, there may be occasions when the Traffic Commissioner will delay making a decision until the 21 day representation period for the advertisement has elapsed.

## **HOW MANY VEHICLES SHOULD I APPLY TO USE?**

2.11 Your licence, if issued, will authorise you to use a maximum total number of motor vehicles and, if applicable, trailers, including semi-trailers. The number you apply for should take into account the number of vehicles you intend to use straight away and allow for some extra motor vehicles to cover increases in business and emergencies, such as breakdowns. This is particularly important if you use only a few motor vehicles. These extra motor vehicles are commonly referred to as 'the margin'. See Part 7.7 for more information about the use of vehicles under 'the margin'.

## **HOW LONG DOES MY LICENCE LAST?**

2.12 Under the system of continuous licensing, introduced on 1 January 1996, your licence once issued is yours for life unless you operate outside the terms of your licence, surrender it, or fail to pay the required fees to keep the licence live.

2.13 Please note:

- that a Traffic Commissioner can take disciplinary action at any time to curtail, suspend, or revoke your licence;
- that if you do not pay the required fee on time your licence will automatically terminate;
- that the Traffic Commissioner has the opportunity to review the suitability of the operating centres on your licence every 5 years. For further information on reviews see paragraphs 4.5 to 4.16.

2.14 Continuous licensing means that you do not have to apply for a new licence every 5 years. Instead your TAO will contact you every 5 years with a summary of the information it holds on record. You will be asked to confirm that information is correct and to pay the required continuation fee by a specified date. This fee will keep your licence in force and pay for the discs you will need to display in your vehicles.

**2.15 REMEMBER: IF YOU DO NOT PAY YOUR FEES ON TIME YOUR LICENCE WILL AUTOMATICALLY TERMINATE AND YOU WILL HAVE TO STOP OPERATING AND APPLY FOR A NEW LICENCE.**

## **DO I NEED TO RE-ADVERTISE AT ANY STAGE?**

2.16 Assuming your licence is not revoked for any reason you will only have to advertise again if you are applying for a new operator's licence in another Traffic Area, or to have your current licence varied in some way (see Part 7).

## PART 3

# Requirements for a licence

### WHAT ARE THE REQUIREMENTS FOR GETTING A LICENCE?

3.1 For any type of licence, you will have to satisfy the Traffic Commissioner that:

- you and, if you have any, your partners or directors, are fit to hold a licence - see paragraph 3.3;
- you will have proper maintenance facilities of your own, or arrangements with a garage and enough money to keep your vehicles fit and serviceable - see paragraphs 3.6 and 3.7;
- you will have an operating centre suitable for your vehicles, bearing in mind such things as its size, location, availability and means of access - see Part 4 for more details about operating centres; and
- you will have proper arrangements to ensure that the rules about drivers' hours are followed and that vehicles are not overloaded - more details can be found in the booklet 'Drivers Hours and Tachograph Rules for Goods Vehicles in the UK and Europe', which can be obtained free of charge from various sources. See Appendix 14.

3.2 For a Standard licence, you will also have to satisfy the Traffic Commissioner that:

- you have enough resources to set up and run properly your road haulage business - see paragraph 3.8;
- you, or a partner in your business who is responsible for the transport operations, are professionally competent; or you have in your employment one or more professionally competent transport managers who have continuous and effective responsibility for managing the transport operations of your business - see paragraphs 3.9 to 3.12; and
- you, and all partners, directors and transport managers are of good repute - see paragraph 3.3.

### HOW ARE FITNESS AND GOOD REPUTE DECIDED?

3.3 In deciding fitness (all applicants), the Traffic Commissioner will take account of certain convictions. These include convictions for vehicle overloading, defective vehicles, or unauthorised use; also convictions connected with vehicle plating and testing or drivers' hours. You must give details of any such convictions on the application form - see Appendix 5.

3.4 In deciding good repute (standard licence applicants only), the Traffic Commissioner will take account of any convictions covered by paragraph 3.3 above, and also any other relevant information. This includes any convictions that you or any partners, directors, transport managers or servants or agents have had in the UK or abroad. Details of convictions must be given on the application form - see Appendix 5.

3.5 If you or any partners, directors or transport managers are convicted of any offence after your licence application is sent in, you **must** give details to the Traffic Commissioner. Convictions after a licence has been issued **must** also be reported to the Traffic Commissioner immediately. Convictions after a licence application has been sent in and also after a licence has been issued, **must** be reported to the Traffic Commissioner.

### WHAT ARE THE VEHICLE MAINTENANCE REQUIREMENTS?

3.6 You must satisfy the Traffic Commissioner that you will keep your vehicles fit and serviceable at all times. The Traffic Commissioner will want to see a copy of any maintenance contract or letter of agreement with a garage if you do not do this work yourself. Examples of the forms used for vehicle safety inspections will be

required by the Traffic Commissioner regardless of whether or not the work is carried out by a garage. **The "Guide to Maintaining Roadworthiness"**, produced by the Department of the Environment, Transport and the Regions in partnership with the transport industry, gives full advice about the requirements for maintenance arrangements. Copies are available from The Stationery Office and other sources. See Appendix 14.

## **WHAT ARE THE FINANCIAL REQUIREMENTS?**

3.7 For **all** types of licence, the Traffic Commissioner has to be satisfied that you have adequate financial resources to keep your vehicles fit and serviceable. You are asked to give details on the application form of any recent bankruptcy, insolvency, liquidation or disqualification in relation to a company. Applicants are asked for details of financial resources and to give supporting evidence (such as bank statements and statement of assets, or most recent accounts)

3.8 For a standard licence, the financial requirements go still further. You will also need to satisfy the Traffic Commissioner that you have adequate financial resources to start up and run the road haulage business properly. As well as assets (such as your vehicles and premises) there must be enough working capital (such as cash, loan facilities, or other assets that can be turned quickly into cash) to cover all expenses that are likely to arise before any money is earned to meet them. An applicant for a standard licence may be asked to fill in an extra form, GV79E This form asks for details of your expected income and expenditure. The Traffic Area Office can provide details of the level of funding required.

## **WHAT ARE THE PROFESSIONAL COMPETENCE REQUIREMENTS?**

3.9 There are 2 levels of professional competence - one for a standard national licence and another for a standard international licence.

3.10 Professional competence is established by:

- holding a green certificate (GV203) issued by the Traffic Commissioner before 31 December 1979 stating that the holder was in responsible road transport employment under an operator's licence before 1 January 1975 (known as "grandfather rights"). If you do not already hold such a certificate, you cannot now claim one; or
- passing the Certificate of Professional Competence (CPC) examinations set by the Oxford, Cambridge and Royal Society of Arts Examinations Board (OCR); or
- holding certain diplomas and qualifications from professional institutes.

3.11 As proof of professional competence, you must forward your *original RSA or OCR CPC certificate*, institute membership card etc or GV203 to the Traffic Commissioner with your application. This will be returned to you.

3.12 Appendix 4 gives more information about the professional competence requirements, including a list of the recognised qualifications and how to obtain a Certificate of Professional Competence.

## **DO THESE RULES HAVE TO BE MET AT ALL TIMES?**

3.13 The criteria of good repute, financial standing and professional competence which are incorporated in our domestic operator licensing system are set out in European legislation. There is a continuing requirement to meet these criteria. New rules on access to the profession came into effect in October 1999. These enable Traffic Area Offices to carry out interim checks at five yearly intervals to ensure that operator licence holders comply with these rules.

## **PART 4**

# **Operating centres**

### **WHAT IS MEANT BY AN "OPERATING CENTRE"?**

4.1 An operating centre is where your vehicles are normally kept when not in use. The operating centre should provide sufficient off street parking for all your vehicles and trailers.

### **WHAT CONSTRAINTS ARE THERE IN ACCEPTING A SITE AS AN OPERATING CENTRE?**

4.2 When you apply for a licence, you will be asked to list your proposed operating centres, with information about the vehicles which are to be kept there. The Traffic Commissioner will need to be satisfied that your operating centres are suitable - for example, that they will be big enough, with safe access, and 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.

4.3 In deciding environmental suitability, the Traffic Commissioner must, by law, take into account certain factors - these are listed in Appendix 7.

4.4 You will need additionally and separately to ensure that your proposed operating centre use meets the requirements of planning law. If you are unsure about the planning position you should consult your planning authority. 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 approval by a Traffic Commissioner.

4.5 If more details about your operating centres are needed, the Traffic Commissioner may send you an additional form - GV79E - to complete.

### **ONCE ESTABLISHED ARE OPERATING CENTRES PROTECTED IN ANY WAY?**

4.6 Yes: there are safeguards for established operating centres.

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

4.8 There are also restrictions on action that can be taken against operating centres at time of review (see following paragraphs).

### **WHAT IS MEANT BY A "REVIEW" OF MY OPERATING CENTRES?**

4.9 The review is a check by the Traffic Commissioner on the continued suitability of an operating centre.

4.10 The Traffic Commissioner will *have the opportunity* to review all the operating centres on your licence every 5 years. It will be entirely at the discretion of the Traffic Commissioner whether or not to carry out a review. If your operating centres are not reviewed then they are secure for another five years unless you do not pay the required fees, operate outside the terms of your licence, or apply for a major variation.

## **WHAT HAPPENS IF THE TRAFFIC COMMISSIONER DOES REVIEW MY OPERATING CENTRES?**

4.11 If the Traffic Commissioner does decide to review one or all of the operating centres on your licence you will be told. At review he may decide that no action is required but he has powers to act if necessary.

4.12 If an operating centre is found on review to be unsuitable the Traffic Commissioner has the power to attach conditions or vary existing ones for environmental and road safety reasons. The Traffic Commissioner must give you the opportunity to make representations about the effect that any conditions would have on your business before any conditions are attached.

4.13 At review the Traffic Commissioner also has the power to remove an operating centre from the licence. He would be able to do this for non-environmental reasons (for example road safety considerations), or because the operating centre was environmentally unsuitable by reason (only) of the parking of vehicles used under the licence at or near the centre in question.

4.14 There is a right of appeal conferred on the licence-holder where he is affected by added or varied conditions, or the removal of an operating centre. See Part 9, "Appeals to the Transport Tribunal" for further information.

## **SPECIAL PROVISION FOR TRANSFER OF OPERATING CENTRES.**

4.15 If your application for a new licence, or for a variation to an existing licence, involves the transfer onto your licence of an operating centre currently on another operator's licence, and:

- that other operator is giving up his use of that operating centre;
- the operating centre is not shared by other operators; and
- you are prepared to use it on the same terms as the existing licence holder,

You may be able to use a method that enables you to do this without advertising. For more information you should contact your local Traffic Area Office.



# TRAFFIC AREA OFFICES

Traffic Area	Areas Covered	Office Address
<b>North Eastern</b>	The Metropolitan Boroughs within South Yorkshire, Tyne and Wear and West Yorkshire	Hillcrest House 386 Harehills Lane Leeds LS9 6NF
	The Counties of Durham, Northumberland, Nottinghamshire and North Yorkshire	Tel 0113 283 3562 Fax 0113 248 9607
	The Districts of Darlington, East Riding of Yorkshire, Hartlepool, Kingston upon Hull, Middlesbrough, North Lincolnshire, North East Lincolnshire, Nottingham, Redcar and Cleveland, Stockton-on-Tees and York	
<b>North Western</b>	The Metropolitan Boroughs within Greater Manchester and Merseyside	Hillcrest House 386 Harehills Lane Leeds LS9 6NF
	The Counties of Cheshire, Cumbria, Derbyshire and Lancashire	Tel 0113 283 3589 Fax 0113 283 3585
	The Districts of Blackburn with Darwen, Blackpool, Derby City, Halton and Warrington	
<b>West Midland</b>	The Metropolitan Boroughs within West Midlands	Cumberland House 200 Broad Street Birmingham B15 1TD
	The Counties of Shropshire, Staffordshire, Warwickshire and Worcestershire	Tel 0121 608 1000 Fax 0121 608 1001
	The Districts of Herefordshire, Stoke-on-Trent and Telford and Wrekin	
<b>Welsh (Cymru)</b>	Wales (Cymru)	Cumberland House 200 Broad Street Birmingham B15 1TD Tel 0121 608 1090 Fax 0121 608 1001
<b>Eastern</b>	The Counties of Bedfordshire, Buckinghamshire, Cambridgeshire, Hertfordshire, Essex, Leicestershire, Lincolnshire (except the Districts of North Lincolnshire and North East Lincolnshire), Norfolk, Northamptonshire and Suffolk	Terrington House 13-15 Hills Road Cambridge CB2 1NP
	The Districts of Leicester, Luton, Milton Keynes, Peterborough, Rutland, Southend-on-Sea & Thurrock	Tel 01223 532037 Fax 01223 532089
<b>Western</b>	Counties of Cornwall, Devon, Dorset, Gloucestershire, Hampshire, Oxfordshire, Somerset and Wiltshire	The Gaunts' House Denmark Street Bristol BS1 5DR
	The Districts of Bath and North East Somerset, Bournemouth, Bracknell Forest, Bristol, Isle of Wight, North Somerset, Plymouth, Poole, Portsmouth, Reading, Slough, Southampton, South Gloucestershire, Swindon, Torbay, W.Berkshire, Windsor, Maidenhead, Wokingham	Tel 0117 975 5085 Fax 0117 975 5055
<b>South Eastern &amp; Metropolitan</b>	Greater London	Ivy House 3 Ivy Terrace Eastbourne BN21 4QT
	The Counties of Kent, Surrey, E.Sussex & W.Sussex	
	The Districts of Brighton and Hove, The Medway Towns	Tel 01323 451400 Fax 01323 721057
<b>Scottish</b>	Scotland	J Floor Argyle House 3 Lady Lawson Street Edinburgh EH3 9SE
		Tel 0131 529 8502 Fax 0131 529 8501