

A Guide for Horse Box and Trailer Owners

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A guide for horsebox and trailer owners

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Introduction



This guide has been developed by the Driver & Vehicle Agency (DVA) in conjunction with the Equine Council NI and is designed to address some basic questions to assist owners and operators of horseboxes. It is intended only to offer general help and isn't a legal document. For full details of the law in respect of each aspect covered by the guide you will need to refer to the relevant legislation or seek independent legal advice.

For many years, there has been a great deal of uncertainty of the legal requirements in relation to operating horseboxes, whether they are trailers or rigid goods vehicles.

The guide is divided into the following sections;

- 1) Operator licensing
- 2) Drivers' hours, rest periods and tachographs
- 3) Roadworthiness
- 4) Vehicle weights
- 5) Certificates of competence
- 6) Other requirements
- 7) Enforcement

Further information on specific aspects of the law can be found in the documents listed in this guide and from the web links provided to Government websites (see Annex 1). If, after considering the additional information, you are still unsure about any aspect of the law, you should consider seeking independent legal advice.

Operator licensing

- Operator licensing exists to improve road safety, maintain a level playing field for businesses and protect the environment.
- Horsebox owners who use their vehicle to carry their own goods or horses in connection with a trade or business will fall within scope of restricted operator licensing.
- Horsebox owners who use their vehicles to carry other people's horses or equipment for hire or reward will fall within scope of a standard operator's licence.
- Operator licensing is not intended to cover
 - people whose equestrian activities are no more than leisure pursuits.
 - Transporting horses in return for financial payments requires the authority of an operator's licence.

An operator's licence is required by anyone who uses a motor vehicle of more than 3.5 tonnes gross vehicle weight (the maximum combined weight of vehicle and load) for carrying any kind of goods or livestock in connection with a business. The scheme is designed to ensure that operators of such vehicles maintain their vehicles to a specified minimum standard, operate within the constraints laid down by the relevant transport legislation, and abide by environmental rules.

An operator's licence is not connected in any way to certificates of competence for transporting livestock and horses, and exists for entirely different reasons.

Standard Operators (Hire or reward)

Users* of rigid horseboxes or vehicles towing horsebox trailers with a gross plated weight (GPW) of greater than 3.5 tonnes or (where there is no plated weight if the weight of the vehicle without a load is greater than 1.525 tonnes), need a standard goods vehicle operators' licence to transport horses (or anything owed by or associated with other people's horses such as hay, tack, etc) for hire or reward.

Horses and/or associated kit and provisions are deemed to be transported for hire or reward, if transport is undertaken as part of a commercial activity and if the horse and/or associated kit or provisions is/are owned by someone else and transport is an integral element of the business activity.

Note - If you are carrying the goods or horses on an international journey (Between the UK and any other Member State including Ireland) an International Licence is required.

Restricted Operators (Own Account)

Users* of rigid horseboxes or vehicles towing horsebox trailers with a gross plated weight (GPW) of greater than 3.5 tonnes, or (where there is no plated weight if the weight of the vehicle without a load is greater than 1.525 tonnes), used in connection with any trade or business carried on by that person (own account) require a restricted operators' licence.

Note: For carriage of own goods or horses, if the drawing vehicle's gross plated weight doesn't exceed 3500kg and it is drawing a horsebox the user is exempt from the requirement to hold an operator's licence even if the combined

In deciding whether or not you need an operator's licence, you should firstly consider whether your equestrian activity is a hobby. If it's the case that your expenditure is more than you could ever hope to gain in prize-money or sponsorship, and you don't consider your activity to be a business, then you don't need an operator's licence. This should account for most people who transport horses as part of their hobby.

Where it is evident that any prize-money does not form part of an expected income (and those winnings are only ever on an incidental basis), then an operator's licence will not be required. Where the user or rider has turned professional or semi-professional, an operator's licence will be required.

Please note: you need an operator's licence even if you use a vehicle for hire or reward or in connection with a trade or business on even one occasion. The requirement to hold an operator's licence is based on the actual use of the vehicle

Transporting horses on behalf of others

Where transport is in connection with a hobby and the carriage is free then an operator's licence will not be required. However, where there is a commercial element to horse transport, when horses are being transported in return for financial payment, then an operator's licence will be needed.

Where horses are being transported for hire or reward, a standard goods vehicle operator's licence (national or international) is required. You should note that a standard international licence is required to carry goods/ horses in other European Member States including Ireland. The Transport Regulation Unit's publication entitled "Goods Vehicle Operator Licensing - A Guide for Operators" provides further information on the different licence types and their respective requirements.



Important – Where the user of a vehicle combines the use of a horsebox for amateur purposes with business use (e.g. in connection with a farm, livery stable or any other related business), a goods vehicle operator's licence will be required, irrespective of how frequently that vehicle may be used in connection with the business. Vehicles that are purchased, maintained, accounted for or funded from a business would be deemed to be part of that business and therefore within the scope of operator licensing.

Transporting horses to the farrier or vet

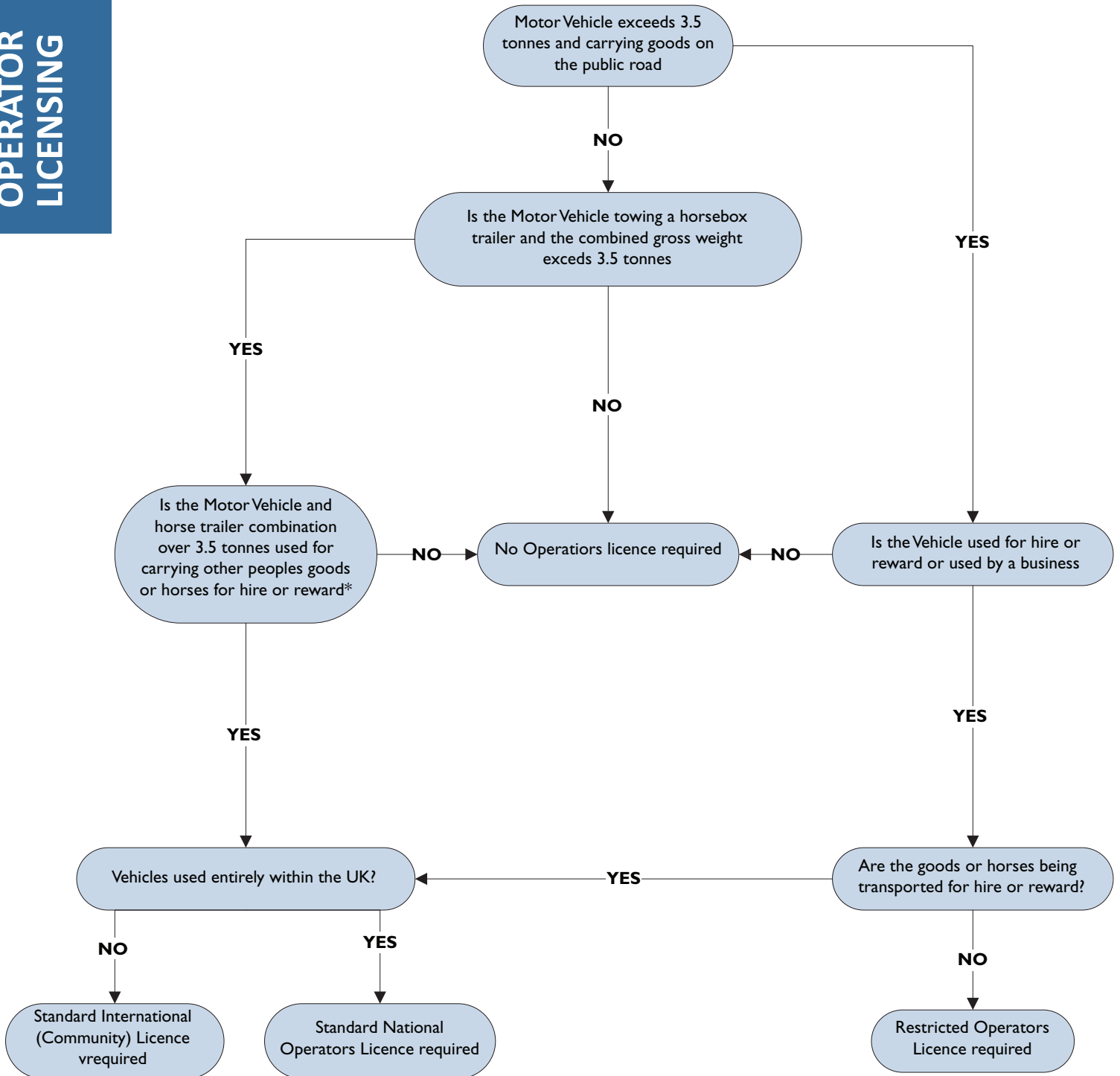
Where you are transporting your own horse to the farrier or vet, and it is not part of a business activity, an operator's licence will not be required.

Operator Licensing System

The Transport Regulation Unit (TRU) is responsible for the issue of operator licences and may, if necessary, hold a public inquiry on issues pertaining to these matters. It seeks to ensure that licence holders meet the standards set for entry into the commercial vehicle operator industry and seeks to minimise any environmental or road safety issues around goods vehicle operating centres. The TRU has the power to curtail, suspend or revoke operator licences, and, in extreme cases, to disqualify people from holding operators' licences or from being transport managers. Further information on the TRU and its role and responsibilities including fee levels, application form links etc are contained within Annex 2 attached to this guide.



Flow Diagram for O - licensing



*Where the vehicle or vehicle combination is over 3.5 tonnes and is used for hire or reward (i.e. Paid horse transport), a standard licence will be required - irrespective of the weight of the trailer.

Case study #1 - the amateur competitor

Karen is the owner of a horse that she regularly transports to competitions, using a 7.5 tonne gross vehicle weight horsebox. She considers this very much to be her hobby, travelling to events mainly at weekends. She wins some prize-money occasionally, which goes towards the upkeep of her horse and transportation costs. Karen doesn't have an operator's licence and doesn't use the tachograph which is fitted in the vehicle.



Conclusion

The circumstances under which Karen uses her horsebox mean that she doesn't need to be authorised by a goods vehicle operator's licence. She doesn't transport goods, her horse, or any other horse, as part of any business venture or for hire or reward. As such, she can't be construed to be doing it for hire or reward or in connection with a trade or business, which are the main criteria for requiring an operator's licence. She does attract some very modest income from time to time in the form of occasional prize-money, but these sums of money are not enough to take her into the realm of operating commercially. She is also entitled not to use the tachograph which is installed in the vehicle because the weight of the vehicle doesn't exceed 7.5 tonnes and she isn't operating on a commercial basis.

Karen does, however, need to ensure that her horsebox is maintained in a roadworthy condition and that she has at least category C1 entitlement on her driving licence.

Case study #2 – the part time breeder

Joan's main occupation is as a vet, but she's also a breeder who regularly transports her stallion, mare and progeny to shows in an 18 tonne gross weight horsebox. Showing the horses increases the stud value of the stallion and she sells the progeny of the mare. She never transports horses for anyone else. Sometimes she makes a profit, but she can very often just break even and has also been known to make a loss.



Conclusion

Although Joan's main income comes from being a vet, breeding horses is also deemed to be a business venture for which she needs the authority of a goods vehicle operator's licence. As Joan only ever transports her own horses in connection with her own business, she needs only a restricted operator's licence. A restricted operator's licence is required under circumstances where a horsebox is used for transporting horses but where that transport is incidental to the main business. Because Joan is involved primarily in breeding horses rather than in transporting them, and the transport is therefore incidental to her overall business, a restricted licence is appropriate.

Also, the fact that Joan is running a vehicle over 7.5 tonnes in connection with a business means that she needs to use the tachograph and adhere to the EU drivers' hours rules. The main implication of this is that Joan needs to factor in a weekly rest period of at least 45 hours (reductions apply with specific caveats – see section on drivers' hours on the next page).

As the holder of a goods vehicle operator's licence, Joan needs to ensure that her vehicle is kept and maintained in an appropriate condition.

She would also need to have category C entitlement (for goods vehicles in excess of 3.5 tonnes) on her driving licence.

Drivers' hours and tachographs

The DVA publish a comprehensive guide to drivers' hours and rest periods and the use of tachographs, which can be accessed on the DVA website at

https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/goods-vehicle-rules-on-drivers-hours-and-tachographs_0.pdf

- **The rules on European Union (EU) drivers' hours and tachographs exist to govern the driving hours and rest periods of drivers who drive commercial goods vehicles, which can include some horseboxes.**
- **You do not have to conform to these rules if you drive a horsebox up to 7.5 tonnes gross vehicle weight for non-commercial personal use.**
- **Like operator licensing, EU rules on drivers' hours and tachographs are not intended to cover people whose equestrian activities are no more than leisure pursuits.**
- **Horsebox drivers who are governed by the rules must be able to ensure minimum weekly rest periods are taken.**

Vehicles with a gross vehicle weight exceeding 3.5 tonnes, or vehicle and trailer combinations with a gross train weight of more than 3.5 tonnes when used in connection with the carriage of goods or burden, are required to have tachographs fitted, and the drivers are required to adhere to EU drivers' hours rules. However, there are several exemptions which apply to specific types of operation.

Prior to the new drivers' hours legislation coming into force in April 2007, the old legislation exempted all horseboxes over 3.5 tonnes gross vehicle weight, while being used for personal use, from the requirement to use tachographs and adhere to EU drivers' hours rules. This meant that drivers of all non-commercial horseboxes could work Monday to Friday and transport their horses at the weekends without regard to EU weekly rest periods.

In April 2007, the EU introduced a new piece of legislation on drivers' hours which also included the exemption for personal use but made it more restrictive. The non-commercial element of that provision now extends only to vehicles up to 7.5 tonnes gross vehicle weight. Consequently, all drivers of horseboxes exceeding 7.5 tonnes need to adhere to the rules on drivers' hours and tachographs.

For vehicles or vehicle and trailer combinations with a gross or train weight of more than 3.5 tonnes but not exceeding 7.5 tonnes, tachographs are not required to be fitted and the EU drivers' hours rules don't apply when that vehicle or vehicle combination is used on a non-commercial basis. When deciding whether or not a vehicle is legitimately used non-commercially, the same criteria applied as for the application of goods vehicle operator licensing – is the vehicle used for hire or reward or in connection with a trade or business?

Where a person drives a vehicle which is in scope of the EU drivers' hours rules, not only do the rules apply for the whole of that day, they must also abide by the rules on weekly rest for that week. In fact, that has always been the case. From a very basic perspective, the EU rules require a driver to take a weekly rest period of at least 45 hours – that is an uninterrupted period which is legally referred to as a "regular weekly rest period". There are, however, various other rules which mean that a weekly rest period needn't always be at least 45 hours, and these are explained later.

So, for anyone who works full-time during the week and drives a horsebox which is in scope of the drivers' hours rules at the weekend, the hours they spend driving that vehicle at the weekend may be restricted. If that person started work at 09:00 on a Monday morning for example, they would need to have completed any in-scope driving by 12:00 on the previous Saturday in order to fit in the required 45-hour rest period.

However, that same person can legally take a reduced weekly rest period of at least 24 hours once every other week on condition that the reduction is paid back within three weeks. That being the case, it would be acceptable for a full time worker to use a horsebox up until 09:00 on the Sunday prior to starting work on the Monday. It's important to realise that reductions can't be taken in any two consecutive weeks, and that any reduction must be compensated for by an equivalent period taken all at once before the end of the third week following the reduction.

For example, where a driver reduces a weekly rest period to 33 hours in week 1, he must compensate for this by attaching a 12-hour period of rest to another rest period of at least 9 hours before the end of week 4. This compensation cannot be taken in several smaller periods

	Week 1	Week 2	Week 3	Week 4
Weekly rest	33 hours	45 hours	45 hours	45 hours + 12 hours compensation

Weekly driving limit

A fixed week starts at 00.00 on Monday and ends at 24.00 on the following Sunday.

The maximum weekly driving limit is 56 hours, which applies to a fixed week (see below).

The following diagram shows an example of how this might be achieved:

Sun	Weekly rest
Mon	9 hours driving
Tue	10 hours driving
Wed	9 hours driving
Thu	9 hours driving
Fri	10 hours driving
Sat	9 hours driving
Sun	Weekly rest

Total weekly hours = (4 x 9) + (2 x 10) = 56

The rules on weekly rest are summarised as follows.

- A driver must start a weekly rest period no later than at the end of six consecutive 24-hour periods from the end of the last weekly rest period.
- In any two consecutive 'fixed' weeks a driver must take at least two regular weekly rest periods, or one regular and one reduced rest period.
- A regular weekly rest period is a period of at least 45 consecutive hours.
- A reduced weekly rest period is a period of at least 24 consecutive hours, but less than 45 hours.
- If a reduced rest is taken, the reduction must be compensated for by an equivalent period taken in one block before the end of the third week following the week in question.
- A fixed week is the period from 00:00 hours on Monday until 24:00 hours on Sunday.
- The working week is not required to
- be aligned with the fixed week – midweek weekly rest periods are perfectly acceptable.
- A weekly rest period which falls over two fixed weeks may be counted in either but not both.

By way of an example, if a horsebox in excess of 7.5 tonnes gross vehicle weight is driven on a Saturday following a week working in an office, then the driver must ensure that a weekly rest is taken in line with the EU rules before the end of the week. Although the rules on weekly rest say that 45 continuous hours must be taken, this can be reduced lawfully to 24 hours under many circumstances which affect occasional drivers, thus permitting the above example. What wouldn't be possible is the same person driving a horsebox on a Sunday, as there would be insufficient time remaining to take even a reduced weekly rest period of at least 24 hours.

The table below summarises the current limits on drivers' hours as specified by the EU rules



Summary of EU limits on drivers' hours

Breaks from driving	A break of no less than 45 minutes must be taken after no more than 4.5 hours of driving. The break can be divided into two periods – the first at least 15 minutes long and the second at least 30 minutes, taken over the 4.5 hours.
Daily driving	Maximum of 9 hours, extendable to 10 hours no more than twice a week
Weekly driving	Maximum of 56 hours
Two-weekly driving	Maximum of 90 hours in any two-week period
Daily rest	Minimum of 11 hours, which can be reduced to a minimum of 9 hours no more than three times between weekly rests. May be taken in two periods, the first at least 3 hours long and the second at least 9 hours long. The rest must be completed within 24 hours of the end of the last daily or weekly rest period.
Multi-manning daily rest	A 9-hour daily rest must be taken within a period of 30 hours that starts from the end of the last daily or weekly rest period. For the first hour of multi-manning, the presence of another driver is optional; for the remaining time it is compulsory.
Ferry/train daily rest	A regular daily rest period (of at least 11 hours) may be interrupted no more than twice by other activities of not more than 1 hour's duration in total, provided that the driver is accompanying a vehicle that is travelling by ferry or train and has access to a bunk or couchette.
Weekly rest	A regular weekly rest of at least 45 hours, or a reduced weekly rest of at least 24 hours, must be started no later than the end of six consecutive 24-hour periods from the end of the last weekly rest. In any two consecutive weeks a driver must have at least two weekly rests – one of which must be at least 45 hours long. A weekly rest that falls across two weeks may be counted in either week but not in both. Any reductions must be compensated for in one block by an equivalent rest added to another rest of at least 9 hours before the end of the third week following the week in question.

Roadworthiness and annual testing

- Many horseboxes are used only occasionally, so users need to be extremely vigilant about basic vehicle maintenance.
- It's good practice to form the habit of basic checks, as detailed below, prior to using your horsebox.
- Good vehicle maintenance will ensure conformance to legal requirements, fewer breakdowns and improved safety for you and your horses.

The welfare of your horse is important to you. With high quality stabling and the best possible veterinary care, you can ensure your horse is comfortable and healthy - but what happens when you are on the move? How safe is your horsebox or trailer?

Drivers walkaround check and pre annual roadworthiness vehicle test inspection for large horseboxes

As the government agency responsible for vehicle safety and environmental standards, DVA carry out a test every year on goods vehicles to make sure they meet minimum road safety and environmental standards. If your horsebox is a trailer not exceeding 1020kg unladen, or has "over-run" brakes fitted, it will not be subject to annual testing, so it is essential that proper and regular maintenance is carried out in accordance with the trailer manufacturer's recommendations. In addition to annual testing, DVA also undertake regular roadside checks throughout Northern Ireland's road network, where your vehicle could be the subject of a routine inspection.

If DVA identifies any fault that could cause danger or damage to the environment at the annual test, we will ask you to have it repaired before the test certificate is issued. If the fault is more serious, you will need to arrange recovery from the testing station. If defects are identified during routine mechanical inspections, your vehicle could be the subject of a vehicle prohibition, making its further use illegal until such times as the defect is rectified.

Having your horsebox properly checked and serviced by a qualified mechanic before the annual test will help to ensure it is in good enough condition to pass. Similarly, frequent checks on vehicle components that are more likely to become defective should also prevent enforcement action should your vehicle become the subject of a routine inspection.

You should also ensure the vehicle body and in particular the floor of the horse compartment is in good order and free from defects or holes etc to ensure safe carriage of the animals.



Drivers Walkaround Check for Large Horseboxes

SPEEDLIMITER

If the vehicle has a speedlimiter installed, check it has the appropriate calibration plaque and seals.

SPEEDOMETER

Make sure the speedometer illuminates.

REFLECTORS

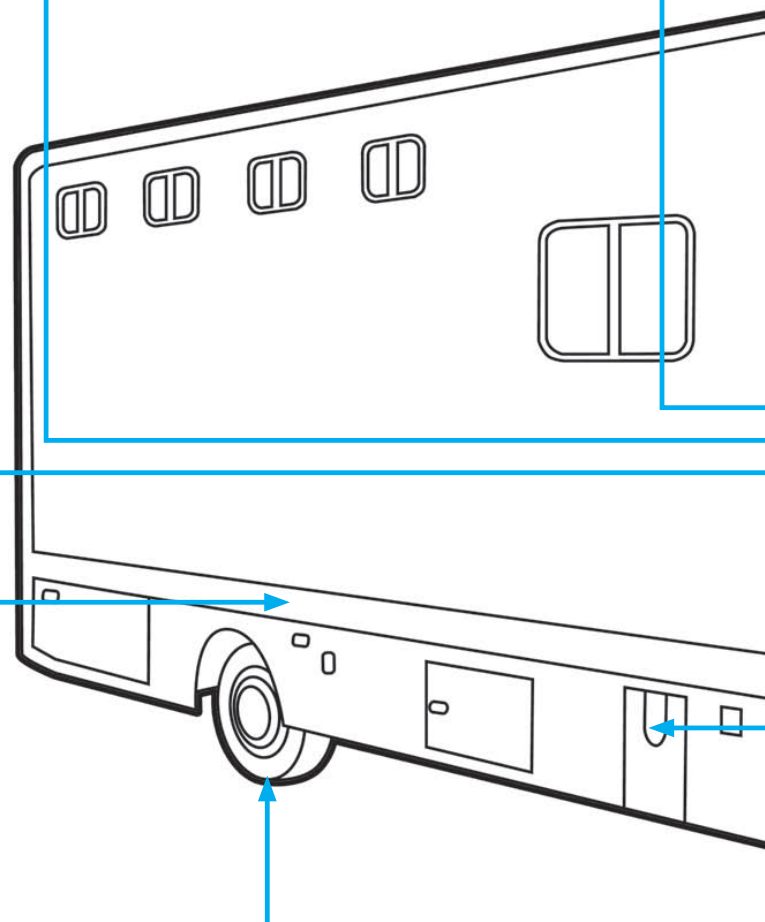
Check for obvious missing reflectors at the rear and sides of your vehicle

WHEELS & TYRES

Check the wheel nuts for security and ensure the tyre pressures are correct. Use your vehicle regularly and park with the wheels in alternating resting positions. Parking your vehicle out of direct sunlight can also help your tyre sidewalls from perishing. Check tyre tread depth is at least over 1mm.

PARKING BRAKE (HANDBRAKE)

Regular use of your vehicle can help keep the handbrake efficient. Check the condition of the parking brake (handbrake) brake application



SUSPENSION

Check to see if the vehicle is sitting square or lopsided. Listen for knocking sounds when the vehicle is in motion.

STEERING MECHANISM

Check for obvious oil leaks and any unusual knocking noises when driving.

SERVICE & SECONDARY BRAKES (FOOTBRAKE)

Regular use of your vehicle can help maintain the braking efficiency by preventing the moving parts of the braking system from seizing

BRAKE SYSTEMS

Check for air and fluid leaks and drain air tanks if required

TACHOGRAPH

If there is a tachograph installed, check to see what your use of the vehicle makes it exempt. If your vehicle is fitted with a tachograph but you only use the instrument as a speedometer, you must ensure that all the seals are intact, and that it has been calibrated and fitted with both the calibration and the k factor plaques.

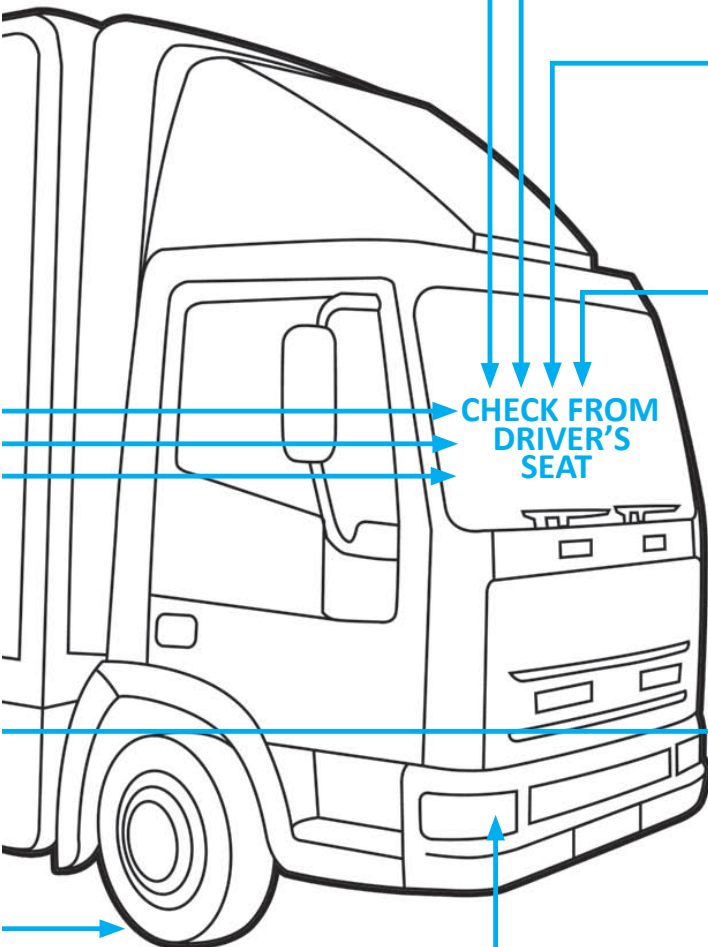
Note: There is no exemption for vehicles over 7500kg GVW.

FUEL SYSTEMS

Check the fuel cap has a seal fitted and has no obvious fuel leaks. Check that no black smoke is coming from the exhaust pipe as well as the security and condition of the exhaust system.

HEADLIGHTS & LAMPS

Check that they work and are the right colour. Look for faded and broken lenses.



Drivers Walkaround Check for Trailers

ELECTRICAL CONNECTIONS

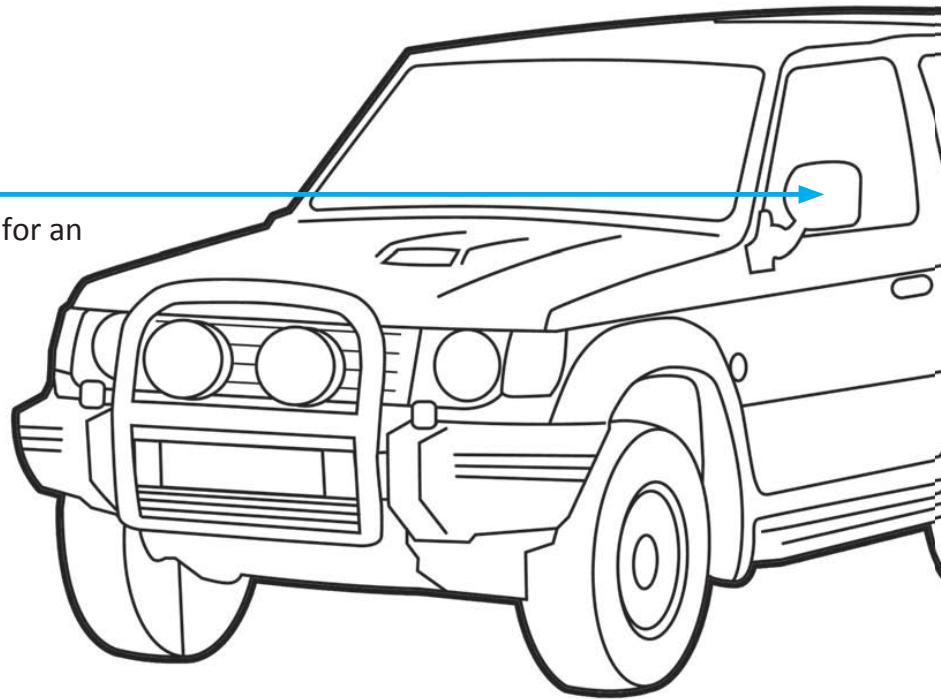
Check connections are secure, in good condition and cannot snag or become taut in normal use.

JOCKEY WHEEL

Check the jockey wheel is present, secure, operational and in good condition.

MIRRORS

Are towing mirrors required for an adequate view to rear?

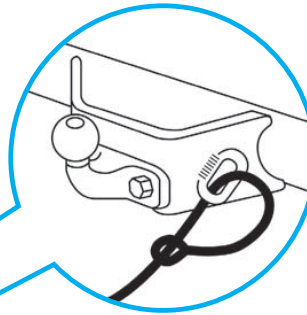


BODY CONDITION

Check the overall security; that the access doors are secured; and that glass panels are secure and in good condition.

VEHICLE TO TRAILER COUPLING

Check for condition and security. Check breakaway cable is properly attached and cannot snag or become taut in normal use.



Pass the cable through the attachment point and clip it back on itself.

REFLECTORS

Check reflectors are all present; of the correct type and colour; in good condition; clean and secure

FRONT + REAR LIGHTS

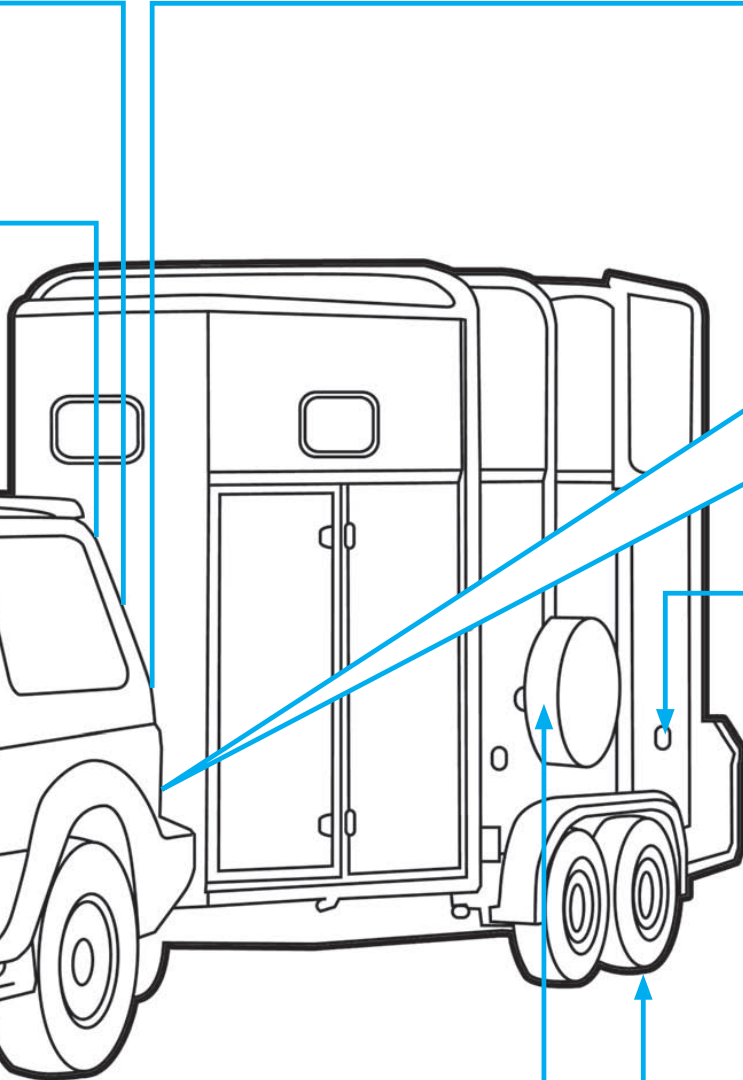
Check all lights are present, secure and operational.

TYRE + WHEEL FIXING

Check tyres and wheels are fixed, secure and in good condition. Check tyre tread depth is at least over 1.6mm

EXTERIOR SPARE WHEEL + CARRIER

Check the exterior spare wheel and carrier are both secure.



Vehicle weights

Horsebox users should be vigilant about maximum vehicle weights as many could be unwittingly overloaded.

- Horsebox users should be vigilant about maximum vehicle weights as many could be unwittingly overloaded.
- The combined actual weight of towing vehicle and trailer combinations should never exceed the maximum train weight of the towing vehicle.

The law stipulates that goods vehicles should never be loaded in excess of their manufacturers' maximum legal plated weights or manufacturers' plated design weights. Weight limits exist to reduce damage to roads and bridges, to protect the environment, to improve road safety and to help ensure fair competition.

Vehicle manufacturers fit a plate to each vehicle that specifies the weights the vehicle should not exceed, as in the example below.

Manufacturer's Name... Chassis No...

GVW/GVM 1695

GVW/GTM 2895

AXLE 1-0890

AXLE 2-0880

In this example, the first weight (gross vehicle weight of 1695kg) is the maximum weight of the vehicle on its own including any load. The second weight, (gross train weight of 2895kg) is the maximum weight of the vehicle and any

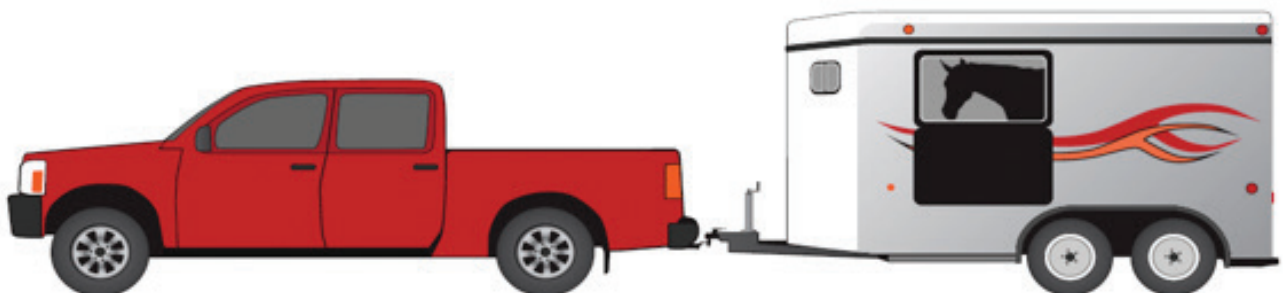
trailer that is attached including any load. The third weight (890kg) is the maximum for the 1st axle of the vehicle, and the final weight (880kg) is the maximum weight for the rear axle.

These weights must not be exceeded on public roads. It's important also to appreciate that these weights include the driver, any passengers, loads and fuel.

Trailers may also have plates showing similar information with regard to the maximum weight they can carry, together with the maximum capacity of each axle.

It is perfectly acceptable for a goods vehicle to be used with a maximum plated train weight of less than the combined plated gross weights of the vehicle and trailer, as long as the trailer isn't actually loaded to the extent that its actual weight would exceed the maximum threshold of the towing vehicle's maximum plated train weight.

For example, a towing vehicle with a plated gross weight of 3 tonnes and a plated train weight of 5 tonnes could feasibly tow a trailer with a maximum gross weight of 3.5 tonnes. However, if both the vehicle and trailer in the combination were loaded to their respective maximum gross weights, then the combination's maximum train weight would be exceeded by 1.5 tonnes. It's the actual weight of the vehicle and load which is important in determining a vehicle's compliance with legal weight thresholds, not the potential carrying capacity.



Certificates of competence

There are three types of certificate of competence that could apply to drivers and/or operators of horseboxes:

- 1) certificate of competence (CoC) for the handling and transportation of horses;
- 2) driver CPC in relation to driving standards for professional drivers;
- 3) transport manager's or operator's CPC in relation to the standards applying to transport operations.

1) Certificate of competence for the handling and transportation of horses

Council Regulation (EC) 1/2005 on the protection of animals during transport is enforced in Northern Ireland by the Welfare of Animals (Transport) Regulations (Northern Ireland) 2006 (as amended) and applies to those who transport horses more than 65km in connection with an economic activity.. The regulations don't apply to those who transport horses in relation to non-economic purposes e.g. to and from a specialist show or competition (even where they may win a minor cash prize). Welfare protection for horses taken on journeys outside the scope of EC regulation 1/2005 is provided by the Welfare of Animals Act (Northern Ireland) 2011.

The regulations require those handling and transporting horses to be trained in the relevant parts of the technical rules laid out in EC regulation 1/2005, specifically: fitness to travel; means of transport; use of its facilities; loading, unloading and handling; watering and feeding intervals; journey times and rest periods; space allowances; and documentation.

The regulations require those handling and transporting horses on journeys of over 65km (40 miles) to be independently assessed in relation to their competence and to be in possession of a certificate of competence (CoC). This requirement applies to both drivers and attendants.

There are two types of competence assessment:

- for journeys over 65km (40 miles) and up to eight hours.;
- for journeys over eight hours.

For those undertaking journeys over 65km (40 miles) and up to eight hours, assessment is in the form of a theory test. For those undertaking journeys over eight hours, assessment is in the form of an advanced theory test together with an additional practical element covering assessment of animal handling, and, if opted for, driving skills.

More information about obtaining a certificate of competence to transport horses can be found at the DARD website: <https://www.daera-ni.gov.uk/articles/welfare-animals-during-transport>

Contact details for the awarding bodies and further information on training and competence assessment under Regulation 1/2005 can be found in the DEFRA guidance notes on implementation of the Regulation at: <https://www.gov.uk/government/publications/welfare-of-animals-during-transport>

<https://www.daera-ni.gov.uk/publications/general-guidance-competence-training-and-assessment-transporting-animals>

2) Driver CPC in relation to driving standards for professional drivers

Driver CPC (certificate of professional competence) has been introduced across the European Union to maintain high driving standards and improve road safety. All professional bus, coach and lorry drivers must hold a driver CPC if they want to drive goods vehicles in excess of 3.5 tonnes or minibuses with 9 seats or more for a living. It doesn't affect people who drive vehicles for the non-commercial carriage of passengers or goods for personal use.

Drivers affected by the rules need to pass the driver CPC theory and practical tests in addition to the licence acquisition theory and practical tests if they intend to drive professionally. Once they have passed these tests they will also need to undergo ongoing periodic training to keep their driver CPC qualifications. For further information click on the following link: <https://www.nidirect.gov.uk/information-and-services/driving-living/driver-certificate-professional-competence>

3) Transport manager's or operator's CPC for standards applying to transport operations

Any person who is required to hold a standard operator's (hire or reward) licence is also required to have a transport manager who either holds a certificate of professional competence (CPC) or is an exempt person. The CPC is a qualification a transport manager must have in order to demonstrate that they have the skills and knowledge necessary to manage a transport business.



Other requirements

Driver licensing

You need to ensure that you have the correct licence for the size and type of vehicle you are using and for how it is being used.

The driver of a vehicle with a gross vehicle weight of up to 3.5 tonnes requires only a category B licence. (ordinary private car licence)

Vehicles between 3.5 tonnes and 7.5 tonnes can be driven by holders of category C1 licences. Drivers covered by this category are permitted to tow trailers of up to a maximum gross weight of 0.75 tonnes. Drivers who passed their driving test for a category B licence after 1 January 1997 stopped receiving automatic entitlement to drive category C1 vehicles.

With the exception of those drivers with category C1 entitlement, all drivers of goods

vehicles with a maximum gross weight of more than 3.5 tonnes require category C licences.

For more in-depth guidance on driver licensing please refer to the NI Direct website via the following link (ctrl & click to download electronic copy)–

<http://www.nidirect.gov.uk/index/information-and-services/motoring/driver-licensing.htm>



Speed limiters

All goods vehicles with a design gross weight in excess of 3500kg are required to have a speed limiter installed and working. The set speed of a limiter depends on the age of the vehicle. The exact requirements are detailed in the following table.

Design Gross Vehicle Weight	First used on or after	Set Speed
All vehicles exceeding 3500kg but not exceeding 12000kg	1st Jan 2005	90 kph / 56 mph
Vehicles exceeding 3500kg but not exceeding 12000kg (Euro 3 engine emission standards)	1st Oct 2001 & before 1st Jan 2005	90 kph / 56 mph
All vehicles exceeding 12000kg	1st Jan 1988	90 kph / 56 mph

National speed limits

Type of Vehicle	Built- up areas*	Single carriageways	Dual carriageways	Motorways
	Mph (km/h)	Mph (km/h)	Mph (km/h)	Mph (km/h)
Vehicle with a trailer up to 7.5 tonnes train weight	30 (48)	50 (80)	60 (96)	60 (96)
Horsebox without a trailer up to 7.5 tonnes weight	30 (48)	50 (80)	60 (96)	70 (112)
Horsebox with or without a trailer exceeding 7.5 tonnes train weight	30 (48)	40 (64)	50 (80)	60 (96)

*The 30 mph (48km/h) limit usually applies to all traffic on all roads with street lighting unless signs show otherwise.

Seatbelts

The following table is an extract from a Department for Transport information sheet published in May 2010 on the minimum requirements for the fitment and wearing of seatbelts in goods vehicles.

Belts in vehicle first used:	Before 1/4/1967	1/4/1967 to 31/3/1980	1/4/1980 to 31/3/1981	1/4/1981 to 31/3/1987	1/4/1987 to 30/9/2001	After 1/10/2001
Driver	A	B	C	D	D	F
Front passenger (furthest from the driver)	A	B	C	D	D	G
Other front passengers	A	A	A	A	E	H
Rear passengers	A	A	A	A	A	A

Key:

A – No seatbelt required

B – In vehicles with unladen weight not exceeding 1525kg – 2 point belt (diagonal body restraining)

In vehicles with unladen weight exceeding 1525kg – no belt required

C – In vehicles with a maximum gross weight not exceeding 3500kg – 2 point belt (diagonal body restraining)

In vehicles with a maximum gross weight exceeding 3500kg - no belt required

D – In vehicles with a maximum gross weight not exceeding 3500kgs – 3 point belt (lap and diagonal)

In vehicles with a maximum gross weight exceeding 3500kg – no belt required

E – In vehicles with a maximum gross weight not exceeding 3500kg – 3 point belt, lap belt or disabled persons belt

In vehicles with a maximum gross weight exceeding 3500kg – no belt required

F – In vehicles with a maximum gross weight not exceeding 3500kg – 3 point belt (lap and diagonal)

In vehicles with a maximum gross weight exceeding 3500kg – 3 point belt (lap and diagonal) or lap belt

G – In vehicles with a maximum gross weight not exceeding 3500kg – 3 point belt (lap and diagonal)

In vehicles with a maximum gross weight exceeding 3500kg - 3 point belt (lap and diagonal), lap belt or disabled persons belt

H – 3 point belt (lap or diagonal), lap belt or disabled persons belt

- All goods vehicles not over 3.5 tonnes and first used on or after 1 October 1998 need to have seatbelts fitted and used in respect of all forward facing seats.
- All private cars and 4 x 4 type vehicles, regardless of when they were first used, must have seatbelts fitted and used in respect of the driver's seat and any (DN front?) passenger seat.
- All private cars and 4 x 4 type vehicles, first used on or after 1 April 1982, must have seats belts fitted and used in respect of all forward facing seats.

Large coach-built horseboxes

Some larger coach-built horseboxes have separate accommodation areas. Although it is not specifically illegal to travel in this accommodation area, you should bear in mind that these areas are not designed for use when travelling and Regulation 115 of the Motor Vehicles (Construction & Use) Regulations (Northern Ireland) 1999 (1999 No. 454) may apply. In summary, this regulation requires any vehicle, with any associated parts or accessories, passengers, load, etc, to be used in such a way as to cause no danger either to its occupants or to other road users at any time.

Our advice is that passengers are safest in a forward or rearward facing seat equipped with a three-point seatbelt. Seatbelt anchorage points should be designed so that they will be capable of withstanding the high forces of an impact and seatbelts must comply with the latest British or European standards and be marked accordingly with either the 'e', 'E' or BS kitemark. We strongly recommend that seatbelts and anchorages are professionally installed by qualified persons (such as a commercial garage or seatbelt specialist).

Although side facing seats, with or without seatbelts, are not illegal, we would not advise that they are used. In fact, seatbelts are not designed to be used with such seats. In the event of an accident, seatbelts on side facing seats may help to prevent the wearer from being thrown around the vehicle or from being ejected, but in a frontal crash they can increase the risk of injury by subjecting vulnerable parts of the body to higher loads than seatbelts used on forward facing seats.

If you intend to carry children aged 12 years or under, the seatbelt wearing regulations require them to use suitable child restraints. You should bear in mind that child restraints cannot be fitted to side facing seats. In order to fit the required child restraints, you would need to have forward or rearward facing seats with full three point seatbelts.

Enforcement

DVA have the power to prohibit vehicles from further use where serious mechanical defects or overloading offences are detected.

DVA may also consider detaining a vehicle where an operator has failed to run that vehicle without the authority of an operator's licence. Detention action, however, is likely to occur only where an operator has failed to apply for a licence even after being prosecuted for the offence.

Both police constables and DVA examiners have the ability to issue fixed penalties in respect of both non-endorsable and endorsable offences.

In more serious cases, DVA may even prosecute vehicle users, transport managers or drivers for offences some of which may attract maximum fines of £5000 and/or two years' imprisonment.



Annex 1

Useful Contacts and Additional Information

Safe Operators Guide

This DVA guide for goods vehicle operators gives comprehensive guidance on a range of issues and is a must read for any goods vehicle operator. It can be accessed at - <https://www.infrastructure-ni.gov.uk/publications/driver-vehicle-agency-safe-operators-guide>

Operator licensing

Publications on operator licensing can be viewed and downloaded from <https://www.infrastructure-ni.gov.uk/articles/transport-regulation-unit>

If you have a query about operator licensing contact the following address:

Transport Regulation Unit
Townparks
Bedford House,
16 – 22 Bedford Street,
BT2 7FD
tru@doeni.gov.uk
0300 200 7831

Drivers' hours and tachographs

Publications on drivers' hours and tachographs can be accessed at - <https://www.infrastructure-ni.gov.uk/publications/goods-vehicle-licensing-rules-drivers-hours-and-tachographs>

A full list of approved tachograph centres, together with a list of approved speed limiter centres, can also be accessed at -

<https://www.nidirect.gov.uk/articles/approved-tachograph-centres>

Roadworthiness

The DVA publication on the "Guide to Maintaining Roadworthiness" can be accessed at - <https://www.infrastructure-ni.gov.uk/publications/driver-vehicle-agency-guide-maintaining-roadworthiness>

Driver & Vehicle Agency

Vehicle (or Driver) Testing Section
Balmoral Road
Malone Lower
Belfast
BT12 6QL

Compliance & Enforcement
148-158 Corporation Street
Town Parks
Belfast
BT1 3DH
028 90 254100

Vehicle (or Driver) Licensing
County Hall
Castlerock Road
Waterside
County Hall
Coleraine
BT51 3HS
Tel: 0845 402 4000

Driver licence information is available by accessing the nidirect website at - <https://www.nidirect.gov.uk/information-and-services/motoring/driver-licensing>

Business Information

A wide range of information on transport as a business can be accessed at -

<https://www.nibusinessinfo.co.uk/content/business-transport-and-environment>

Annex 2

The Transport Regulation Unit Applications

Please click the link below to take you to the page where you can download an application form for an Operators Licence under the Goods Vehicle Act 2010.

<https://www.infrastructure-ni.gov.uk/articles/transport-regulation-unit>

Goods Vehicle Operator Self-Service

Please click the below link to take you to the Goods Vehicle Operator Self-Service webpage on the Department for Infrastructure website.

<https://www.nidirect.gov.uk/articles/goods-vehicle-operator-licensing>

Objection, Complaint or Representation

Making an Objection, Complaint or Representation in relation to an existing Operator or application

Further guidance on making an objection or representation to an existing Goods Vehicle Licence holder or a current application. Can be made by clicking on the link <https://www.infrastructure-ni.gov.uk/articles/transport-regulation-unit> and selecting the relevant PDF. If you require further information you should email the Transport Regulation Unit at tru@infrastructure-ni.gov.uk.

Who we are

The Department for Infrastructure's Transport Regulation Unit (TRU) was formed to exercise the functions of the Goods Vehicle Licensing of Operators Act (Northern Ireland) 2010 ("the Goods Vehicles Act"). This new legislation was brought in at the request of the freight industry, public representatives and consumer organisations to address the low rate of compliance by Northern Ireland Heavy Goods Vehicles. From 1 July 2012, the TRU is responsible for goods vehicle operator licensing in Northern Ireland.

What we do

The TRU issues operator licences and holds public hearings on all matters pertaining to operator licensing. It seeks to ensure that licence holders meet the standards set for entry into the commercial vehicle operator industry and seeks to minimise the environmental and road safety impact around goods vehicles operating centres. The TRU has the power to curtail, suspend and revoke operator licences; and in extreme cases disqualify people from holding an operators licence.

What the law requires and by when

The law requires that all vehicles with a gross weight over 3500kg, used to transport goods as part of a business or trade, must be covered by an operator's licence. The law came into effect from 1 July 2012 and requires all operators to sign up to a series of undertakings (detailed below). The Department will have the power to detain vehicles if they are discovered on the public road without an operator's licence when one is required.

Legislative Background

The Goods Vehicles (Licensing of Operators) Act, introduced to the NI Assembly in May 2008, completed its passage through the Assembly and became an Act on 22 January 2010. The Act amends the Department's powers in relation to the regulation of goods vehicles operators, bringing Northern Ireland largely (but not wholly) into line with the current practice in place in Great Britain. The detailed provisions are being introduced through a series of sets of regulations.

The Act can be accessed at: <http://www.legislation.gov.uk/nia/2010/2/contents>

Types of Operator Licences

There are 3 types of operators licence.

1. **Restricted Licence** – for those who only carry their own goods or materials in connection with their trade or business. This licence covers all transport operations in the UK.
2. **Standard (National) Licence** – for those who carry their own goods or materials in connection with their trade or business and/or carry goods for hire or reward. This licence covers all transport operations in the UK. A Transport Manager CPC qualification is required to be held by somebody in or employed by the company.
3. **Standard (International) Licence** – same as above except this licence covers transport operations throughout Europe.

GOODS VEHICLE OPERATOR LICENSING - SCALE OF FEES FROM 01 JULY 2012	COST
Application fee for a licence GV(NI)79 or for a (publishable) variation (GV(NI)81)	£254
Application fee for a Restricted Licence for own-account operators	£254
Fee Payable for the issue of a licence	£449
Fee payable for the continuation of an existing licence. N.B. If you had an already existing Hire or Reward licence prior to 01 July 2012, you will still be required to pay the application fee of £254.00 when submitting your application to renew your licence.	£449
Fee payable for the issue of an interim licence or direction	£68

Costs of licence

For any licence (Restricted or Standard) all applicants including those that had an existing Hire or Reward Licence before 01 July 2012 must pay the one-off £254.00 application fee. If the licence application is successful, operators will then have to pay a licensing fee of £449, which covers a period of 5 years.

All fees are non refundable

How do I apply for a licence?

If you are applying for a licence you must first identify which type of licence it is you require. Information on the different types of licences are included on this page and in the linked documents below and the sidebar on the right-hand side of this page. Once you have identified the type of licence you will require please click this link <https://www.infrastructure-ni.gov.uk/articles/transport-regulation-unit> which will take you to the applications section of the website where you can download the relevant application form.

New Operators - Own Account or Hire or Reward Operators (those starting up a new business)

All new operators applying for a licence are required to meet the standards of the Goods Vehicle Act in full. This means applicants will have to satisfy standards of fitness/good repute, financial standing, establishment and professional competence as well as advertising their operating centres, meeting environmental standards and signing undertakings.

They need to complete appropriate application forms and guidance notes will be available to help them.

The completed application form along with the payment and all necessary supporting documentation should be returned to DOE, Central Licensing Office, PO Box 180, Leeds, LS9 1BU

Once an application has been processed a letter will be sent advising of its reference number. If further information is required the applicant will be advised in an initial letter.

Applicants must not operate vehicles until a licence has been issued. If an applicant needs to start operating urgently they can apply to the Department for an interim licence.