

b) External Transport Manager

Where an operator does not fulfil the role of transport manager (ie they lack the necessary professional qualifications and are perhaps an owner/driver or sole trader), and does not have an internal transport manager, they may hire in an external transport manager ie a consultant transport manager under contract on a part-time basis.

Under these arrangements the contracted party must have effective and continuous management responsibility for the transport activities of the operator, and:

- be of good repute;
- be resident in a European Union country;
- have a contract with the operator that specifies the tasks they perform as transport manager;
- work for no more than four operators with a combined maximum total fleet of 50 vehicles - individual EU member states do have freedom to lower the 4/50 maximum and it is intended that the Department should be able to set lower limits in individual cases; and
- be responsible only to the operator and not anyone else.

The minimum responsibilities included on an external Transport Manager's declaration

An external transport manager will also be required to complete a declaration which will contain similar undertakings to that of an internal manager.

The external manager's contract may include additional requirements such as:

- the amount of time to be spent in carrying out their duties for the operator on that licence;
- the numbers of operating centres or authorised vehicles for which they are responsible;
- the contractual mechanisms to deal with any other employment or activities in which the transport manager is engaged and which may restrict his/her ability to devote time to the duties on that operator's licence.

What is a Transport Manager audit?

A transport manager audit is designed to check a transport manager's compliance with their declaration and/or contracted responsibilities. In most instances the review will be pre-planned.

If the audit highlights that the transport manager arrangements have changed and/or that the manager isn't effectively and continuously meeting their declared responsibilities, a report will be forwarded to the TRU for consideration.

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The Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010

Transport Manager Audit – Standard Operator's Licence Holder



Our Mission

“To improve road safety, reduce damage to the environment and assist fair competition by increasing compliance within the transport industry through a programme of education, inspection and prosecution where necessary.”



An Agency within the Department for

Infrastructure

Gníomhaireacht Ialstigh den Roinn

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Introduction

Responsibility for the regulation of goods vehicle operators in Northern Ireland rests with the Department for Infrastructure's Transport Regulation Unit (TRU).

In accordance with EU Regulation 1071/2009 the TRU will require transport managers to complete a declaration committing them to a range of requirements, which are set out in this leaflet. The onus is on the transport manager and licence holder to ensure the declaration is completed accurately and that the transport manager meets the specified requirements and undertakes all the activities listed.

The Driver & Vehicle Agency, in support of the TRU, will undertake a transport manager compliance audit to ensure the requirements of the EU Regulation, the signed declaration and any additional conditions placed on the transport manager are being complied with.

An audit will not be undertaken at random and will only be as a result of:

- a request from the TRU;
- as a consequence of corroborated intelligence which indicates that the transport manager may not be complying with the declaration;
- instances of repeated non-compliance which would suggest the transport manager isn't complying with their declaration.

This leaflet is designed to give operators and transport managers an overview of the audit process.

What is a "Transport Manager?"

1. Under both EU and domestic legislation, to obtain and keep a standard operator's licence, operators must prove, amongst other things, that they are professionally competent – this in essence means that they have the required specialist knowledge (professional competence) to run a road transport business safely and effectively. This role is undertaken by the transport manager. The transport manager must also be of good repute.
2. Further information on the role of a transport manager in managing a transport undertaking can be obtained from the TRU.
3. In order to prove professional competence, the transport manager must either:
 - hold a certificate of professional competence (CPC) or third party equivalent, or
 - have acquired "grandfather" rights.
4. There are two different types of transport manager.

a) Internal Transport Manager

This type of transport manager is closely connected with the operator. To qualify, they must meet three requirements:

- effectively and continuously perform their transport manager role for the operator in question;

- have a genuine link to the operator such as being a full-time or part-time employee, director or owner; and
- be resident in, and a "natural person" of, a European Union country.

The minimum responsibilities included on an internal Transport Manager's declaration are:

- ensuring that drivers comply with drivers' hours and tachograph rules and speed limits;
- ensuring that vehicles are properly inspected and maintained, and that action is taken to remedy any defects found;
- putting in place arrangements for the reporting and recording of vehicle defects by drivers;
- compiling and maintaining accurate records, and retaining them for a period of not less than 15 months;
- ensuring that vehicles are not overloaded;
- ensuring that any authorised vehicle is kept at an authorised operating centre when not in use;
- notifying the TRU (in writing) of any prosecution or conviction concerning themselves, the operator or a driver within 28 days of the court hearing; and
- notifying the TRU (in writing) in the event of their resignation.