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Chapter 1: Introducing Operator Licensing.

Goods vehicle operator licensing has been introduced to ensure the safe and proper use of goods vehicles both on and off the Island. Until the introduction of operator licensing and the registration of goods vehicle operators, HGV vehicles have been permitted to operate without any form of safety regulation. The introduction of operator licensing will provide the public with the confidence that the goods vehicles working on the Island's roads are safe. It will assist those operators who travel to the UK and into Europe, where the lack of an official permit to operate a goods vehicle can cause problems with foreign enforcement agencies.

The licensing provisions can be found in the *Road Transport Act 2001 (as amended)* ("the Act"), and *The Road Transport Regulations 2018*.

This booklet is intended to introduce the new licensing regime to assist the operators of goods vehicles to understand what they should expect of these new regulations.

The Road Transport Licensing Committee ("the RTLC" or "the Committee").

The RTLC is a statutory committee, appointed by Tynwald to oversee the issue of licences to operate both goods and passenger vehicles both on and off the Island.

The RTLC has been issuing and regulating the operation of public passenger vehicles (buses, coaches, taxis and private hire vehicles) since 2002. The Committee is formed of 5 members who make the decisions on whether or not to issue a licence or registration.

The Committee will consider and grant a licence on the basis of the undertakings given by the applicant. It is also entitled to expect an operator to operate goods vehicles compliantly for the life of the licence. The Committee is also empowered to suspend, reduce the number of vehicles operated, take a registration or operator's licence away completely and disqualify a person from being involved in the industry if an operator's standards of compliance fall below the standards expected when the licence was granted.

The RTLC is supported by a full-time Secretary and its offices are at:

Thie Slieau Whallian
Foxdale Road
St John's
IM4 3AS
Tel: (01624) 651 564

Role of the Vehicle Test Centre ("the VTC").

The officers at the Vehicle Test Centre are committed to making the Island's roads safer, cutting crime and protecting the environment. They perform this role by ensuring that operators of heavy goods and passenger vehicles are compliant with legislation relating to roadworthiness, operator licensing and the safe loading of vehicles.



Road Transport Licensing Committee

Overview of Operator Licenses and Registrations.

You will need a **goods vehicle Operator's Licence** or **Operator Registration** if you use a goods vehicle or trailer with a maximum weight of over 3,500 kg in the following circumstances —

- in connection with any business carrying goods;
- in connection with a trade or business carried on by the Operator or an associated business; or
- otherwise for hire and reward.

(In this instance 'goods' means goods or burden of any description).

Key Info

It is an offence to operate a goods vehicle without a valid Operator Licence or Registration if one is required. You could be liable to prosecution.

What type of goods vehicle needs to have an Operator's Licence or Registration?

Any vehicle constructed or adapted to carry goods that has a maximum gross vehicle weight (i.e. the weight of the vehicle plus the driver and any load) that exceeds 3,500 kg.

What type of trailer requires an Operator's Licence or Registration?

Any trailer constructed or adapted to carry goods that have a maximum gross vehicle weight (i.e. the weight of the trailer plus any goods carried) that exceeds 3,500 kg.

What about vehicles and trailers that have a combined weight exceeding 3,500 kg?

Any vehicle and trailer combination that has a combined maximum gross weight that exceeds 3,500 kg will be required to be operated on a goods vehicle Operator's Licence or Registration.

For example, a pickup truck with a gross vehicle weight of 3,200 kg may be operated without an Operator's Licence or Registration. However, if that vehicle is towing a trailer and the gross vehicle weight of the combination exceeds 3,500 kg an Operator's Licence or Registration will be required authorising 1 goods vehicle and 1 trailer. While you will need authorisation for both vehicles in this example, you will only require an operator disc for the goods vehicle.

Key Info

You will need an Operator's Licence even if you use a vehicle for one day on a one-off hire. If you are still not sure whether you need a Licence, contact 651 563.

Types of licence.

The RTLC may grant 2 different types of licence to operate a goods vehicle. These are —

- an Operator's Licence (a current fee of £70); or
- an Operator Registration (no fee during the transitional period for those who operated goods vehicles prior to 1st January 2019).

These two licences have different requirements and authorise different types of goods vehicle use. The following part of this chapter will explain the differences to help you decide which is the most appropriate licence for your business.



Who must apply for an Operator's Licence or Registration?

The Operator's Licence or Registration should be applied for in the name of the person, company or partnership that is the 'user' of the vehicle. **You** will be the user of the vehicle if —

- **you** are the driver and owner of the vehicle;
- the vehicle is in **your** lawful possession under an agreement for hire, hire purchase or loan; or
- the driver of the vehicle is **your** employee or agent (i.e. **you** pay them to drive the vehicle for **you**).

Exemptions from an Operator Licensing or Registration.

Some vehicles do not need an Operator's Licence or a Registration to be used on the Isle of Man.

These are —

- goods vehicles and trailers that are not used to carry goods commercially (goods vehicles used for driver training, private horse boxes and trailers);
- vehicles being used to clear snow from a highway or to spread grit on it;
- works trucks (i.e. motor vehicles and their trailers designed for use within private premises or using the public roads only to pass to another private premises within the immediate neighbourhood);
- an engineering plant (i.e. a vehicle with engineering equipment permanently attached to it for the life of that vehicle, which cannot comply in all respects with the *Road Vehicles (Construction Equipment and Weights) Regulations 2012* or the *Road Vehicles (Maintenance and Use) Regulations 2012*);
- agricultural motor vehicles or an agricultural trailer (i.e. a vehicle constructed or adapted for off road use for agricultural, horticultural or forestry purposes; which is primarily used for such purposes and is not a dual-purpose vehicle);
- vehicles being used in an emergency (e.g. ambulance, fire brigade vehicles, police vehicles when in use for any emergency purpose, vehicles used by the coastguard whilst giving aid to persons in danger on the sea or near to the coast and vehicles actually being used for Bomb Disposal or Civil Defence);
- breakdown vehicles which are being used to attend an accident or breakdown or to tow a broken down vehicle back to a place where it will be repaired;
- vehicles on their way to the Vehicle Test Centre operated by the Department of Infrastructure ("the Department");
- vehicles operated by an airport and going to or from a place of maintenance or repair;
- vehicles used by, or under the control of, the armed forces of the Crown; or
- vehicles which are lawfully being used under a trade licence and have a trade plate affixed to them.

These explanations are not definitive legal advice and provide a summary only. For definitive information, please refer to *section 18(3) Road Traffic Act 1985*, *Regulation 32 of the Road Transport Regulations 2018* and the *Road Vehicles (Maintenance and Use) Regulations 2012*.



Road Transport Licensing Committee

An Operator's Licence.

An **Operator's Licence** allows you to carry goods, the operator of a vehicle to operate commercially —

- on the Isle of Man; and
- off the Island within the UK and other foreign countries.

An Operator's Licence will be granted to anyone who can meet the following requirements —

- Good repute.
- Professional competence.
 - This is achieved by employing a Transport Manager who can also meet the following requirements —
 - good repute; and
 - holding a Certificate of Professional Competence qualification.
- Financial standing.

An explanation of these requirements is in Chapter 2.

In addition to the requirements above there are a number of other requirements that are the same for both holders of an Operator's Licence and an Operator Registration. These are explained in Chapter 2.

Key Info.

The Operator's Licence only permits your vehicle to be loaded onto the ferry and taken away from the Island.

The right to use a goods vehicle in any other country will depend upon whether the Isle of Man has a bilateral agreement permitting Manx goods vehicles to be used to carry goods into that country.

Great Britain, for example, has such an agreement to allow Manx goods vehicles to operate on its roads. You should check with the relevant authorities in each country you wish to visit and confirm whether you may carry goods commercially with a goods vehicle.

An Operator Registration.

An **Operator Registration** will allow you to operate a goods vehicle commercially on the Isle of Man only. Your vehicle will not be authorised to leave the Island although your trailers may be sent unaccompanied to the UK and Europe.

A Operator Registration will be granted to anyone who can meet the following requirement —

- Good repute.

An explanation of this requirement is in Chapter 2.

In addition to the requirement above there are a number of other requirements that are the same for both licence holders and registered operators. These are explained in Chapter 4.

Key Info.

It is an offence under the *Road Transport Act 2001* if a vehicle operated by a **registered goods vehicle operator** is loaded onto a ferry to carry goods into the UK or further afield.



Chapter 2. Requirements for Holders of Operator Licences & Operator Registrations.

Good repute.

Good repute is a mandatory requirement for both Operator Licences and Operator Registrations.

Criminal Convictions

The RTLC can consider relevant convictions when deciding whether an individual or company can meet the requirement of good repute. Relevant convictions would include convictions for —

- serious offences (a fine exceeding £2,500, over 3 months imprisonment or over 60 hours Community Service);
- offences regarding the weights and dimensions of commercial vehicles; or
- offences regarding road and vehicle safety (e.g. speeding, careless and dangerous driving and drug and alcohol misuse.)

Applicants and holders of licences and registrations can be held to account for the convictions of their Directors, partners, employees and agents. This means that during the life of the licence care needs to be taken to ensure that there are no breaches of the law.

If there has been a conviction then the RTLC must consider whether it affects your ability to continue to hold an Operator's Licence or Registration.

General fitness to hold an Operator Licence or Registration

Good repute allows the RTLC to consider any other information which may affect the ability of the licence or registration holder to operate safe vehicles. This may include evidence of failure to pay taxes, health and safety breaches and other acts or omissions which allow a licence or registration holder to compete unfairly with other operators. Multiple failures to abide by the discretionary requirements may be considered under the requirement of good repute.

Transport Managers

Transport Managers who are nominated on an Operator's Licence must also satisfy the requirement of good repute. They will be judged using the same standards set out above.

Professional competence.

This is a requirement to hold an Operator's Licence only.

Operator Licence holders must meet this requirement in one of three ways. These are —

- the operator, or a partner or a Company Director must hold; or
- the operator must employ a person that holds; or
- the operator must engage a contractor that holds a Certificate of Professional Competence ("CPC") which demonstrates that they have the requisite skills to manage the operation of goods vehicles.

The role of a Transport Manager is different from that of a licence holder or the Directors of a company holding an Operator's Licence. Transport Managers have passed an exam which demonstrates that they have the specialist knowledge and skills necessary to manage a fleet of vehicles. Licence holders and Directors can rely on the skill and judgment of a Transport Manager to ensure that the vehicles are operated lawfully.

Licence holders, partners and Directors will still have the ultimate responsibility for the compliance of the business and the operation and they will be expected to oversee the duties of the Transport Manager to ensure that they are getting a quality service and value for money.

Chapter 4 sets out the Transport Manager's responsibilities.

Key Info

If your Transport Manager ceases to have responsibility for a business for which you are the licence holder, you must inform RTLC in writing within 28 days.

Key Info

Holders of Operator Licences and Operator Registrations are ultimately responsible for all aspects of their operations. This applies to holders of all licence types.

Financial standing.

This is a requirement to hold an Operator's Licence only.

Operator's Licence holders must have in place and be able to demonstrate that there are sufficient financial resources to set up and run a transport business. The levels of financial standing must be the same as those required for a standard Operator's Licence in Great Britain.

The amount of financial resources required for an Operator Licence in Great Britain varies annually because the levels must match the European standards for international transport undertakings established in *EU Directive 1071/2009*. This is because a GB standard Operator's Licence allows goods vehicles to operate in countries where this Directive is a requirement.

The Directive requires that an operator has access to —

€9,000 for the first vehicle authorised and

€5,000 for every subsequent vehicle authorised under an Operator Licence.

Where the local currency is not € then the amount of financial standing must be calculated each year using the official currency rates published in the European Journal on the 1st October each year. The rates must be published by the RTLC and the new rates will become law on the 1st January the following year.

Financial standing for standard Operator Licence holders in Great Britain from 1st January 2019 to 31st December 2019 is as follows —

£8,000 for the first vehicle authorised; and

£4,450 for every subsequent vehicle authorised under an Operator Licence.

The RTLC will ask applicants for an Operator's Licence to make a declaration that they have the financial resources required to meet this requirement. Applicants who make a false declaration are liable to be prosecuted.



The RTLC are entitled to request the sight of bank statements to demonstrate that an applicant or holder of an Operator's Licence can meet the requirements of the Act. These documents will not be required for the purpose of an initial application but could be relevant if a disciplinary matter arises during the life of the Operator's Licence.

Information about an operator's financial standing is confidential and the RTLC will never discuss the details of financial standing in meeting held in public or disclose it to anyone else including the Department, Police or enforcement officers from the VTC.

Operating centres.

An operating centre is required for all holders of Operator Licences and Registrations.

Your operating centre should provide sufficient off-street parking for all your vehicles and trailers when they are not carrying goods.

When you apply for a licence, you will be asked to provide details of your proposed operating centres and provide information about the vehicles you intend to keep there. You will need to satisfy the RTLC that your operating centre(s) are suitable, for example that it will —

- be big enough for the type of vehicles proposed to be kept there;
- have safe access;
- have planning approval for use as an operating centre or be able to obtain a certificate of lawfulness of use;
- that your business has permission from any site owners to use it as an operating centre; and
- that there is space for any other operators to park safely if more than one business is using it.

The RTLC will not be able to add an operating centre to an Operator's Licence or Registration unless the site either has planning approval under *section 10 of the Town and Country Planning Act 1999*, or a certificate of lawful use or development under *section 24 of the Town and Country Planning Act 1999*.

Under the transitional provisions, existing operators (i.e. those operating goods vehicles commercially before 1st January 2019) will be allowed until 31st December 2024 (5 years) to obtain such a certificate. An Operator Licence or Registration holder will be liable to prosecution if they are unable to obtain the necessary planning approval at the end of the transitional period.

The RTLC may impose conditions on the use of an operating centre which might limit the times that the operating centre can be used or impose a limit on the length of time an operator can use a site before being required to move to another operating centre approved by the RTLC.

Once an operating centre has been added to your registration or licence your vehicles should normally be kept there. This means that if you know that you will be regularly parking at a place, where your vehicles will not be used to carry goods, and that is not your operating centre, you should apply to vary your Operator Licence or Registration to include that new place.

Your Operator Licence or Registration will not be granted unless you agree to a condition that you will not exceed the number of vehicles and/or trailers for which the operating centre is authorised.

Facilities or arrangements for maintaining your vehicles.

To grant either an Operator's Licence or Registration the RTLC must be satisfied that your business has access to a workshop to maintain your vehicles and trailers as well as the ability to demonstrate that —

- your vehicle(s) and trailer(s) are regularly safety checked (at least every 12 weeks) by a suitably competent person;
- a competent person carry out a recorded daily visual check of the vehicles and trailers that they use and report any roadworthiness defects to the holder of the Operator's Licence or Registration; and
- defects that affect roadworthiness are repaired before the vehicle or trailer is used (which should be done as soon as they have been identified by either a mechanic or a driver).

The Department has produced a helpful and detailed guide on the systems required to demonstrate your business can meet this requirement. This may be downloaded from the RTLC website www.gov.im/RTLC.

Checking your maintenance paperwork.

The RTLC may require at any time the production of maintenance and other records used to demonstrate compliance with the maintenance requirements of the Operator's Licence or Registration.

Maintenance records may be requested during the process of application for operator discs. RTLC admin staff will check to ensure that —

- recorded daily checks have been carried out by a competent person;
- a regular safety inspection ("RSI") is carried out at least every 12 weeks, or less if the licence or registration requires it;
- RSI documents are fully completed;
- written defects are recorded and shown as repaired;
- RSI documents show evidence of brake testing; and
- driver reportable defects do not feature regularly on RSI sheets.

Documents that are found to be absent or ineffective will be referred to the RTLC for consideration.

Ability to obey all of the laws relating to the operation of goods vehicles.

To grant either an Operator's Licence or a Registration the RTLC must be satisfied that your business has good systems in place to make sure you, and your staff, are able to obey all the laws relating to the operation of Goods Vehicles. The systems should cover —

- speed limits;
- driver obligations;
- driver licensing;
- taxation and insurance of vehicles; and
- authorised weights.

This means having management structures, monitoring and reporting systems in place that you can use to show the RTLC the extent to which there has been, and will be, compliant.

Key Info

You should ensure that your entire fleet of vehicles and trailers are kept in a roadworthy condition and keep records for each vehicle to prove this. If a vehicle or trailer is off the road, there should be a formal record kept of this fact.

Chapter 3: The Application Process.

When to apply for a licence.

The requirements for goods vehicle operators to hold either an Operator's Licence or Operator Registration will start on 1st January 2019.

If you are not operating goods vehicles before 1st January 2019 you will need to make a new application for an Operator's Licence or Registration to the RTLC and you will not be authorised to operate any goods vehicles until the RTLC have granted your new licence or registration. You will need to meet all of the requirements for either an Operator's Licence or Operator Registration (see Chapter 2). There are transitional provisions available for operators of goods vehicles before 1st January 2019 and details of these are set out below.

Applying for a licence or registration.

You should apply for a licence at least ten weeks before the date you need it. This allows time for the necessary checks to be made.

To apply for an Operator Licence or Registration you will need to complete the application form. You can download an application form at www.gov.im/RTLC.

The application form will specify all of the information required to deal with the application.

Key Info

It is illegal to operate your goods vehicle before an Operator's Licence or Registration is issued. You could be liable to prosecution.

How many vehicles can I apply for?

Your Operator Licence or Registration will authorise you to use a maximum number of motor vehicles.

You must apply for authorisation for all the goods vehicles that exceed a maximum laden weight of 3,500 kg. This may include some vehicles that weigh less than 3,500 kg but when coupled to a trailer the maximum laden weight of the combination exceeds 3,500 kg.

The number of vehicles you apply for should include the number of vehicles you intend to use straight away as well as any extra motor vehicles (the margin) you may think you need to cover increases in business or emergencies such as breakdowns.

The RTLC will consider each application on its merits and they will decide whether they are satisfied that you can safely operate the number of vehicles applied for. Operator's Licence applications will have to meet the requirement of professional competence, as well as the financial standing for the total number of vehicles authorised.

Key Info

It is a criminal offence to use more vehicles or trailers than your Operator Licence or Registration permits.

How many trailers should I apply for?

There are 2 reasons for applying for a trailer authorisation on your Operator's Licence or Registration.

You must apply for a trailer authorisation for each trailer with a maximum gross weight exceeding 3,500 kg and for any trailers that will form a vehicle and trailer combination with a combined maximum gross weight exceeding 3,500 kg that you operate. This authority will authorise the use of any trailer so unaccompanied trailers and those belonging to other operators may be used.

If you do not own or keep trailers at your operating centre but want to haul unaccompanied trailers or those belonging to other operators then trailers then you must apply for a trailer authorisation for each goods vehicle that can tow a trailer.

Transitional provisions for existing goods vehicle operators.

Businesses operating a goods vehicle before 1st January 2019 (existing operators) will automatically be authorised as a goods vehicle operator until the end of the initial 1 year transitional period. Existing operators are required to make an application for either an Operator's Licence or a Registration during that 1 year period so that RTALC can grant it before 31st December 2019.

Existing operators will be allowed additional periods of grace to meet the requirements of professional competence and planning permission for operating centres. This will allow the RTALC to grant Operator Licences and Registrations to operators who cannot meet these requirements within the one year transitional period.

Key Info

An existing goods vehicle operator that has failed to apply for and be granted an Operator's Licence or a Registration as a goods vehicle operator by 31st December 2019 will not be authorised to operate a goods vehicle on 1st January 2020.

Professional competence (for Operator Licences only)

The RTALC will grant an Operator's Licence to an applicant who cannot meet the requirement of professional competence if they undertake to employ a Transport Manager who meets the requirements by 31st December 2021.

This period of grace will end once a Transport Manager who meets the requirements has been added to the Operator's Licence or Registration. If the Operator Licence holder fails to meet this deadline then the Operator's Licence will be revoked.

Operating centres

The RTALC will allow an operating centre that does not have planning permission to be added to the Operator Licence or Registration of an applicant if the operator undertakes to obtain either —

- planning approval under section 10 *Town and Country Planning Act 1999*; or
- a Certificate of Lawful Use under section 24 *Town and Country Planning Act 1999*

by 31st December 2024.

This period of grace will end once an operating centre with the required planning documentation has been added to the Operator's Licence or Registration.

If the Operator Licence or Registration holder fails to meet this deadline then the licence or registration will be revoked.

Chapter 4. The Grant of an Operator's Licence or Registration.

Publishing your application.

From time to time, the RTLC publish a document called Applications, Decisions and Notices (“AD&N”). This publication contains notices of all applications and decisions for licence or registration.

The AD&N is available to the public in the Document Library on the RTLC website at www.gov.im/RTLC. The AD&N can also be viewed for free at the offices of the RTLC and you may also subscribe to have the AD&N sent to you.

A copy of this publication is also sent to the following organisations —

- The Department of Infrastructure (“the Department”);
- the Chief Constable;
- each local authority; and
- any representative bodies that appear to the RTLC to be appropriate.

Who can object to your application?

The RTLC must have regard to any objections received in relation to an application for an Operator's Licence or Registration before granting the licence or registration.

The Department, the Chief Constable and any representative bodies may object to your application if they believe that the applicant does not have —

- good repute;
- professional competence (Operator's Licence only); or
- financial standing (Operator's Licence only).

Any person may object to a the grant of a licence or registration if they believe your operating centre is not suitable for use as an operating centre or that you will not keep to the conditions imposed on your licence or registration when it is granted.

Valid objections must be received in writing by the RTLC within 21 days of the publication of the AD&N.

Consideration of your application at a meeting held in public.

The RTLC must consider your application at a meeting held in public.

Your attendance at the meeting may not be required unless —

- the RTLC has concerns about your ability to meet any of the requirements for an Operator's Licence or Registration;
- the RTLC has received any objections to your application; or
- the RTLC has asked you to be present at the meeting.

The RTLC will write to inform you of the date at which your application is to be heard and notify you if there are any concerns or objections to your application. You will be able to present evidence at the hearing to address any concerns or objections that are before the RTLC. The RTLC will inform you if your application has been granted or refused.

What will my Operator's Licence or Registration look like?

The Operator's Licence or Registration documents will show —

- the operator's name and address;
- any trading names used by the operator;
- the address of any operating centres attached to the licence or registration;
- the number of vehicles and trailers that have been authorised;
- any undertakings and conditions that are relevant to the granting of the licence;
- the date the licence or registration was granted;
- the expiry date (for Operator Licences only);
- the name of the Transport Manager (for Operator Licences only); and
- the number of weeks between regular safety inspections.

Refusal to grant an Operator's Licence or Registration.

If your application for an Operator's Licence or Registration is refused, you may appeal to the High Bailiff. Please see "Appealing a decision of the RTLC" in Chapter 7 for more details.

How long does an Operator Licence or Registration last?

Registration as goods vehicle operator is continuous once the registration is granted. Your registration will continue to remain in force provided that you do not operate outside its terms.

Operator Licences can be granted for up to a 5 year period and require a new application to be made for a new Operator Licence before the expiry of the existing one.

Every five years the RTLC office will aim to contact you prior to the expiry of your Operator's Licence. However, the onus is on the operator to ensure a new Operator Licence is applied for before the expiry date of their existing one as indicated on their licence document and/or vehicle disc(s). Failure to do so may result in the licence being terminated. If you have received no contact two weeks before the expiry date, please urgently contact the RTLC office on 651 564.

Key Info

It is your responsibility to pay all your fees on time and failure to do so may terminate your licence or registration. You will have to stop operating and apply for a new Operator Licence or Registration.

Are Operator Licences and Registrations transferrable?

Operator Licences and Registrations are non-transferrable, i.e. they cannot be bought or sold.

A licence or registration held by an individual or a group of individuals (i.e. a partnership) means that each individual is responsible for the operation of the goods vehicles. If an individual is no longer involved (i.e. if a partner leaves the partnership or one sole trader takes over the business of another) then a new Operator's Licence or Registration will need to be applied for.

The position is similar with a company; each of the Directors of the company is responsible for the operation of goods vehicles under the Licence or Registration. If the company that holds the licence or registration changes (i.e. a company with a different registered number) then a new licence or registration will need to be applied for.

Changes of Directors, shareholders or company name changes must be notified in writing to the RTLC but a new licence will not be required.

Chapter 5. Working with your Operator's Licence or Registration.

This chapter explains how your Operator's Licence or Registration will work once it has been granted.

Your Operators Licence or Registration.

You must keep your Operator's Licence or Registration in a safe and good condition as well as be able to produce it to an Authorised Officer of the RTLC if requested to do so.

You must display a copy of your Operator's Licence or Registration in where it can be seen at each operating centre or any other place where you carry out your transport undertaking. You may be prosecuted if you fail to display your Operator's Licence or Registration correctly.

You must also return your Operator's Licence or Registration documents if they are varied or amended or if the Operator's Licence or Registration is suspended, revoked or when it expires.

Operator discs.

The RTLC must issue operator discs to holders of both Operator Licences and Registrations for the number of goods vehicles and Manx trailers (with a maximum gross weight over 3,500 kg) authorised by the Operator Licence or Registration.

There are 3 types of operator discs;

Operator's Licence discs are issued to a specific vehicle and these discs only authorise the use the vehicle identified on the front of the disc.

Operator Registration discs do not have a registration number on them and they can be moved between vehicles. However, they will have a unique number on them specific to the holder of the registration.

Trailers which are constructed or adapted to carry goods and have a maximum gross weight over 3,500kg are obliged to display an operator disc if they are used in circumstances that require an Operator's Licence or Registration which is specific to that trailer. Trailer operator discs will display the Operator Licence number or Registration number of the person who applies for the disc.

Display of operator discs.

You must display an operator disc on the left hand side of the windscreen next to the vehicle licence disc in any vehicle that you use under the authority of your Operator's Licence or Registration.

Trailers must display an operator disc on either the near side chassis member of the trailer or on the headboard.

You must not use a vehicle displaying the disc of another holder of an Operator's Licence or Registration.

You must not use a trailer with a maximum gross weight over 3,500kg unless it is either displaying a trailer operator disc or it has been temporarily imported to the island.

You may be prosecuted for failure to display a disc when a vehicle or trailer is being used in circumstances where an Operator's Licence or Registration is required.

Operator discs for Operator Licences.

The RTLC will issue an operator disc for each specific vehicle authorised under the Operator's Licence.

Operator discs issued to holders of Operator Licences must show the registration number for the vehicle that is authorised under the Operator's Licence.

Each operator disc will be valid for one year provided the Operator's Licence remains in force.

The RTLC will only be able to issue a disc for a new vehicle provided there is margin available on the Operator's licence; i.e., if your Operator's Licence authorises 5 vehicles and there are 5 operator discs already issued then you will have to return one disc before the RTLC will be able to issue a new disc for a different vehicle.

In order to obtain an operator disc for a vehicle on an Operator Licence, the RTLC office will require the following information—

- an annual test certificate from the VTC;
- vehicle registration number;
- maximum gross vehicle weight;
- the date which you wish the authority for that vehicle to start; and
- maintenance records for the vehicle which will be inspected by RTLC office staff.

The maintenance records will be checked to confirm that the record keeping is compliant with the requirements of the Operator's Licence. Items such as recorded daily checks, regular safety inspection sheets and defect rectification forms must be produced before a disc is issued. These documents can either be brought into the RTLC office in person or emailed to rtlc@gov.im.

A fee of £40 will be payable for each disc issued.

Each operator disc issued to the Operator Licence holder will only authorise the use of the vehicle identified on the disc. Operator discs cannot be moved between vehicles.

Operator discs for Operator Registrations.

The RTLC will issue the number of operator discs that the registration authorises to be used at any one time.

Operator Registration operator discs are not required to display a registration number although they will have a number unique to the holder of the Operator Registration. This means that they may be used on hired vehicles or vehicles brought into your fleet to replace a broken down vehicle (see "Hiring and borrowing vehicles" below).

Each disc will be valid for one year provided the registration to which it relates remains in force.

The operator disc displayed in the windscreen of a vehicle will be deemed to be the user of that vehicle and any trailer drawn by the vehicle.

In order to obtain an operator disc for a vehicle on an Operator Registration, the RTLC office will require the following information for each vehicle that the operator intends to use —

- an annual test certificate from the VTC;
- vehicle registration number;
- maximum gross vehicle weight;
- the date which you wish the authority for that vehicle to start; and
- maintenance records for the vehicle which will be inspected by RTLC office staff.

If the operator is intending to borrow a vehicle, the RTLC may already have seen this information from the owner of the vehicle.



The maintenance records will be checked to confirm that the record keeping is compliant with the requirements of the Operator's Licence. Items such as recorded daily checks, regular safety inspection sheets and defect rectification forms must be produced before an operator disc is issued. These documents can either be brought into the RTLC office in person or emailed to rtlc@gov.im.

A fee of £40 will be payable for each disc issued.

Discs issued to the holder of an Operator Registration can be used in any goods vehicle in the lawful possession of the holder of the Operator Registration. This will allow hiring and vehicle sharing for vehicles used only on the Island.

Registered operators will need to exercise caution when borrowing vehicles to ensure that the vehicles are properly maintained. (See "Hiring and borrowing vehicles" below).

Key Info

It is an offence to write on or alter an Operator's Licence or Registration disc in any way.

Trailer operator discs.

Holders of an Operator's Licence or Registration may apply to the RTLC for trailer operator discs. These discs are valid for 1 year.

A trailer operator disc is required for each trailer with a maximum gross weight over 3,500 kg kept by the holder of an Operator's Licence or Registration. Once a trailer operator disc has been issued it must be attached to either the headboard of the trailer or the nearside chassis member of the trailer.

The holder of the Operator's Licence or Registration whose name is displayed on the disc bears the responsibility for ensuring the trailer is maintained, inspected and kept at its operating centre when not in use. Operators of articulated trailers are also obliged to present them to the VTC for an annual test each year.

Trailer discs will be issued on an annual basis by the RTLC. If the trailer is articulated then the RTLC will require an annual test certificate issued by the VTC before issuing a disc.

The RTLC may also ask for the production of the maintenance records for the trailer upon application for a replacement operator disc.

If a valid trailer operator disc is not displayed on then the trailer may not be used. Trailer operator discs are issued to specific trailers and cannot be swapped around.

Hiring and borrowing vehicles (Operator Registrations only).

Holders of an Operator Registration may hire vehicles either on a short or long-term basis. They may also borrow the vehicle of another operator to use it for their own business.

When doing so, the responsibility for the operation and maintenance of a hired or borrowed vehicle passes to the user of the vehicle. The user of the vehicle will be the holder of the Operator Registration named on the disc displayed in the vehicle.

Care will need to be taken to ensure that any vehicle used in this way has regular safety inspections carried out within the interval specified on the Registration of the user of the vehicle. When borrowing or hiring a goods vehicle it would be good practice to obtain a copy of the most recent regular safety inspection and any written defect rectification forms that allow the borrower to assess the mechanical condition of the vehicle before it is used. A copy of this evidence should be kept for 15 months. The RTLC may require this evidence to be produced at any time.



You may operate additional vehicles if they are with your margin. However, you must not operate more goods vehicles than your registration permits at any one time.

Key Info

Maintenance or compliance shortcomings that arise with a vehicle when it is displaying your operator disc will be attributed to your registration. The RTLC may consider you responsible for those shortcomings at a meeting.

Key Info

The margin is the number of vehicles authorised minus the number of vehicles you have in your possession, i.e. the margin (space) left on the licence. For example:

	Vehicles	Trailers
Authority on Operator Licence or Registration	4	4
No of Vehicles in Possession	3	3
Margin	1	1

This would allow you to hire in and operate 1 additional vehicle and 1 trailer to meet peak demands (e.g. at Christmas).

Lost, stolen and damaged discs.

If your vehicle or trailer discs are lost or stolen, inform the RTLC immediately in writing and you will be issued with a replacement.

There is a charge for replacement discs that have been defaced, destroyed or lost (currently £20).

Notifying the RTLC about the vehicles you are using.

Operator Registration holders must notify the RTLC of the use of a vehicle within 7 days of when a vehicle is first used on a licence and within 7 days of when it ceases to be used on a licence.

Notification can be made by email at rtlc@gov.im or by sending written notification to the RTLC by post.

Emails and letters must contain the following information —

- registration number of the vehicle;
- maximum gross weight; and
- date the vehicle started to be used or the date when its use ended.

Remember that your registration will specify the maximum number of vehicles that can be operated under the registration. You can only use additional vehicles up to that maximum.

Key Info

When you display your disc in the window of a vehicle, all the responsibilities for the maintenance and compliance with the law will be attached your Operator Licence or Registration.



Operating trailers with a maximum gross weight over 3,500kg on the Isle of Man.

Such trailers used on the Isle of Man tend to fall into two categories —

Temporarily imported trailers arriving and leaving from the Sea Terminal; or
Trailers owned and operated by Manx Operator Registration and Operator Licence holders.

Operator's Licence and Registration holders are only entitled to use trailers if the registration or licence authorises the use of trailers.

Temporarily imported trailers that are in possession of a roadworthiness certificate from another jurisdiction (e.g. an HGV annual test certificate and disc issued in Great Britain) are not required to display a trailer operator disc. Trailers that are not imported must obtain and display a trailer operator disc.

Responsibility for maintenance of trailers.

Where a trailer is be coupled to a goods vehicle used on an Operator's Licence or Registration to whom the trailer operator disc has been issued; that user is responsible for keeping the whole vehicle combination fit and roadworthy as well as keeping the maintenance records for both the vehicle and trailer.

When the trailer is not coupled to any goods vehicles, responsibility for that trailer rests with the operator named on the trailer operator disc.

If another operator couples up to the trailer then responsibility for the condition of the trailer will attach to the Operator Registration or Operator's Licence of the operator disc shown in the windscreen of the goods vehicle coupled to the trailer. The same applies when a registration or licence holder couples their vehicle to a temporarily imported trailer not displaying a trailer operator disc.

It is important that the registration or licence holder coupling up to a trailer that is not identified on their registration or licence must be certain that the trailer is roadworthy before using it on the Island's roads. Trailers imported from the UK must display a valid MOT test disc. This is usually displayed on the nearside chassis member of the trailer.

More information about the safe operation of temporarily imported trailers can be found on the VTC website; www.vtc.gov.im/link?

Notification of trailers.

The RTALC does not need to be notified of the use of trailers that —

- are registered to your own Operator's Licence or Registration;
- have a maximum gross weight of less than 3,500 kg*; or
- are temporarily imported.

*You must inform the RTALC if your trailer has a maximum gross weight of less than 3,500 kg if it is to be used in combination with a goods vehicle and the maximum gross combined weight of vehicle and trailer exceeds 3,500 kg.

In this instance you must have authority to operate the trailer, but the operator disc must be placed in the windscreen of the vehicle pulling the trailer. You will not need a disc for the trailer itself.

The RTALC must receive a notification of the use of a Manx trailer if the registration or licence holder is not named on the trailer operator disc.



Notifying any use of a Manx trailer must be done within 7 days of when the trailer is first used on a licence or registration and within 7 days of when it ceases to be used on that licence or registration.

Notification can be made by email at rtlc@gov.im or by sending written notification to the RTLC by post.

Emails must contain the following information —

- Manx trailer disc number;
- maximum gross weight; and
- date the trailer started to be used or the date when its use ended.

Using a trailer belonging to the holder of an Operator Registration off the Island.

A trailer displaying a trailer operator disc showing the name of a registered operator may be used off the Island by the holder of an Operator's Licence or temporarily exported off Island for another haulier to use.

If the trailer is to leave the Island permanently then the trailer operator disc should be returned to the RTLC.



Chapter 6. Changing your Operator's Licence or Registration.

Your Operator's Licence or Registration can be changed to —

- increase/decrease your vehicle and trailer authorisation;
- add a completely new operating centre;
- remove an existing operating centre;
- change or cancel any condition;
- relax or cancel any undertaking; or
- correct any errors.

To do this, you must complete a variation application form and send it with the appropriate fee (currently £25) to the RTLC office. This must be done at least ten weeks before you need the extra vehicles or you want to change your operating centre.

Your application will need to be published in the AD&N publication and be considered by the RTLC. Neither additional vehicles nor additional operating centres can be used until the application has been granted and the varied Licence or Registration issued.

As with your original application for a licence or registration, the RTLC will publish details of your variation application in an AD&N. Your variation application will be considered by the RTLC at a meeting held in public. The RTLC will write to inform you if there have been any objections to your variation application and to let you know if your attendance is required at the meeting.

If the variation is granted then new paperwork for your licence or registration will be issued.

You are obliged to return any discs and licence or registration paperwork if you are reducing the number of vehicles and/or trailers or removing an operating centre.

Key Info

You will have to pay a fee to make a variation application and it will be open to objections. If you are applying for extra vehicles, you may not operate those extra vehicles until the application has been granted and you have obtained an operator disc from the RTLC office.

Changing your Operator Registration to an Operator's Licence.

If you wish to start using goods vehicles and trailers off the Isle of Man then you may apply to the RTLC to change your Operator Registration to an Operator's Licence.

This will require a new application for an Operator's Licence. Once the Operator's Licence is granted it will cancel your Operator Registration. To do this you must apply to the RTLC using a goods vehicle Operator's Licence application form at least ten weeks before you require the change to happen.

Changing to an Operator's Licence will mean that you will have to meet the additional requirements of professional competence and financial standing (see Chapter 2). Your application must be considered at a meeting held in public.

You must return all of the vehicle discs and registration paperwork to the RTLC if the Operator's Licence has been granted.



Changing from an Operator's Licence to an Operator Registration.

If you do not need to take vehicle off the Island then you can change your Operator's Licence to an Operator Registration.

This will require a new application for an Operator Registration. Once the registration has been granted your Operator's Licence will be terminated.

To do this you must apply to the RTLC using an Operator Registration application form. Your application must be considered at a meeting held in public.

You must return all of the vehicle discs and licence paperwork to the RTLC once the registration has been granted.

Refusal to vary an Operator Registration or an Operator's licence.

If your application to vary your Operator's Licence or Registration is refused, you may appeal to the High Bailiff. Please see "Appealing a decision of the RTLC" in Chapter 7 for more details.

Notifying the RTLC of changes in your Operator's Licence or Operator Registration.

The RTLC must be kept informed of certain changes to your circumstances. Failure to notify any of the changes below will affect your good repute and as some of these changes are standard conditions on an Operator's Licence or Registration you may also be prosecuted for failing to notify the RTLC.

You must notify the RTLC in writing within 28 days of any of the following changes —

- any relevant convictions of yourself, your Transport Manager, officers, employees or agents (see "Criminal Convictions" in Chapter 2 for examples of relevant convictions);
- if any of the people involved in the management of the registration or licence faces personal or company bankruptcy, liquidation or a similar situation;
- the resignation of a Transport Manager;
- the appointment of a new Transport Manager;
- any change of partners within a partnership firm;
- any change of Directors in a Limited Company;
- any change of shareholders which alters the control of a Limited Company;
- any change in the address for correspondence that you gave on your original application; or
- any change in the address of your operating centre(s).

You are also obliged to notify the RTLC of any material changes to your operation that were relevant to the RTLC in deciding whether to grant or vary your Operator Licence or Registration. These changes must be notified within 28 days.

Examples of material changes that will require notification include —

- any change in legal entity in your business, for example:
 - if you change from being either a sole trader to a partnership or limited company;
 - if the structure of a limited company changes, resulting in a change of registered company number;
- if the any of the people named as the holder of the Registration or Operator's Licence dies; or
- if a receiver is appointed for a relevant person (for example the licence holder) under *s103 Mental Health Act 1998*.



At the request of the operator, the next of kin, or in the case of bankruptcy, the receivers, the RTLC may direct that the person carrying on the operation be treated as if they were the holder of the Operator Licence or Registration. This situation may continue in place for up to 12 months or, where there are exceptional circumstances, 18 months.

Are Operator Licences and Registrations transferrable?

Operator Licences and Registrations are non-transferrable, i.e. they cannot be bought or sold.

A licence or registration held by an individual or a group of individuals (i.e. a partnership) means that each individual is responsible for the operation of the goods vehicles. If an individual is no longer involved (i.e. if a partner leaves the partnership or one sole trader takes over the business of another) then a new Operator's Licence or Registration will need to be applied for.

If the company that holds the licence or registration changes (i.e. a company with a different registered number) then a new licence or registration will need to be applied for.

Changes of Directors, shareholders or company name changes must be notified to RTLC but a new licence will not be required.

Rules relating to holding companies and subsidiaries.

If a holding company is applying for an Operator's Licence or Registration it may include within that application the vehicles belonging to a subsidiary company provided the holding company is in effective management and control of the subsidiary company. It must also be reasonable to treat the subsidiary as part of the business of the holding company (e.g. the holding company has a controlling share of the subsidiary).

Any application by a holding company must include the registered name, address and trading names of any subsidiary companies that are to be included in the application.

The RTLC will consider whether each subsidiary can meet the requirements of good repute, professional competence* and financial standing* (*for Operator Licences only).

The actions of any subsidiary company may affect the Operator Licence or Registration of the holding company.

Chapter 7: The RTALC's regulatory powers.

The RTALC are the regulators of the goods vehicle and passenger transport industries within the Isle of Man.

The RTALC acts as a gatekeeper to those industries to prevent people who are not prepared to operate goods vehicles compliantly and to the standards required. However, before a person can be removed from the industry the RTALC must consider the evidence of non-compliance and allow the Operator Registration or Operator's Licence holder the opportunity to put their case before taking any action against the licence or registration.

When must the RTALC revoke an Operator's Licence or Registration?

The RTALC must revoke an Operator's Licence or Registration if the holder can no longer meet the requirements of good repute.

The RTALC must revoke an Operator's Licence if the holder can no longer meet the requirements of either professional competence or financial standing.

If the RTALC were to revoke your licence it would mean that you would not be allowed to operate goods vehicles. This could have serious repercussions for you and your business.

Other grounds for action.

The RTALC may consider taking disciplinary action against the holder of an Operator's Licence or Registration if it is informed of non-compliance. Examples of the type of non-compliance that would cause the RTALC concern are —

- you or other persons connected with your business are convicted of road traffic and other serious offences;
- you make a false statement to get a licence, or you have not kept to an agreement you made when you applied for the licence or registration;
- you have broken an undertaking or condition on your licence;
- VTC officers or the Police have imposed a prohibition on one of your goods vehicles or there has been any conviction following on from the prohibition;
- you have persistently failed to maintain the vehicles used under your registration or licence in a good and serviceable condition; or
- there has been a material change to your circumstances which was relevant to the grant or variation of the licence or registration.

The RTALC has a greater degree of flexibility with regard to the actions that it may take in response to a finding under these grounds. The RTALC may reduce the number of vehicles that can be operated, suspend or revoke the Operator Licence or Registration.

Evidence of non-compliance.

Evidence of non-compliance can be brought to the RTALC's attention from a number of sources but in most cases failures at annual test, evidence of prohibitions and poor maintenance paperwork will cause the RTALC concern.

Procedure for disciplinary action by the RTLC.

When RTLC has received evidence that causes concern, it will write to the holder of the Operator's Licence or Registration setting out the concerns and informing the holder that it is considering taking some action.

Typically in cases involving poor maintenance or non-compliance with the legislation, conditions or undertakings, the RTLC will invite the operator into a private meeting to attempt to determine what the problem is and see if it can provide some assistance.

If the problems persist or if the operator is convicted of a serious offence then further disciplinary action may be required. This may take the form of a written final warning.

If either the actions of the operator are deemed serious enough or if the final warning is ignored, then the operator may be invited to a section 18 Formal Inquiry. An operator may also request a Formal Inquiry.

When a Formal Inquiry has been scheduled a more detailed letter setting out the grounds for the Formal Inquiry and any evidence gathered will be sent to the operator so that they can understand the nature of the concerns about their operation.

What happens in a Formal Inquiry?

The RTLC will consider any evidence that it holds relating the actions of the operator which has led to the Formal Inquiry.

The RTLC will then give the operator the opportunity to present any evidence that demonstrates that they have taken positive action to deal with the issues identified and to put in place systems to avoid a repeat of any problems identified.

What action can RTLC take at a Formal Inquiry?

The RTLC must balance the negative points which caused the concern in the first place together with any positive steps which the operator has taken to address these concerns.

At the conclusion of the Formal Inquiry, or in a written decision issued after the hearing, the RTLC may take one of the following actions —

- take no further action;
- issue a further warning;
- suspend the Licence or Registration;
- curtail the Licence or Registration;
- prohibit goods vehicles of a specified class from being operated;
- change or add any condition attached to the Licence or Registration; or
- revoke the Licence or Registration.

Revocation — stop a business from operating goods vehicles and trailers altogether.

Suspension — stop a business from operating goods vehicles and trailers for a specified period of time.

Curtailment — reduce the number of goods vehicles and trailers that a business can use.



Disqualification from holding an Operator's Licence or Registration.

The RTLC has the power to disqualify anyone whose licence has been revoked from holding an Operator's Licence or Registration indefinitely or for a specified period of time.

A disqualification order may also stop you from operating in a partnership or being a Director or major shareholder in a company that operates goods vehicles. Any other licence or registration will be suspended.

If after a period of time, you feel that your circumstances have improved, you may apply to the RTLC to cancel or vary any disqualification order.

Fines.

The RTLC has no power to impose a fine on the holder of an Operator's Licence or Registration.

Appealing a decision of the RTLC.

You may appeal the following actions taken by the RTLC to the High Bailiff —

- the refusal of an application;
- the granting of an application (if you are an objector);
- the attaching of a condition to a Licence or Registration or variation of such a condition;
- any reduction of the number of vehicles that you can operate;
- the suspension of your Licence or Registration; or
- the revocation of your Licence or Registration.

Any appeal must be made within 21 days from the date that you were notified in writing of the Committee's decision (21 days from the date of any letter or email that you receive informing you of the decision).

Any appeal must be made directly to the High Bailiff, Deemster's Walk, Bucks Road and notices of this appeal must also be given to —

- the Committee at the RTLC office, Thie Slieau Whallian, Foxdale Road, St John's;
- the Department of Infrastructure at the Sea Terminal, Douglas; and
- the Chief Constable at Police Headquarters, Dukes Avenue, Douglas.

Full details of the appeal process are contained in section 60 of the Act and you will be notified of this process in any decision letter. A full copy of the Act can be accessed via the Government's legislation website: <http://legislation.gov.im/cms/en/> or found on the RTLC website at www.gov.im/RTLC.

Chapter 8: Transport Management.

The principles of good transport management apply to both Operator Licences and Registrations.

Only holders of an Operator's Licence are required to have a qualified Transport Manager to meet the requirement of professional competence. However holders of an Operator Registration are also expected to exercise continuous and effective transport management within their business. The holders of both Operator Licences and Operator Registrations should have regard to this chapter.

What is a Transport Manager?

A Transport Manager is a person who has demonstrated that they have sufficient knowledge to continuously and effectively manage the operations of goods vehicles.

Sufficient knowledge is usually demonstrated by the passing a written examination covering all of the topics considered necessary to manage a transport operation.

Transport Managers must either be employed by the Operator's Licence holder or engaged as a consultant to provide this service.

A holder of an Operator Registration is not required to engage a Transport Manager although doing so may help them to comply with the compliance requirements of the Registration.

Qualification as a Transport Manager.


A Transport Manager must hold a Certificate of Professional Competence ("CPC") or by holding a number of other acceptable qualifications or diplomas


A CPC may be obtained by passing an examination in the core skills required to operate goods vehicles. Preparation for the exam may be done by either —

- attending a residential course;
- attending a non-residential course;
- studying with the help of a special learning pack or by a correspondence course; or
- studying without assistance.

For details of examination dates, test and study centres, and a more detailed syllabus, contact an examination provider.

Details of examination providers can be obtained by contacting —

 OCR Examinations Board
Progress House
Westwood Way
Coventry
CV4 8JQ

 02476 851509

www.ocr.org.uk

Other acceptable qualifications or diplomas.

There are a number of other qualifications that are acceptable as proof for professional competence (for the operation of goods vehicles). You are likely to be exempt from CPC examination if you have one of these qualifications listed below if you hold a valid exemption certificate issued by one of the following organisations —

- Fellow or Member of the Institute of Logistics and Transport (formerly the Chartered Institute of Transport in the UK) by examination or formal accreditation in Road Freight Transport;
- Certificate in Transport (Road Freight) awarded by the Chartered Institute of Logistics and Transport;
- Honorary Fellow, Fellow or Member of the Society of Operations Engineers;
- Fellow or Associate of the Institute of the Furniture Warehousing and Removing Industry;
- Fellow or Associate of the Movers Institute; or
- Associate of the Institute of Transport Administration by examination.

If you do not have an exemption certificate, but believe you qualify for one, please contact your examining body listed above.

Principles of good transport management.

A Transport Manager's role is an important part of running a compliant transport operation. The qualifications above provide an excellent base upon which to start to continuously and effectively take responsibility for the management of commercial vehicles.

The practical application of that role is described in the following principles which are intended to guide both operators and Transport Managers in their understanding of the expectations of the RTLC.

Principle 1: A Transport Manager must be involved with the day to day operations.

A Transport Manager cannot simply be a name on an Operator Licence. This is an important role to ensure the safety of the vehicles and trailers operated under the licence.

Transport Managers must make sure that the holder of the Operator Licence is making the correct decisions to ensure compliance with all of the other principles below.

The number of hours required will depend upon the size of fleet operated. A Transport Manager may have a number of other roles within the business (driving a goods vehicle, being a Director, etc.) but these should not take time away from the exercise of the Transport Manager's duties.

Principle 2: Defect identification and rectification.

Defects in vehicles and trailers may be identified by a competent person during a daily walkround check or by a mechanic carrying out a more detailed Regular Safety Inspection ("RSI").

Transport managers must —

- ensure that a written report is made of any defect and that each defect should be reviewed to see if a pattern of defects can help to identify that cause of the defect;
- influence the decision to keep stock of spare parts so that defects that occur regularly can be repaired quickly to avoid taking a vehicle off the road for any length of time;
- be available to assess any defects identified to determine whether the defect affects road safety; and
- Perform quality control checks on the drivers who carry out daily inspections.

Principle 3: Planned maintenance.

RSIs are an essential part of understanding the maintenance issues that may affect the safe operation of goods vehicles and trailers. Whilst the Transport Manager does not have to possess the skills required to carry out a RSI they must be able to understand and interpret its meaning.

Transport Managers must —

- be able to assess the RSI report to identify any items that will wear out before the next RSI so that a plan can be put in place to make a repair or replacement before the item becomes a safety issue;
- review the quality of any RSI reports to ensure they have been completed correctly and represent value for money for the operator;
- engage with the maintenance contractor when it appears that standards of inspection are poor;
- check to identify obvious defects that ought to have been identified by a competent person during a recorded daily check;
- ensure that vehicles and trailers are properly prepared before they attend VTC for an annual test; and
- ensure that RSIs are planned and that the vehicles and trailers are taken off the road so that they can be completed.

Principle 4: Allocation of drivers and vehicles.

Deciding upon the type of vehicles to use to complete certain contracts will ensure that road safety is not put at risk by operators using inappropriate vehicles or drivers that lack the necessary skills to complete the work effectively.

Transport Managers must —

- allocate appropriately licensed drivers to drive goods vehicles;
- choose the correct vehicle taking into account the nature and weight of the load to be carried; and
- ensure that the operator does not accept work that the business neither has the skills or equipment to complete.

Principle 5: Control of drivers.

Managing the employment relationship between the operator and the drivers, staff and mechanics is essential to continuous and effective management of the operation of goods vehicles.

Transport Managers must —

- have access to personnel records for all drivers and mechanics;
- identify training requirements by reviewing the performance of all staff to ensure that each member of staff has the skills necessary to use goods vehicles safely and compliantly; and
- ensure that where shortcomings in compliance have been identified that training and discipline are fairly used to control the employment relationship.

Principle 6: Obeying the law relating to the operation of goods vehicles.

There are many laws relating to the operation of goods vehicles in particular relating to weights, driver and vehicle licensing, annual testing, health and safety, vehicle construction, etc.

Transport Managers must —

- develop systems to ensure that vehicles and their drivers are operating with the law; and
- ensure that the business is competing fairly with others by not taking shortcuts.

Principle 7: Working with the RTLCL

The RTLCL is the regulator of the industry and they must be kept informed of changes within your business that might affect the right to continue to hold an Operator's Licence or Registration.

Transport Managers must —

- ensure that vehicles and trailers are notified to the RTLCL when they are used by the operator;
- ensure that any vehicles and trailers that are used temporarily can meet the same standards of maintenance required for the regular fleet of vehicles; and
- inform the RTLCL of any of the matters listed in the paragraph on "Notification of Changes" in Chapter 5.

Managing your Transport Manager

A Transport Manager is part of the management team within any operation but they do not have to be the owner of the business or a Director of that business.

The ultimate responsibility for compliance rests with the Operator or, in the case of a Limited Company, with its Directors.

Operators and Directors must oversee the Transport Manager to be certain that they are performing the role in a manner that provides value for money and strong compliance.

Operators who fail to ensure that the Transport Manager is taking effective and continuous responsibility for the Transport operations are taking the risk that the RTLCL might revoke or suspend their licence and, if it is serious enough, disqualify the Operator Licence or Registration holder or its Directors from holding an Operator's Licence or Registration in the future.

The loss of good repute and/or professional competence for a Transport Manager

The RTLCL has the power to call a Transport Manager who is specified on an Operator's Licence or Registration to a Public Inquiry at the same time as the holder of that licence or registration.

The RTLCL must set out the nature of any allegations against the Transport Manager and provide an opportunity for the Transport Manager to make any representations.

The RTLCL may make a finding of a loss of good repute and/or professional competence if it considers that the evidence of non-compliance cannot be outweighed by any of the positive steps taken by the Transport Manager to correct the situation.

If the holder of an Operator's Licence or Registration employs a Transport Manager who loses his good repute or professional competence, then this may affect the operator's ability to meet the requirement of professional competence. Operators who cannot meet the requirement of professional competence must have their Operator's Licence revoked unless they can make alternative arrangement for meeting this requirement.