

Briefing Note



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Changes to Goods Vehicles Operators Licensing

Operators Licensing is a system of quality control introduced under the Transport Act 1968. Those wishing to carry goods for hire or reward must hold a standard national or international Operator's Licence.

Restricted Operators Licences are also required to carry goods in connection with the operator's own trade or business.

Recently the Vehicle Inspectorate and the Traffic Area Network division of the Department of Transport merged to form the Vehicle and Operators Services Agency (VOSA). The VOSA now have powers (e.g. stopping vehicles) that previously required the attendance of the police. The VOSA are involved in enforcing the Operator's Licences system.

The Traffic Commissioners are responsible for regulating the system. To obtain an Operator's Licence, application must be made to the relevant Traffic Commissioner for the area.

Operators Licences are granted automatically *provided* that the applicant satisfies certain criteria, namely:

- That the applicant has sufficient financial standing to maintain and operate the vehicles safely, and
- The applicant has made arrangements for the vehicles to be maintained safely, and
- The applicant has systems in place to ensure compliance with the law, and
- The applicant is of good repute and fit to hold the licence.

The Traffic Commissioner will require evidence to satisfy him of each of these criteria. For instance, bank statements and references to satisfy him of the financial state of the operator or the company, letters from the workshop contracted to carry out the maintenance on the vehicles. Previous convictions or misconduct in the transport industry will also be taken into account.

To satisfy the Traffic Commissioner that the operator has adopted systems to ensure compliance with the law, the opera-

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tor will appoint a "Transport Manager" whose role within the company or business will be to be aware of the law and ensure compliance with it.

In most circumstances the Operator's Licences will specify the number of vehicles authorised to be used and indeed the vehicles themselves. The operator must keep certain records (e.g. relating to the service and maintenance of the vehicles) which the VOSA can require for inspection.

Should you wish for more detail on the above topic either contact Helen Hutson on +44 207 404 2121 or contact us via info@key2law.co.uk

Note: this update is intended only as a general statement of the law and no action should be taken in reliance upon its contents.