



## Road Transport Licensing Committee Circular GOODS VEHICLES APPLICATIONS, DECISIONS AND NOTICES

### INTRODUCTION

The passing by Tynwald of the Road Transport Regulations 2018 in July 2018 has meant that the Road Transport Act 2001 now provides for the licensing of Goods Vehicles with effect from 1<sup>st</sup> January 2019.

The Regulations state that the Road Transport Licensing Committee (“the RTALC” or “the Committee”) must publish a circular or newsletter in such a manner and at such intervals as it thinks fit. This circular, called an AD&N Circular, contains information on;

- **A**pplications which have been submitted by prospective operators as well as existing operators.
- **D**ecisions which are made by the RTALC on these applications.
- **N**otices to be provided to operators for their information.

There will be no applications or decisions listed in this Circular. However, any person will have a period of 21 days from the publication date of the Circular containing the application to write to the Committee making their objection or representation.

These written objections can be received by letter or email. They should include the name and address of the sender and include the reasons why the objection or representation is made in reference to a specific application. They **must** be sent to the applicant’s registered address as well as to the RTALC office. For the full RTALC Procedure detailing the submission of objections please see the RTALC website; [www.gov.im/rtlc](http://www.gov.im/rtlc).

### NOTICES

#### ROAD TRANSPORT REGULATIONS 2018

All vehicles which are being used on a public highway commercially for the carriage of goods (“a Goods Vehicle”) with a maximum laden weight of over 3,500 kgs will need to be registered with the RTALC. This includes:

- vehicles used in connection with any business of carrying goods,
- vehicles used in connection with any other trade or business carried on by the operator or by an associated company of the operator; or
- vehicles used otherwise where the operator takes payment.

This payment may be direct or indirect. An example of an indirect payment could be an exchange for services for the commercial carriage of goods regardless of whether a profit is made or not.

## Vehicle Exemptions

Certain vehicles are exempt from licensing requirements and do not need an Operator Registration to be used in the Isle of Man. The following are the main examples of this;

- Agricultural motor vehicle – a vehicle constructed or adapted for use off roads for the purpose of agriculture (but not being a dual purpose vehicle).
- Works truck – this is a motor vehicle or trailer for use within private premises or using public roads only to pass to another private premises within the immediate neighbourhood. This includes farmers going from one privately owned field to another nearby using a public road.
- Engineering plant – a motor vehicle or trailer specially designed and constructed for the special purposes of engineering operations

## Operators

Existing operators will automatically be deemed by the RTLC to hold authority to operate Goods Vehicles for a maximum period of 1 year, during which time they must apply for either an Operator Registration to operate on-Island or an Operator Licence to operate off-Island. All applications from existing operators must be received before 1<sup>st</sup> November 2019 to allow sufficient time for the application procedure to be followed.

The RTLC must have regard to the good repute of the applicant and all of the people involved in the management of the transport operation. During the Transitional Provisions of the Road Transport Regulations 2018 all applicants will be assumed to have Good Repute unless they have more than one conviction for a serious offence or have repeatedly been convicted of road transport offences.

A conviction for a serious offence is one which either led to a term of custody exceeding 3 months, or a fine exceeding £2,500, or a community service order of more than 60 hours. Any applicants with multiple convictions such as these will need to detail them on the application form so that the Committee may make a determination on the Good Repute of the applicant.

Any prospective operators who have not operated Goods Vehicles with a maximum laden weight of over 3,500 kgs prior to 1<sup>st</sup> January 2019 will not be subject to the Transitional Provisions within the Road Transport Regulations 2018 ("the Transitional Provisions") and neither will they be assumed to have Good Repute. Applicants who have not operated Goods Vehicles before 1<sup>st</sup> January 2019 please contact the RTLC office on 651564.

There will be two types of operators;

An operator who operates solely on the Island.

- Manx operators who operate only on the Isle of Man will be required to obtain an Operator Registration. No fee will be charged for the Registration as long as the application is submitted before 1<sup>st</sup> November 2019.
- Operator Registration application forms are available on the RTLC website [www.gov.im/rvlc](http://www.gov.im/rvlc) or by request to the RTLC office.
- Each vehicle must have an approved operating centre. This is where the vehicle is kept when it is not in use (i.e. overnight).
- All operating centres must have either planning approval under section 10 of the Town and Country Planning Act 1999 or a certificate of lawfulness of use or development under section 24 of the Town and Country Planning Act 1999.

- If you are unable to provide evidence of planning permission or a certificate of lawfulness for ALL of your operating centres, the Transitional Provisions allow a five year period of grace in order to obtain one of those documents.
- Please contact the Planning Section at the Department of Environment, Food & Agriculture for further information on 685950.

An operator who operates both on-Island and off-Island.

- Manx operators who operate on the Isle of Man and overseas will be required to obtain an Operator Licence. It does not matter how many times you operate off Island; just one journey means you will need to apply for an Operator Licence.
- Operator Licence application forms are available on the RTAL website [www.gov.im/rtlc](http://www.gov.im/rtlc) or by request to the RTAL office.
- A fee will be required which is currently £70 but may be subject to an increase later in 2019.
- These operators will be required to appoint a Transport Manager who must hold a relevant Certificate of Professional Competence ("CPC"). The Transport Manager could be the actual operator, a member of staff or an outside service provider.
- If no one within the operation holds a relevant CPC the Transitional Provisions allow a three year period of grace to either appoint a suitable Transport Manager or obtain the necessary qualifications.
- The operator must be able to satisfy the RTAL that they are of appropriate financial standing at all times. Financial standing is defined each year and the requirement from 1<sup>st</sup> January 2019 to 31<sup>st</sup> December 2020 is detailed on the application form. This will be by way of declaration and no bank details will be requested.
- Each vehicle must have an approved operating centre. This is where the vehicle is kept when it is not in use (i.e. overnight).
- All operating centres must have either planning approval under section 10 of the Town and Country Planning Act 1999 or a certificate of lawfulness of use or development under section 24 of the Town and Country Planning Act 1999.
- If you are unable to provide evidence of planning permission or a certificate of lawfulness for ALL of your operating centres, the Transitional Provisions allow a five year period of grace in order to obtain one of those documents.
- Please contact the Planning Section at the Department of Environment, Food & Agriculture for further information 685950.

## Further Information

The application forms for Goods Vehicle Operator Registrations and Operator Licences are available on the RTAL website [www.gov.im/rtlc](http://www.gov.im/rtlc), along with suggested maintenance aids such as a driver daily check form, safety inspection sheets and a written defect form.

A general guide to "Keeping your Goods Vehicles Roadworthy" is being finalised and it is hoped that it will also be available on the RTAL website shortly.

## **COMMITTEE MEETINGS**

The next scheduled meeting of the Committee to consider Goods Vehicle applications will be held in public and is currently scheduled to take place on 14<sup>th</sup> March 2019 at Thie Slieau Whallian, Foxdale Road, St John's. It is anticipated that there will be one meeting a month going forward although this will be dependent on the volume of applications received.

All applicants and any objectors that are required to attend a meeting will receive a formal invitation letter prior to the meeting.

## **E-MAIL NEWSLETTERS**

If you know of anyone would like to receive a copy of this monthly newsletter by email but is not currently on the RTLIC mailing list please send an email to [rtlc@gov.im](mailto:rtlc@gov.im) or contact the RTLIC office on 651564.

Noel Capewell  
Secretary, Road Transport Licensing Committee