

## Public Inquiries

The Department has the power to call an operator to a public inquiry on a range of issues including:

- environmental concerns about an operating centre;
- poor maintenance arrangements;
- repeated road traffic offences;
- a “most serious infringement” as listed in EU Regulation 1071/2009\*;
- the use of an unauthorised or unsuitable operating centre;
- a breach of licensing conditions or undertakings;
- evidence of loss of fitness, good repute, professional competence or financial standing;
- establishment within Northern Ireland.

**Staff from DVA may be required to give evidence at a public inquiry to enable the Department to make an informed decision about the suitability of a person/company to hold an operator’s licence or the suitability of a transport manager.**  
**\*Under EU Regulation 1071/2009 “most serious infringements” include:**

- exceeding the six-day or fortnightly driving time limits by 25% or more;
- exceeding the daily driving time limit by a margin of 50% or more without taking a break or without an uninterrupted rest period of at least 4.5 hours;
- having no tachograph or speed limiter fitted, using a fraudulent device to modify the records of the recording equipment/speed limiter; or presenting false records or data;
- having no test certificate or operating a vehicle with a serious mechanical deficiency resulting in an immediate prohibition;

- exceeding a vehicle’s maximum permissible weight:
  - for a vehicle of 12 tonnes or less, by 25% or more;
  - for a vehicle of more than 12 tonnes, by 20% or more;
- having no valid driving licence or Community (operator’s) licence;
- having a false driver’s card, using another person’s driver’s card or one that has been obtained by a false declaration or forged documents.

## Compliance Audits

Operators may be subject to compliance audits to determine if they are complying with their licensing undertakings or conditions.

## Detention

The new legislation will also make provision for any non-exempt goods vehicle to be detained if it isn’t operated under a licence. If this is proven the vehicle will be disposed of and any costs incurred deducted from the proceeds of sale.

*This leaflet is designed to provide a brief overview of some of the key requirements of the GVA. It is not a legal interpretation of the Act and any operator who wishes to clarify the legal requirements should obtain their own legal advice.*

**Driver & Vehicle Agency  
Enforcement Section  
148-158 Corporation Street  
Townparks  
Belfast  
BT1 3DH**

**[www.nidirect.gov.uk/motoring](http://www.nidirect.gov.uk/motoring)  
T: 028 9025 4100  
F: 028 9025 4111  
E: TBC**

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

## Compliance



## 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 laistigh den Roinn

**Bonneagair**

[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)



## Introduction

The Goods Vehicles (Licensing of Operators) Act (GVA) was made in January 2010. Under this piece of enabling legislation a number of regulations have been made that will impact to varying degrees on goods vehicle operators within Northern Ireland. As a consequence of these changes the Driver & Vehicle Agency (DVA) will undertake a range of additional activities.

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

This leaflet is designed to give the Industry an overview of the additional requirements the DVA will be tasked to undertake on behalf of the TRU.

Separate booklets and leaflets will be available to give more detailed guidance on these new requirements as they are introduced.

## Key Changes

Most operators of goods vehicles over 3500 kgs gross weight who carry goods for hire or reward or in connection with a trade or business will be required to hold an operator's licence.

## Key Exemptions

A number of vehicles don't fall within scope of the new requirements or are exempt including:

- vehicles with a plated gross weight of 3500kg or less;
- vehicles with a plated gross weight of 3500kg or less and towing a trailer which takes the combined plated weight over 3500kg, but are not used for hire or reward;

- vehicles not used either for hire or reward or in connection with a trade or business eg. goods vehicles used for private use;
- vehicles used under a trade licence;
- vehicles proceeding to or from a vehicle testing centre;
- vehicle permanently fitted with a machine, apparatus or other contrivance for carrying out maintenance on road, water, electricity or gas networks;
- showman's (fun-fair) goods vehicles;
- vehicles being used for the instruction of drivers, proceeding to, from or engaged in a practical test of competence to drive;
- agricultural tractors and some other vehicles used solely for agriculture, horticulture or forestry purposes;
- vehicles used in certain circumstances for - funerals, or under trade licences, or for emergency purposes by the Coastguard, RLNI, police, fire and rescue, and ambulance services;

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*A full list of exemptions is contained within the Goods Vehicles (Licensing of Operators) (Exemption) Regs (NI) (SR 2012 No 256).*

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## Operator Undertakings

As a condition of an operator being granted a licence the Department must be satisfied that the licence holder will fulfil various requirements in relation to vehicles operated under the licence including those listed below.

1. The rules on drivers hours and tachographs must be observed. Proper records must also be kept and be made available on request.
2. Satisfactory arrangements must be in place for ensuring that vehicles and trailers are not overloaded.
3. Vehicles and trailers, including hired vehicles and trailers, must be kept in a fit and serviceable condition.
4. The numbers of authorised vehicles and trailers kept at an operating centre must not exceed the numbers authorised, as noted on the licence.
5. Records must be kept (for at least 15 months) of all driver reports which record defects, all safety inspections and routine maintenance and repairs, and these must be made available on request.
6. Only authorised operating centres may be used.
7. Drivers must report promptly any defect or symptom of a defect that could prevent the safe operation of a vehicle or a trailer, and any defect must be recorded in writing.
8. The Department must be notified within 28 days of any change to maintenance arrangements or to the operator's legal status or partnership arrangements.
9. Any additional conditions that may be imposed on an operator by the Department must be observed.