

FAO – (Removed - Section 40 FOI Act)

As discussed. The sections of the attached that are of the most use to you are Regulation 7 and Schedule 2 of the Motor Vehicle Drivers Licences Regulations 1999 (SI 2864 /99).

As also discussed, for definitive, up-to-date information on this, you will really need to contact the DVLA.

(Removed - Section 40 FOI Act)

As discussed, our "generic" material on horseboxes in quotation marks below. This information can be found in the GV74 booklet Guide for Operators available on our website.

"The need for a goods vehicle operator licence

In the majority of cases, goods vehicles with a gross plated weight of over 3.5 tonnes or, if there is no plated weight, an unladen weight of over 1525 kg require a goods vehicle operator's licence, if they are used to carry goods or burden of any description in connection with a trade or business, or for hire or reward. However, generally, where a horsebox is used on an "amateur" basis, we would not normally consider that the vehicle is being used for hire or reward, where it is clear that the carriage of goods (in this case horses), is not with a view to making a profit. Therefore, although we must point out in all correspondence that existing regulations do not exempt private horseboxes from the requirements of operator licensing, we would not consider it to be in the public interest to take any action where nothing more than petrol money or modest prize money is involved.

Please note: where the user of a vehicle combines use of a HGV horsebox for both; the amateur purposes - described above - and a business, (e.g a farm, livery stables, dressage or any other related business), a goods vehicle operators licence **will** be required, irrespective of how infrequently the vehicle may be used in connection with that business.

"Modest prize money".

Unfortunately, "modest prize money" has never been formally defined or quantified for the purpose of goods vehicle operator licensing. Nevertheless, where it is clear that there is only the prospect of nominal winnings which are merely incidental to the amateur activity, then VOSA would not consider that an operator's licence would be required.

Where there is the likelihood of winning prize money is on a more regular basis (whether or not the activity is on an "amateur" basis) and any such success has attracted sponsorship - or any other form of corporate support - this may be construed as having a commercial element to it, where an operator's licence may be required (**N.B.** this may include the vehicle bearing the sponsors name - in return for the financial support received)

Transporting a friend's horse - in connection with amateur activity

VOSA will not take any action where it is clear that a friend's horse is being transported for nothing more than petrol money, purely to cover costs - and where it is evident that there is no commercial element involved in the transport.

Therefore, if you only use the horsebox for "amateur" activities (see above) *i.e* you do not charge for horse transportation, no operator's licence will be required.

Blacksmith /Vets

When transporting your horse to the vets or blacksmiths, an operator's licence will not be required - where it is clear the vehicle is for private use, not in connection with a business and where you are not transporting someone else's horse(s) for any form of payment.

Where it is clear that a goods vehicle operator's licence is required: -

If having read the above, you consider that you should apply for a goods vehicle operator's licence, these are the main types of licence:

Restricted goods vehicle operator's licence

In cases where you use the horsebox to carry your own goods in connection with the business of a farm or estate, a restricted goods vehicle operator's licence will be required.

Standard goods vehicle operator's licence

Where payment is received for the carriage of horses -

- a standard national goods vehicle operator's licence will be required (when staying in the United Kingdom),
- a standard international licence will be required for international carriage of horses. (Please note: on a restricted licence you are able to take your horsebox abroad, under the Treaty of Rome. However, (irrespective of the type of licence held) you may wish to contact the relevant embassies of the countries through which you are passing for details of their own legal requirements, before departure).

Please note: for a Standard National or International licence it will be necessary to have a suitably qualified Transport Manager, with the relevant Certificate of Professional Competence. For further details on this you should contact the **OCR Examinations Board, Westwood Way, Coventry CV4 5HS (Tel 02476 470033)**.

Driver CPC

Under Article 2 (f) of EU Directive 2003/59 -

"vehicles used for non-commercial carriage of passengers or goods, for personal use;" is identified as being among the exemptions.

Therefore, drivers of horseboxes that are strictly for personal use, are exempt from this requirement.

Animal transport licence

(For definitive information on this, you should contact your local branch of DEFRA).

I should point out that this is in VOSA's view and does not constitute legal opinion, as only a court of law can give a definitive interpretation of the legislation.

This is the general advice that we supply in relation to horseboxes and the need for an operator's licence - and other relevant information. If you have any further queries, do not hesitate to contact me".

(Removed - Section 40 FOI Act)

I refer to your e – mail of today's date (and this morning's telephone conversation) , concerning the above. Please accept my apologies for the delay in replying.

Schedule 3 to the Goods Vehicles (Licensing of Operators) Regulations 1995, lists the categories of goods vehicle that are exempt from operator licensing. Schedule 3 (15) (a) prescribes that the following type of vehicle is exempt:

“A vehicle fitted with a machine, appliance, apparatus or other contrivance which is a permanent or essentially permanent fixture, provided that the only goods carried on the vehicle are -

(a) required for use in connection with the machine, appliance, apparatus or contrivance or the running of the vehicle;”

As discussed this morning, this exemption usually applies in cases where a machine, appliance or apparatus (e.g a crane, compressor or generator) has been fixed or bolted on to the vehicle. Any goods carried on such a vehicle must be **strictly** in connection with the use of such equipment, (i.e. the vehicle should effectively form a moving platform for these permanent or essentially permanent fixtures, and absolutely no goods that are not essential for the equipment to function (e.g. loose tools or other articles) should be carried on the vehicle.

North West Traffic Area Licensing Authority v Post Office [1982] R.T.R. 304

I referred to the case law relating to this type of vehicle and the need for an operator's licence. In this case, the vehicle concerned had a permanent fixture, namely a crane and power-driven auger, which were used for erecting telegraph poles. The vehicle also carried poles for erection. It was ruled by the court that the poles were not required for use in connection with the crane or auger, so that the exemption in para.15(a) was deemed to be not applicable.

I should point out that this is in VOSA's view and does not constitute legal opinion, as only a court of law can give a definitive interpretation of the legislation. .

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the delay in sending a full reply.

I have been trying to get clarification on whether I need to operate some vehicles under an Operators License and have written, faxed and telephoned. I am a Service Provider to the electricity distribution sector and am considering purchasing one or two pole erection units - basically a Daf 55 chassis with a mounted crane, auger and hydraulic take offs. The vehicle itself is used to transport electricity poles and ancillary fittings and erect them in replacement for decayed ones.

Looking at the guidance notes on the Vosa website, there are two sections that stand out to me; the transport of goods for hire and reward - in our work we do not get paid on the transportation of goods but on the act of construction of whatever it is we are replacing. No element of our rates is made up of the fittings or transportation of them. Secondly, there is a section regarding fitted machinery and its use in relation to the goods or burden being carried which I also think describes our tasks. This would include the crane, auger and in the case of the hydraulic take offs the use of ancillary machinery to install items we have carried,

Please could you get back to me as a matter of urgency because I don't want to go ahead and purchase until I can fully understand what I need to work to?

(Removed - Section 40 FOI Act)

Dear Sir or Madam

I refer to your recent e – mail, concerning the above. Please accept my apologies for any slight delay in replying to your query. Below, I outline the information that we issue in relation to the use of horseboxes. (**Please note:** as re-iterated below, the following information is VOSA's own opinion on this and should **not** be construed as definitive legal advice).

The need for a goods vehicle operator licence

In the majority of cases, goods vehicles with a gross plated weight of over 3.5 tonnes or, if there is no plated weight, an unladen weight of over 1525 kg require a goods vehicle operator's licence, if they are used to carry goods or burden of any description in connection with a trade or business, or for hire or reward. However, generally, where a horsebox is used on an "amateur" basis, we would not normally consider that the vehicle is being used for hire or reward, where it is clear that the carriage of goods (in this case horses), is not with a view to making a profit. Therefore, although we must point out in all correspondence that existing regulations do not exempt private horseboxes from the requirements of operator licensing, we would not consider it to be in the public interest to take any action where nothing more than petrol money or modest prize money is involved.

Please note: where the user of a vehicle combines use of a HGV horsebox for both; the amateur purposes - described above - and a business, (e.g a farm, livery stables, dressage or any other related business), a goods vehicle operators licence **will** be required, irrespective of how infrequently the vehicle may be used in connection with that business. (Also, if the driver is a paid employee -e.g a groom - and they receive payment for driving to events, an operator's licence may be required, in some cases).

"Modest prize money".

Unfortunately, "modest prize money" has never been formally defined or quantified for the purpose of goods vehicle operator licensing. Nevertheless, where it is clear that there is only the prospect of nominal winnings which are merely incidental to the amateur activity, then VOSA would not consider that an operator's licence would be required.

Where there is the likelihood of winning prize money is on a more regular basis (whether or not the activity is on an "amateur" basis) and any such success has attracted sponsorship - or any other form of corporate support - this may be construed as having a commercial element to it, where an operator's licence may be required (**N.B.** this may include the vehicle bearing the sponsors name - in return for the financial support received)

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VOSA will not take any action where it is clear that a friend's horse is being transported for nothing more than petrol money, purely to cover costs - and where it is evident that there is no commercial element involved in the transport.

Therefore, if you only use the horsebox for "amateur" activities (see above) *i.e* you do not charge for horse transportation, no operator's licence will be required.

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Animal transport licence

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Tachographs

GV262 (available from our website) (The exemptions are explained at the beginning of section 1)

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(Removed - Section 40 FOI Act)

It is the "user" of the vehicle (i.e who pays/has day-to-day control of the drivers) who need the operator's licence. If the stables require the licence, it should be in their name, and signed by an authorised person in the firm.

Sorry, this does seem like a long time ago, but can you tell me how do we process an application, is it in the name of the stables, the owner or the driver.

Regards

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Animal transport licence

(For definitive information on this, you should contact your local branch of DEFRA).

Tachographs

(See attached file: GV262%20Jan%202008.pdf)

GV262 (available from our website) for information only. (The exemptions are explained at the beginning of section 1)

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Regards

(Removed - Section 40 FOI Act)

Good morning

(I refer to our conversation in relation to the above, last week). I will cover the areas discussed under the following headings: -

Who needs a goods vehicle operator's licence?

Most goods vehicles with a gross plated weight of over 3.5 tonnes or, if there is no plated weight, an unladen weight of over 1525 kg require a goods vehicle operator's licence, if they are used to carry goods or burden of any description in connection with a trade or business, or for hire or reward. The requirement also applies to vehicles used for infrequent periods - such as one day.

Meaning of "business"

Guidance we have received in the past from the Department of Transport's Legal Branch is that "business" means a "regularly conducted commercial enterprise whether or not it makes a profit". Therefore - as discussed - a club *may* fall in to scope of operator licensing, where all members contribute to a central point for transport of goods (in this case - pigeons). As the carrier will be transporting other people's goods a standard licence would be required.

Please note: for a Standard National or International licence it will be necessary to have a suitably qualified Transport Manager, with the relevant Certificate of Professional Competence. For further details on this you should contact the **OCR Examinations Board, Westwood Way, Coventry CV4 5HS (Tel 02476 470033)**.

As discussed, this is in VOSA's view and does not constitute legal opinion, as only a court of law can give a definitive interpretation of the legislation. As this is the case, you may wish to engage your own private legal advice if you are still unsure.

I am sorry that, on this occasion, I am unable to send a more favourable reply. If you have any further queries, do not hesitate to contact me.

I am the secretary of pigeon club. This is a none profitable organisation. We have a 7.5 ton wagon do we need a operators licence?

The federation pays for the cost of running the wagon. We give the driver cash for diesel and running costs of this wagon, he does not get paid as he is a member we do all the necessary stuff 6 weekly checks tachographs and abide by the driving hours of tachograph.

This wagon is for the sole use of just carrying pigeons. It is only used approx 6 pm on Friday night to approx 4pm on a Saturday and the season starts middle of April till middle of September the rest of the time the wagon is parked up.I hope that you can help me with this matter. Please could you reply to this email ASAP.

(Removed - Section 40 FOI Act)

Land Rovers (and any vehicles with four wheel drive) are classed as dual purpose vehicles and - under current legislation - are exempt from operator licensing

Therefore, there will be no need to add this vehicle to your licence.

NB: You should contact the Central Licensing Office in Leeds, where you wish to add a goods vehicle to your operator's licence

I wish to add a vehicle onto our Goods Vehicle Operator's Licence.

Licence Number

The vehicle details are as follows :

Land Rover Defender 110 Hardtop
Registration No
Gross Vehicle Weight 3050Kg
Minimum Kerb Weight 1919Kg
Maximum Payload 1131Kg
Towing Capacity 3500Kg (Braked Trailer)

We are going to be pulling the following Trailer :

Ivor Williams – Plant Trailer –
Unladen Weight 635Kg
Maximum Gross Weight 3500Kg

We are going to be transporting a test rig to and from construction sites around the Uk.

The rig weighs 2800kg

If you require any further information, please do not hesitate to contact me.

Regards,

(Removed - Section 40 FOI Act)

We have had this query many times and - unfortunately - organisations like the Scouts, Boys Brigade, Girl Guides, Boy Guides etc.. are not **definitely** exempt from the requirement - and we have to tell them that.

This is our non-profit making organisation paragraph. It was culled from a MSU from a number of years back, written in the days when DfT dealt with policy queries on O/L :-

"Our view is that, where it can be demonstrated that a charity is not carrying on a business, then it would not need to hold an operator's licence, but the burden of proof rests with that charity and it is necessary to take in to consideration all of the charity's activities and not just the transport element. In doing so, it is necessary to consider whether the charity is not being run on a commercial basis, for example are there any paid employees such as drivers, managerial or admin staff? Where, this is the case, it may be considered that the charity is being run on a commercial basis, therefore it would require an operator's licence".

This is a good way of breaking the good news - as it appears to put a positive spin on things. Does not stop the Scouts often getting caught in scope though.

If this response does elicit an adverse reaction, feel free to give ***** my contact details..

Regards

Dear VOSA,

Your help line 0300123900 has directed me to yourselves.

Having been given conflicting information by various bodies could you please provide a definitive answer to the following question.

We are ***** County Scouts and are a registered charity.

We are organising a 2 week camp for our members to southern France in August of this year.

We intend hiring a 7.5t lorry from our local hire company to transport our joint and group equipment for the camp.

The costs of the hire/fuel/ferry etc will be split between the members.

Please state whether we need an operator's licence in order to use a 7.5t lorry for this camp.

(Removed - Section 40 FOI Act)

I refer to your email of 6 February (and today's telephone conversation) concerning the above.

Recovery vehicles

Schedule 3 to the Goods Vehicles (Licensing of Operators) Regulations 1995, lists the categories of goods vehicle that are exempt from operator licensing. Schedule 3 para (27) prescribes that a "recovery vehicle" is exempt from the requirement for an operator's licence to be held. A "recovery vehicle" is defined in Part V of Schedule 1 to the Vehicle and Excise and Registration Act 1994, as; "a vehicle which is constructed or permanently adapted primarily for any one of the purposes of lifting, towing and transporting a *disabled* vehicle".

The 1994 Act does not give a definition of "disabled". In our view it should be given its ordinary meaning "rendered incapable of action or use" (Oxford English Dictionary).

"Vehicle"

For the purposes of the Vehicle and Excise and Registration Act 1994, "vehicle" is defined in section 1 B as

**"(a) a mechanically propelled vehicle, or
(b) any thing (whether or not it is a vehicle that has been, but has ceased to be, a mechanically propelled vehicle."**

This section of the Act also makes it clear that it concerns mechanically propelled vehicles that are registered under it - and helicopters are not in scope of this.

As this is the case, (as discussed) you would be advised to hold an operators' licence and your best course of action would be to contact the national enquiry number (**0300 123 9000**) and request a starter pack so that you may apply for a licence. In the meantime, I attach a PDF copy of our "Guide For Operators" booklet (GV 74) which you will find useful.

I should point out that the information given above is in VOSA's view and does not constitute legal opinion, as only a court of law can give a definitive interpretation of the legislation.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the delay in sending a full reply.

Regards

Dear Sir,

With reference to the below picture, We are starting a recovery business for vehicles & heavy goods vehicles, we have been looking at the below vehicle.

The vehicle has an amber light bar on the top at the front and rear working lights as well as rear facing amber strobes. It's also equipped with a winch and a crane which will be used for the collection of un-drivable vehicles or damaged vehicles that need lifting.

The vehicle has a beaver tail also, We are asking if we need an operator's licence and are we under the current tacho law?

We have also been looking in to helicopter/aircraft recovery, as you may know if any aircraft has slight damage needs to be recovered or if they have crashed they will need recovering using the lifting equipment.

Do we need an operator's licence for this sort of recovery?

Please could you advise me of what I will need or any information that will help.

I look forward to your reply.

Kind Regards



(Removed - Section 40 FOI Act)

As discussed, our generic/basic information on showman's goods vehicles: -

"Showman's goods vehicles are exempt from the requirement to hold an operator's licence, if they are classed as showman's goods vehicles for the purposes of paying vehicle excise duty. This is because the exemption from the operator's licensing system is linked by para 3(2) to part 1 to Goods Vehicles (Licensing of Operators) Regulations 1995, to the definition of showman's goods vehicle in Section 62 of the Vehicle Excise and Registration Act 1994. This is defined as a showman's vehicle which-

**is a goods vehicle; and
is permanently fitted with a living van or some other special type of body or superstructure, forming part of the equipment of the show of the person whose name is registered under the 1994 Act.**

In our view, the vehicle must be registered in the name of the person who is following the business of a travelling showman and where he is the sole user of the vehicle, for the purposes of his business and for no other purpose".

Hope that this basic information, will be of some help. If you have any further queries, do not hesitate to contact me.

Regards

Hello

I am contacting you to confirm whether a vehicle i have purchased is eligible for showman's licence clasification.

The vehicle is a Seddon Atkinson rigid 3 axel mobile broadcasting unit weighing 19.3tonnes. It has a permanent mechanical extending side section which is deployed when stationary to increase the interior space using a permenantly mounted compressor. The vehicle has been converted into studio space and living space. I will

be using it as a mobile artists studio, living on board for 6 months of the year, painting on board. It was first registered in 1982 with a plate reading ***** and is currently using a plate reading *****. If the vehicle is eligible i would also like to know whether if i held any public/invite only exhibitions on board would this would jepodise it's staus and regarding whether or not they were non profitable.

Many thanks

(Removed - Section 40 FOI Act)

I refer to your e – mail of 3 February, concerning the above. It has been passed to this office for reply. I will cover your questions under separate headings.

Italian registered goods vehicle on Romanian operator's licence

We are not able to provide an opinion on how EU (or for that matter, domestic) law is applied in other Member States. You should approach the Romanian authorities direct, where you want information on this.

Cabotage.

I understand that Italy and other EU Member States (including the UK) will not allow cabotage by Romanian hauliers until January 2012. You have mentioned in your email the possibility of Italian registered vehicles being used by Romanian hauliers (presumably exclusively within Italian borders) and the possibility of this not being picked up by the authorities, on account of the registration plate. Under EU regulations, hauliers legally engaged in cabotage require a Community Authorisation - issued by the Member State that issued the licence. Therefore, it is likely that the nationality of the operator would be picked up at that stage, and appropriate action taken accordingly, where it was clear that cabotage rules were being breached.

I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help.

Regards

This is the question:

Can an Italian plated and registered vehicle over 7.5 tons be hired to a Romanian transport company ?

Therefore Italian vehicle on Romanian O'licence is it legal?

In this instance how would cabotage law work ? it would without a doubt mislead enforcing officers around Europe, because they would be trying to enforce cabotage rules by selecting foreign number plates .

The so called level plain field between UK and the rest of Europe it would become Mount Everest

In the old Europe an average salary for a class 1 lorry driver it is around £600 per week ,in Romania it is around £345.

So, all we have to do, it is to open up a transport company in the eastern of Europe ,rent an office for £120 pounds per month £ 300 pounds salary for a clerk and some other little costs and I would save this company £ 715.500,00 pounds per year plus extra cost for safety inspections another £100.000,00 surely this cannot be acceptable.

Best Regards

(Removed - Section 40 FOI Act)

I refer to your e – mail addressed to the Central Licensing Office in Leeds (and today's conversation) , concerning the above. It has been passed to this office for reply. Please accept my apologies for the delay in replying. As discussed, I will cover your query under the following headings:

The need for a goods vehicles operator licence

In the majority of cases, goods vehicles with a gross plated weight of over 3.5 tonnes or, if there is no plated weight, an unladen weight of over 1525 kg require a goods vehicle operator's licence, if they are used to carry goods or burden of any description in connection with a trade or business, or for hire or reward. However, generally, where a HGV is used on an "amateur" basis, we would not normally consider that the vehicle is being used for hire or reward, where it is clear that the carriage of goods (in this case marching band equipment), is not with a view to making a profit.

Tachographs /drivers hours restrictions

Under existing EU regulations (561/2006 EC), which came in to effect on 11 April 2007 - "**vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7,5 tonnes used for the non-commercial carriage of goods;**" are identified as exempt from the requirement.

Safety inspections.

As discussed, where it is clear that an operator's licence is not required, the safety inspection regime at annex 4 of the Guide to Maintaining Roadworthiness (available from our website), is not a requirement. However, it is still good practice to follow these guidelines and you are strongly advised to do the walk around check outlined in the guide.

I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the delay in sending a full reply.

Regards

After our telephone conversation here are the details you requested, ***** have purchased a truck 7.5 tonne box van, we aim to carry instruments from a location in ***** to ***** every 2 weeks (approx 10mils round trip) This vehicle will also attend 2 events this year - ***** & ***** . The ***** is registered Charity & we DO NOT get paid for this!

- Can we inspect this vehicle on a 12 week cycle ?
- Do we have to run on a Tachograph ?
- Do we have to have a Operators Licence ?

Thank you for time in this matter.

(Removed - Section 40 FOI Act)

I refer to your e – mail of 15 December, concerning the above. Please accept my apologies for the considerable delay in replying. I will answer your questions in turn:

- ***Do a vehicle + a unit need to be tach'o'd? Where the maximum permissible weight (including any trailer or semi - trailer) exceeds 3.5 tonnes, (in our view) a tachograph would be required. ("Maximum Permissible Weight" can be taken to mean the sum of the maximum permissible gross weights of towing vehicle and trailer being towed or the maximum permissible train weight of the towing vehicle - whichever is the lesser).***
- ***Is it permissible to use a 4 x 4 to tow these types of units? Yes - within the maximum permitted towing weight of the vehicle.***
- ***Do we require an operator's licence to offer this service to our clients is using hire vehicles? Under Schedule 3 (2) of the goods Vehicles (Licensing of Operators) Regulations 1995 "a dual purpose vehicle and any trailer drawn by it" is identified as exempt from goods vehicle operator licensing. Examples include Range Rovers, Land Rovers, Jeeps, certain Japanese vehicles and those designed to go over rough ground as well as on roads, not being track laying vehicles***
- ***If we were to purchase a vehicle (either 4 x 4 or 7.5T truck) would we need an operators licence? Most goods vehicles with a gross plated weight of over 3.5 tonnes or, if there is no plated weight, an unladen weight of over 1525 kg require a goods vehicle operator's licence, if they are used to carry goods or burden of any description in connection with a trade or business, or for hire or reward. The requirement also applies to vehicles used for infrequent periods - such as one day. Therefore, where you use a goods vehicle - not being a dual purpose vehicle (see above) - an operator's licence would be required.***

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I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the delay in sending a full reply.

Having spoken to your colleague ***** I am writing to find out your requirements for the activity we are planning in 2010, I have been asking lots of questions and looked long and hard on your website to make sure we adhere to the rules and have hit, what seems to be, a grey area and so would appreciate some guidance and a confirmation on what we do or do not need to do for next year.

We are an events company and during 2009 we have on occasions hired 4x4 vehicles to tow hospitality units for our client. The units do not contain 'goods' and they are not used for selling any products or services. They are literally sited at an event and are then opened up to invite people to enter and see branded information on the company's products and services and are offered a tea or coffee etc (not sold).

The units' weights range from 2 to 3 tonnes and as I mentioned have been towed until now using 4 x4's. I would like to clarify the following points:

- Do a vehicle + a unit need to be tacho'd?
- Is it permissible to use a 4 x 4 to tow these types of units?
- Do we require an operator's licence to offer this service to our clients is using hire vehicles?
- If we were to purchase a vehicle (either 4 x 4 or 7.5T truck) would we need an operators licence?

Your guidance at your earliest convenience would be much appreciated.

(Removed - Section 40 FOI Act)

I refer to your e – mail of 16 December, concerning the above. Please accept my apologies for the delay in replying.

Goods vehicles/ trailers to annual test - VOSA's current policy

A goods vehicle being taken to annual test, is exempt under Schedule 3 (29) of the Goods Vehicles (Licensing of Operator's) Regulations 1995.

Trailers

However, under existing case law (*Booth v Dpp [1993]*), a semi trailer constitutes a load. Therefore, when a trailer is coupled to the tractive unit, goods or burden are deemed to be carried and an operator's licence may be required. (Unfortunately, the existing wording of Schedule 3 (29) of the 1995 Regulations would appear to do nothing to mitigate this).

However - in our view - to rigidly apply the above would not be in keeping with the intended purpose of this original Regulation. Therefore, VOSA currently adopt a "light touch" approach in relation to the pulling of trailers when they are being taken to annual test, and VOSA's Examiners have been instructed to take no action - where it is clear that this is the case.

Most goods vehicles with a gross plated weight of over 3.5 tonnes or, if there is no plated weight, an unladen weight of over 1525 kg require a goods vehicle operator's licence, if they are used to carry goods or burden of any description in connection with a trade or business, or for hire or reward. (Therefore, a licence may be required - whether or not you consider that you directly charge for transport). This requirement also applies to vehicles used for infrequent periods - such as one day.

Therefore, if you do not consider that the exemption outlined above will apply, you would be advised to hold an operators' licence and your best course of action would be to contact the national enquiry number (**0300 123 9000**) and request a starter pack so that you may consider applying for a licence.

Tachographs

The main possible exemptions from EU drivers' hours rules are at Article 3 of Regulation 561/2006 EC : -

(g) vehicles undergoing road tests for technical development, repair or maintenance purposes, and new or rebuilt vehicles which have not yet been put into service;

and at Article 13 (1) (d) of the above: -

(d) vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7,5 tonnes used:

....- for carrying materials, equipment or machinery for the driver's use in the course of his work.

These vehicles shall be used only within a 50 kilometre radius from the base of the undertaking, and on condition that driving the vehicles does not constitute the driver's main activity;

Where you consider that either of the above do not apply, a tachograph may be required.

I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the delay in sending a full reply.

Regards

Dear Sir

I have spoken to ***** on your helpdesk this afternoon and she advised me to send you an E-Mail requesting the following information,

We are a Commercial Vehicle Repair Centre and are getting increasing pressure from customers to provide a complete service of :-

Preparation For Annual Test Of Customers Semi Trailers & Then They Want Us To Present Them For Test Which Would Involve Us Buying A Tractor Unit Above 3.5 Tonnes For Purely Road Testing & Taking To Annual Test Purposes With At Most A Test Weight Load Which Is Not For Hire Or Reward Or Delivery.

I Have Spoken To ***** Vosa Testing Station and spoke to a Lady Enforcement Officer whom said that as long as this was not for Hire or Reward we would not need to be involved in either Tachograph Legislation and nor would we have to have an Operators Licence unless we were charging for the service which we do not propose to do, however the lady could give me no written clarification of this and I would like to have everything in Black and White because if I go ahead and purchase a vehicle to do this I do not want to be in any doubt whatsoever that I am doing the above legally, correctly & lawfully should I be stopped by Vosa or Police and I would like to present them with the written clarification from yourselves if the situation should arise

I would obviously Tax & M.O.T & Insure the vehicle legally and correctly and would like therefore to know in writing clearly & concisely what is or is not expected of me in regard to Tachograph / Drivers Hours Legislation & Record Keeping whilst using this vehicle for the stated purpose and just as importantly The Exemption To Operators Licencing For The Above To Be Carried Out.

I have tried to write this as clearly as possible but should you require any further information please do not hesitate to contact me

(Removed - Section 40 FOI Act)

I refer to your e – mail of 11 December 2009, addressed to VOSA's Contact Centre, concerning the above. It has been passed to this office for reply. Please accept my apologies for the considerable delay in replying.

Polish operator's licence in the UK

In answer to your question, you will not be required to apply for a UK goods vehicles operator's licence - provided that you already hold a ***** operator's licence, and carry the appropriate EC Community Authorisations (in keeping with Annex 1 of EU Regulation 881/92 [as amended]) in the vehicles that you are using.

UK goods vehicle operator's licences.

It is not possible to specify non-UK registered vehicles on a GB operator's licence. If you do decide to apply for a GB operator's licence, you would need to register the vehicle(s) in the UK and specify them on a GB operator's licence held by the company.

I should point out that this is in VOSA's view and does not constitute legal opinion. As this is the case, you should engage your own private legal advice if you are still unsure.

I hope that the information given above has been of some help. If you have any further queries on this, do not hesitate to contact me. Once again, please accept my apologies for the long delay in sending a full reply.

Regards

Hello,

According to our tel. conversation I would be glad to get a clear answer to a following question:
DOES WE NEED TO OBTAIN ANY LICENCE IN THE UK connected with the project described below?

Below, I present a short description of our project:

Polish transport company plans to open in the UK a sister company (lets call it "XXXXX PL")- in legal form: "XXXXX Ltd. UK" so, fully governed by British law, taxed in the UK, issuing invoices ect.

Mother Company has ca 200 heavy transport units ALL HAVING ***** REGISTRATION. These trucks are executing international transports, very often Continental Europe to the UK.

Main task for "XXXXX Ltd. UK" will be:

- searching for customers in the UK having backloads to the Continental Europe.
- Executing such transports USING TRUCKS of the mother company "XXXXX PL" (Polish trucks) and also others, independent transport companies.

REMARK: "XXXXX Ltd. UK" DOES NOT PLAN TO HAVE OWN TRUCKS REGISTERED IN THE UK.

To resume: this will be typical FORWARDING services- organizing transport using external transport means.

Of course, "XXXXX Ltd. UK" will be issuing invoices to the customers and also will get invoices from companies executing these transports.

(Removed - Section 40 FOI Act)

I refer to your e – mail of today's date, concerning the above.

As discussed, I will answer your questions in turn:

Does this business require an operator's licence?

There are exemptions to regulations which cause confusion:-

Vehicle fitted with machine, appliance, apparatus or contrivance which is permanent or essentially permanent fixture, provided the only goods carried on the vehicle are goods required for use in connection with equipment or the running of the vehicle.

Show mans goods vehicles and their trailers **(See definition below)**

Any specialised vehicles being used for transporting circus or fun fair equipment. This business does work on a lot of fairs!

Vehicles with fixed equipment

This exemption usually applies in cases where a machine, appliance or apparatus (e.g a crane, compressor or generator) has been fixed or bolted on to the vehicle. Any goods carried on such a vehicle must be **strictly** in connection with the use of such equipment, (i.e. the vehicle should effectively form a moving platform for these permanent or essentially permanent fixtures, and absolutely no goods that are not essential for the equipment to function (e.g. loose tools or other articles) should be carried on the vehicle.

Does this business require the use of tachographs?

There are exemptions to regulations which cause confusion:-

Specialised vehicles transporting circus and fun fair equipment

(From an explanation from one of our Traffic Enforcement specialists) -

"So, in English; specialised vehicles used to transport circus or funfair equipment will be exempt EC drivers hours, although they may well not be exempt UK Domestic Hours Code. The critical bit is that the vehicle must be specialised, as a guide, for example, a vehicle that has sections that fold out to form a funfair ride would be specialised.

An 18 tonne flatbed vehicle carrying the 'Big Top' would not be specialised".

Please provide definition of showman and a show vehicle as I cannot find this in the regulations?

The definition of showman's goods vehicle in Section 62 of the Vehicle Excise and Registration Act 1994. This is defined as a showman's vehicle which-

**is a goods vehicle; and
is permanently fitted with a living van or some other special type of body or superstructure, forming part of the equipment of the show of the person whose name is registered under the 1994 Act.**

In our view, the vehicle must be registered in the name of the person who is following the business of a travelling showman and where he is the sole user of the vehicle, for the purposes of his business and for no other purpose.

If the owner of the business is a member of the showman's guild does this have any bearing on the situation? In our view, no. Membership of the Guild is accepted to be for exclusively fairground folk - who will also need licences, where the above description does not apply.

Is there any circumstances where this business can be exempt from one or both set of legislation?

Yes (I suppose so) . Where it is clear that both may be applicable

As previously discussed, I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me.

Regards

Dear

Please can you provide written explanation for the following with as much detail as possible this would be greatly appreciated. As this business is trying desperately to avoid the legislation but will adhere if they have too. They do seem very adamant that as show men they don't need too.

Thank you

Scenario

An event company which specialises in serving cooked meats at festivals and fairs throughout the UK, generally during the summer months, the fleet consisting of 7.5t and 18t Box vehicles, half the box is living accommodation and the other half has tools e.g. generators to power the catering trailer/s which are towed behind the vehicles, the trailers are over 1020kgs.

Questions

Does this business require an operator's licence?

There are exemptions to regulations which cause confusion:-

Vehicle fitted with machine, appliance, apparatus or contrivance which is permanent or essentially permanent fixture, provided the only goods carried on the vehicle are goods required for use in connection with equipment or the running of the vehicle.

Show mans goods vehicles and their trailers

Any specialised vehicles being used for transporting circus or fun fair equipment. This business does work on a lot of fairs!

Does this business require the use of tachographs?

There are exemptions to regulations which cause confusion:-

Specialised vehicles transporting circus and fun fair equipment

Please provide definition of showman and a show vehicle as I cannot find this in the regulations?

If the owner of the business is a member of the showman's guild does this have any bearing on the situation?

Is there any circumstances where this business can be exempt from one or both set of legislation?

My feelings that they may be exempt from O'licence, but are definitely not from Tachographs, just need the definitive answer in writing from you guys though please.

I look forward to receiving your response.

(Removed - Section 40 FOI Act)

I refer to your e – mail of 23 February, concerning the above.

Most goods vehicles with a gross plated weight of over 3.5 tonnes or, if there is no plated weight, an unladen weight of over 1525 kg require a goods vehicle operator's licence, if they are used to carry goods or burden of any description in connection with a trade or business, or for hire or reward. The requirement also applies to vehicles used for infrequent periods - such as one day.

Therefore, where the above is not in connection with a trade or business (that is, for private use) then no operator's licence will be required.

(Note: it is advisable to contact the relevant authorities of the EU Member States that you are passing through, to find out about any individual requirements that they may have).

I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me.

Regards

Dear *****

Following a call to your helpline (0300 123 9000), I have been advised to email you with my query to obtain a formal reply.

I have moved into the UK over 5 years ago.

I now intend to move all my belongings from my house in ***** to my house in the UK. This is all my furniture, some kitchen appliances and other personal items. I have purchased a 7.5 tonne Box lorry which I

want to drive all the way from the UK to *****, load it with my belongings, drive back to my house in the UK and unload. I then intend to sell the vehicle.

My question is:
Do I need an operator's licence?

Thank you in advance for your time.
Kind regards

(Removed - Section 40 FOI Act)

I refer to an e – mail addressed to the Central Licensing Office in Leeds , concerning the above. It has been passed to this office for reply. Please accept my apologies for the considerable delay in replying.

Vehicles with "fixed equipment"

Schedule 3 to the Goods Vehicles (Licensing of Operators) Regulations 1995, lists the categories of goods vehicle that are exempt from operator licensing. Schedule 3 (15) (a) prescribes that the following type of vehicle is exempt:

“A vehicle fitted with a machine, appliance, apparatus or other contrivance which is a permanent or essentially permanent fixture, provided that the only goods carried on the vehicle are -

(a) required for use in connection with the machine, appliance, apparatus or contrivance or the running of the vehicle;”

This exemption usually applies in cases where a machine, appliance or apparatus (e.g a crane, compressor or generator) has been fixed or bolted on to the vehicle. Any goods carried on such a vehicle must be **strictly** in connection with the use of such equipment, (i.e. the vehicle should effectively form a moving platform for these permanent or essentially permanent fixtures, and absolutely no goods that are not essential for the equipment to function (e.g. loose tools or other articles) should be carried on the vehicle.

Therefore, (in light of the above) where you do not consider that you use of the vehicle would be exempt your best course of action would be to contact the national number **(0300 1239000)** and request a starter pack so that you may apply for a licence. A restricted licence should be sufficient, provided that you only carry your own goods.

I should point out that this is in VOSA's view and does not constitute legal opinion. As this is the case, we are unable to issue communications conferring exemption from goods vehicle operator licensing.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the long delay in sending a full reply.

Regards

Ref Operators licence number: *****

hi, following our conversation a couple of days ago. we have a Volkswagen Lt46 van (GVW 4.6 ton) which we have converted to a mobile hydraulic hose replacement workshop. we require the correct paper work to exempt this vehicle from the operator licence as it is hopefully going to be listed under fitted equipment vehicle carrying goods in relation to the job of the driver. the vehicle is already exempt from tachograph use as it doesn't go more than 50miles radius of base. please could you forward the correct paperwork . best regards

(Removed - Section 40 FOI Act)

As discussed - reproduced in italics (below) -

"The need for a goods vehicle operator licence

In the majority of cases, goods vehicles with a gross plated weight of over 3.5 tonnes or, if there is no plated weight, an unladen weight of over 1525 kg require a goods vehicle operator's licence, if they are used to carry goods or burden of any description in connection with a trade or business, or for hire or reward. However, generally, where a horsebox is used on an "amateur" basis, we would not normally consider that the vehicle is being used for hire or reward, where it is clear that the carriage of goods (in this case horses), is not with a view to making a profit. Therefore, although we must point out in all correspondence that existing regulations do not exempt private horseboxes from the requirements of operator licensing, we would not consider it to be in the public interest to take any action where nothing more than petrol money or modest prize money is involved.

Please note: where the user of a vehicle combines use of a HGV horsebox for both; the amateur purposes - described above - and a business, (e.g a farm, stud, livery stables, dressage or any other related business), a goods vehicle operators licence **will** be required, irrespective of how infrequently the vehicle may be used in connection with that business.

"Modest prize money".

Unfortunately, "modest prize money" has never been formally defined or quantified for the purpose of goods vehicle operator licensing. Nevertheless, where it is clear that there is only the prospect of nominal winnings which are merely incidental to the amateur activity, then VOSA would not consider that an operator's licence would be required.

Where there is the likelihood of winning prize money is on a more regular basis (whether or not the activity is on an "amateur" basis) and any such success has attracted sponsorship - or any other form of corporate support - this may be construed as having a commercial element to it, where an operator's licence may be required (**N.B.** this may include the vehicle bearing the sponsors name - in return for the financial support received)

Transporting a friend's horse - in connection with amateur activity

VOSA will not take any action where it is clear that a friend's horse is being transported for nothing more than petrol money, purely to cover costs - and where it is evident that there is no commercial element involved in the transport.

Therefore, if you only use the horsebox for "amateur" activities (see above) i.e you do not charge for horse transportation, no operator's licence will be required.

Blacksmith /Vets

When transporting your horse to the vets or blacksmiths, an operator's licence will not be required - where it is clear the vehicle is for private use, not in connection with a business and where you are not transporting someone else's horse(s) for any form of payment.

Where it is clear that a goods vehicle operator's licence is required; -

If having read the above, you consider that you should apply for a goods vehicle operator's licence, these are the main types of licence:

Restricted goods vehicle operator's licence

In cases where you use the horsebox to carry your own goods in connection with the business of a farm or estate, a restricted goods vehicle operator's licence will be required.

Standard goods vehicle operator's licence

Where payment is received for the carriage of horses -

- a standard national goods vehicle operator's licence will be required (when staying in the United Kingdom),
- a standard international licence will be required for international carriage of horses. (Please note: on a restricted licence you are able to take your horsebox abroad, under the Treaty of Rome. However, (irrespective of the type of licence held) you may wish to contact the relevant embassies of the countries through which you are passing for details of their own legal requirements, before departure).

Please note: for a Standard National or International licence it will be necessary to have a suitably qualified Transport Manager, with the relevant Certificate of Professional Competence. For further details on this you should contact the **OCR Examinations Board, Westwood Way, Coventry CV4 5HS (Tel 02476 470033).**

Tachographs /drivers hours restrictions

Under existing EU regulations (561/2006 EC), which came in to effect on 11 April 2007 - "**vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7,5 tonnes used for the non-commercial carriage of goods;**" are identified as exempt from the requirement. Therefore, (as from the above date) vehicles with a maximum permissible mass greater than 7.5 tonnes, will require a tachograph - even for non-commercial activities.

Animal transport licence

(For definitive information on this, you should contact your local branch of DEFRA).

I should point out that this is in VOSA's view and does not constitute legal opinion, as only a court of law can give a definitive interpretation of the legislation.

This is the general advice that we supply in relation to horseboxes and the need for an operator's licence - and other relevant information. If you have any further queries, do not hesitate to contact me."

(Removed - Section 40 FOI Act)

I am not an official tacho expert (for better advice - have a word with *****, however I think that I do know the answer here.

My opinion is that this exemption applies in those cases of many "own account" operators, whose drivers may hold Cat "C" and "C+ E " on their driving licence, but are not working as professional drivers (e.g as they would be if they worked for ***** etc...). Examples of the type of drivers that could be exempt are builders, scaffolders, drivers of specialist vehicles (e.g HGV cherry pickers) where the driver has a specialist skill and driving is more "incidental" to their working day. Personally, I would have said that the driver you mention in your email would fit in to the exempt category - provided he/she stays within the 50 Km radius and where the vehicle is below an MPM of 7.5 tonnes. Where it is known that this distance will be exceeded on any given working day - the driver should put the chart/driver card in the unit and start recording driving time.

Our [GV 262] drivers hours guide is available from our website. (The exemption is briefly explained half way down page 11).

Many thanks for your last e-mail, I was wondering if either you or one of your colleagues could clarify one of the exemptions from the need of a tachograph.

The exemption is that which states ; vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7.5 tonnes used; for carrying materials, equipment or machinery for the driver's use in the course of his work. The vehicles shall be used only within a 50 kilo. radius from the base of the undertaking, and on condition that driving the vehicles does not constitute the driver's main activity.

The reason why I ask is because a company has been in touch with me enquiring if they need tachos in some of their vehicles, the company sells and hires out agricultural machinery etc., and they were looking at using a pickup type vehicle with a trailer. They ask about this exemption in view of the fact that the driver would be one of their salesman, the vehicle combination would fall below 7.5 kilo. GVW, the salesmans main job is not driving the vehicles yet the delivery of such equipment etc would be part of his work.

Would you consider that this exemption would include this activity or not.

I don't think it would, I feel that this exemption is for someone like a plumber or electrician who just uses his vehicle to get from A to B, but when you look at the above situation it could fit in the exemption.

Regards.

(Removed - Section 40 FOI Act)

USE OF 26000KG VEHICLE AND TRAILER FOR RACE CAR TRANSPORTATION

I refer to your letter of 30 October 2009, concerning the above. Your letter has finally been passed to this office as we deal with policy queries relating to operator licensing. Please accept my apologies for the considerable delay in replying.

In the majority of cases, goods vehicles with a gross plated weight of over 3.5 tonnes or, if there is no plated weight, an unladen weight of over 1525 kg require a goods vehicle operator's licence, if they are used to carry goods or burden of any description in connection with a trade or business, or for hire or reward. However, generally, where a HGV is used on an "amateur" basis, we would not normally consider that the vehicle is being used for hire or reward, where it is clear that the carriage of goods (in this case a racing car and spares), is not with a view to making a profit. Therefore, although we must point out in all correspondence that existing regulations do not exempt privately used HGVs from the requirements of operator licensing, we would not consider it to be in the public interest to take any action where nothing more than petrol money or modest prize money is involved.

(NB: I note that the train weight of the vehicle is around 36 tonnes, which is quite large for a vehicle used in connection with a hobby. Where the vehicle is ever used in connection with any commercial purpose – even for one day – an operator's licence will be required).

You have asked about the need for a tachograph. Under existing EU regulations (561/2006 EC), which came in to effect on 11 April 2007 -

"vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7,5 tonnes used for the non-commercial carriage of goods;" are identified as exempt from the requirement. Therefore, (as from the above date) vehicles with a maximum permissible mass *greater* than 7.5 tonnes, now require a tachograph - even for non-commercial activities.

I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the above has been of some help. If you have any further queries, please do not hesitate to contact me at the address at the top of this letter. Once again, please accept my apologies for the delay in replying.

I am in the process of purchasing a 26000kg rigid vehicle with 10000kg trailer to enable me to move my own race car to and from race meetings in which I personally will be competing. I do not have any commercial need for the vehicle and it will only ever be used for moving my own car and spares.

Can you tell me if I need an Operators Licence or not? In addition can you tell me how tachograph legislation will affect me whilst using the vehicle. I do of course hold an LGV licence.

(Removed - Section 40 FOI Act)

I refer to your email of 15 January, concerning the above. It has been passed to this office for reply. Please accept my apologies for the considerable delay in replying.

Showman's goods vehicles

You have asked if the vehicle could be classed as a showman's goods vehicle. Showman's goods vehicles are exempt from the requirement to hold an operator's licence, if they are classed as showman's goods vehicles for the purposes of paying vehicle excise duty. This is because the exemption from the operator's licensing system is linked by para 3(2) to part 1 to Goods Vehicles (Licensing of Operators) Regulations 1995, to the definition of showman's goods vehicle in Section 62 of the Vehicle Excise and Registration Act 1994. This is defined as a showman's vehicle which-

***is a goods vehicle; and
is permanently fitted with a living van or some other special type of
body or superstructure, forming part of the equipment of the show of
the person whose name is registered under the 1994 Act.***

In our view, the vehicle must be registered in the name of the person who is following the business of a travelling showman and where he is the sole user of the vehicle, for the purposes of his business and for **no** other purpose.

The need for a goods vehicle operator's licence

Most goods vehicles with a gross plated weight of over 3.5 tonnes or, if there is no plated weight, an unladen weight of over 1525 kg require a goods vehicle operator's licence, if they are used to carry goods or burden of any description in connection with a trade or business, or for hire or reward. The requirement also applies to vehicles used for infrequent periods - such as one day

Therefore, where you do not consider that the exemption for showman's goods vehicles (outlined above) would be applicable, you would be advised to hold an operators' licence and your best course of action would be to contact the national enquiry number (**0300 123 9000**) and request a starter pack so that you may apply for a licence. [A restricted licence should be sufficient, provided that you are carrying your own goods].

I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the delay in sending a full reply.

Hi

I have a HGV horsebox that has a living area fitted that I intend to use for an office and transportation for our marquee business and my musician business. It would mainly be off road but when I do use it, it will be only for this purpose. Does this qualify to register for a showmans license.

If so what procedure do I need to take to make sure this is legal.

I would be very much grateful for your time and help. If you would prefer to call me my number is *****

(Removed - Section 40 FOI Act)

I refer to your e – mail of 15 January, concerning the above. Please accept my apologies for the considerable delay in replying.

Fuel bowsers

Most goods vehicles with a gross plated weight of over 3.5 tonnes or, if there is no plated weight, an unladen weight of over 1525 kg require a goods vehicle operator's licence, if they are used to carry goods or burden of any description in connection with a trade or business, or for hire or reward. The requirement also applies to vehicles used for infrequent periods - such as one day.

Therefore, as fuel bowsers carry goods or burden (i.e the fuel) in our view they fall in to scope of the above.

Who requires the operator's licence?

To simplify matters here, it is the "user" of the vehicle (i.e whoever pays/has day to day control of the drivers) that should be the holder of the operator's licence, in cases where one is required.

Therefore, on the basis of the information supplied, the user of the vehicle would be advised to hold an operators' licence and their best course of action would be to contact the national enquiry number (**0300 123 9000**) and request a starter pack so that you may apply for a licence.

A restricted licence should be sufficient, provided that the user is carrying their own goods.

I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the delay in sending a full reply.

(Removed - Section 40 FOI Act)

I refer to your e – mails , concerning the above. Please accept my apologies for the long delay in replying.

Recovery vehicles

Schedule 3 to the Goods Vehicles (Licensing of Operators) Regulations 1995, lists the categories of goods vehicle that are exempt from operator licensing. Schedule 3 para (27) prescribes that a “recovery vehicle” is exempt from the requirement for an operator’s licence to be held. A “recovery vehicle” is defined in Part V of Schedule 1 to the Vehicle and Excise and Registration Act 1994, as; “a vehicle which is constructed or permanently adapted primarily for any one of the purposes of lifting, towing and transporting a *disabled* vehicle”.

The 1994 Act does not give a definition of “disabled”. In our view it should be given its ordinary meaning “rendered incapable of action or use” (Oxford English Dictionary).

Therefore, if the vehicle will be used **exclusively** for the removal of a disabled vehicle either from a place where it became disabled to a place where it is to be repaired or scrapped; or, from premises to which it was taken for repair to other premises at which it is to be repaired or scrapped, this would meet the criteria for recovery and an operator’s licence will not be required.

I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the delay in sending a full reply.

Hi,

I spoke to VOSA this morning regarding a question of whether we need an operators license to run our 2 recovery vehicles. They suggested i email you with the vehicle details and a description of there uses. They are as follows:

Vehicle 1:

Model: Mercedes 814

Reg: *****

Body Type: Beavertail

Weight: 7500kg

Use: Used solely to recover non running/broken down vehicles for repair at our premises.

Vehicle 2:

Model: Mercedes 814

Reg: *****

Body Type: Dyson spec lift (underlift)

Weight: 7500kg

Use: Used solely to recover non running/broken down vehicles for repair at our premises.

Please find pictures of both vehicles attached.

Both vehicles are used to recover non running vehicles for repair at our premises only, we do not offer a service to transport vehicles running or non running or goods of any description for any other purpose.

Please let me know your thoughts on this matter, and please do not hesitate to contact me if you require any further information.

(Removed - Section 40 FOI Act)

I refer to your e – mail of 18 January, the Central Licensing Office in Leeds , concerning the above. It has been passed to this office for reply. Please accept my apologies for the considerable delay in replying.

Most goods vehicles with a gross plated weight of over 3.5 tonnes or, if there is no plated weight, an unladen weight of over 1525 kg require a goods vehicle operator's licence, if they are used to carry goods or burden of **any** description (i.e the sand bags and cone lamps) in connection with a trade or business, or for hire or reward. The requirement also applies to vehicles used for infrequent periods - such as one day. Therefore, on the basis of the information you have supplied, you would be advised to hold an operators' licence and your best course of action would be to contact the national enquiry number **(0300 123 9000)** and request a starter pack so that you may apply for a licence. (A restricted licence should be sufficient, provided that you are carrying your own goods).

I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the delay in sending a full reply.

Regards

PLEASE FIND INFORMATION REGARDING THE WORK MY COMPANY CARRIES OUT WITH A 7.5TON VEHICLE. WE ARE A TRAFFIC MANAGEMENT COMPANY INSTALLING ROAD CONES AND SIGNS ON ALL TYPES OF ROADS THE VEHICLE WOULD CARRY THIS TYPE OF EQUIPMENT PLUS SAND BAGS AND CONE LAMPS. WE DO NOT TRANSPORT ANY OTHER TYPE OF MATERIALS. IF YOU COULD INFORM ME IF I REQUIRE AN OPERATORS LICENCE OR NOT I WOULD BE MOST GRATEFUL.

MANY THANKS

(Removed - Section 40 FOI Act)

I refer to your e – mail of 29 January, concerning the above. Please accept my apologies for the considerable delay in replying.

From the description provided of the 5200kg van, it would be classed as a "tower wagon". the general information we issue in relations to tower wagons, and the requirements under current legislation, are outlined below -

Goods vehicle operator licensing

Under the provisions of Schedule 3 (19) to the Goods Vehicles (Licensing of Operators) Regulations 1995 "a tower wagon or trailer drawn thereby provided that the only goods carried on the trailer are goods required for use in connection with the work on which the tower wagon is ordinarily used as such" is identified as exempt from goods vehicle operator licensing .

Para 17 (2) of the Vehicle Excise and Registration Act 1994 describes a "tower wagon" as a goods vehicle:

“(a) in to which there is built, as part of the vehicle, an expanding or extendible device designed for facilitating the erection, inspection, repair or maintenance of overhead structures or equipment; and

(b) which is not constructed or adapted for use, or used, for the conveyance of any load other than -

(i) such a device or articles used in connection with it, or

(ii) articles used in connection with the installation or maintenance (by means of such a device) of materials or apparatus for lighting streets, roads or public places”.

Testing

Tower wagons as defined in the Vehicle Excise and Registration Act 1994 (above) are exempt from plating and testing, under Schedule 2 Paragraph 6 of the Goods Vehicles (Plating and Testing) Regulations 1988.

Red diesel

For definitive information on this, you should contact your local branch of HM Revenue and Customs.

Driver licensing

The driver of a tower wagon would be required to hold a licence covering the maximum authorised mass of the vehicle. (In our view, this is likely to be Category C or C+E.

I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the delay in sending a full reply.

Please could you help... we have recently purchased the following vehicle and are being given conflicting information from the transport dept , vosa and several other sources... and we really would like to have a clear answer to what requirements we need to meet. The vehicle in question is :-

- A iveco ford panel van
- Taxation class - special vehicle
- Revenue weight is 5200kg gross
- Cylinder 2800cc
- Fuel heavy oil
- Wheelplan 2-axle rigid body
- Registration no *****
- Purchased from panther platform rentals
- It is a panel van with a 12m bizzocchi van mount vm34/196 cherry picker on the top

What we are trying to find out and need firm clarification on are the following :-

- Is this vehicle mot exempt ? We keep being told it is.. But we need to be sure.... We were told it is hgv exempt for testing..but we could have it tested on a voluntary basis and then we would have to do it every year..but this is not compulsory to volunteer..

Now as a business we would like to do this properly , all I am trying to do is obtain clear guidelines.

- Next do we need a operators licence ?..again we are getting conflicting answers.....if we need one is it a standard licence or a restricted , and could you advice me on how to sort this out painlessly.

We are a security company who install intruder alarms , cctv systems and access control systems...based in xxxxxxxxxx.... This is the only vehicle we will have of this type , the rest of our fleet consists of cars , vans (caddys, astravans etc).

As you can see we are trying to get this right , but really require some advice and clear guidelines of what we need to do... your help would be very much valued and appreciatedas we keep getting conflicting answers.

Thank you very much in anticipation

Kind regards

(Removed - Section 40 FOI Act)

I refer to your email of 19 January. . Please accept my apologies for the considerable delay in replying. I will cover the relevant matters raised in your email under separate headings:

Who needs a goods vehicle operator's licence?

Most goods vehicles with a gross plated weight of over 3.5 tonnes or, if there is no plated weight, an unladen weight of over 1525 kg require a goods vehicle operator's licence, if they are used to carry goods or burden of any description in connection with a trade or business, or for hire or reward. The requirement also applies to vehicles used for infrequent periods - such as one day.

"Dual purpose" vehicles

Under Schedule 3 (2) of the goods Vehicles (Licensing of Operators) Regulations 1995 "a dual purpose vehicle **and any trailer drawn by it**" is identified as exempt from goods vehicle operator licensing.

Examples include Range Rovers, Land Rovers, Jeeps, certain Japanese vehicles and those designed to go over rough ground as well as on roads, not being track laying vehicles.

Minibuses

You mention that you have a minibus. Under Section 1 (a) of the Public Passenger Vehicles Act 1981, a public service vehicle is defined as any vehicle

(other than a tramcar) which carries more than eight passengers for "hire or reward". Such vehicles are generally within the compass of operator licensing. (A definition of hire or reward is the systematic carrying of passengers for reward, that goes beyond the bounds of mere social kindness. It is immaterial that no contractual relationship may be intended, the words "hire" and "reward" must be read separately).

For example - a payment shall be treated as being made for the carrying of a passenger if made in consideration of a person's being given a right to be carried, whether for one or more journeys and whether or not the right is exercised. Therefore, if payment is made for anything (irrespective if the transport is deemed to be "free" and where the vehicle has nine or more passenger seats) then a PSV operator's licence would be required to operate this vehicle. (Where the vehicle has less than nine passenger seats you would be advised to contact the Private Hire Section of your local authority, in order to find out their own individual requirements).

I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the delay in sending a full reply.

The VOSA helpline suggested that you would be able to confirm whether or not we need an operators licence.

We operate a Mercedes Sprinter Van at 3500kg, GVW, a mini bus at 3900kg, 3 Landrovers at 3050 kgs and an all terrain forklift at 12560 kgs.

The landrovers full trailers laden to 2500kgs. We are a sculpture park where we bring in artworks from artists and other galleries around the world. Works are displayed and then returned. The works are not for sale and public entry to 500 acres of landscape and galleries is free. Nothing we do is for hire or reward and we do not pay the artist for loan of works and they do not YSP.

I would be grateful if you could confirm whether we need an operators licence.

(Removed - Section 40 FOI Act)

I refer to your e – mail of 15 January, addressed to VOSA's Contact Centre , concerning the above. It has been passed to this office for reply. Please accept my apologies for the considerable delay in replying.

Agricultural tractors.

The Goods Vehicles (Licensing of Operators) Regulations 1995 identify the classes of vehicle for which an operators' licence is not required. An Operators Licence is not required for vehicles described in Part 1 of Schedule 3. In Schedule 3 (1) "**Any tractor as defined in paragraph 4(3) of Part IV of Schedule 1 Vehicle Excise and Registration Act 1994 while being used for one or more of the purposes in Part II of this Schedule**" is classed as exempt.

Part II goes on to outline these uses:

"1. Hauling;

(a) threshing appliances,

(b) farming implements.

(c) a living van for the accommodation of persons employed to drive the tractor; or

(d) supplies of water or fuel required for the tractor

2. Hauling articles for a farm required by the keeper, being either the occupier of the farm or a contractor employed to do agricultural work on the farm by the occupier of the farm.

3. Hauling articles for a forestry estate required by the keeper where the keeper is the occupier of that estate or employed to do forestry work on the estate by the occupier or a contractor employed to do forestry work on the estate by the occupier.

4. Hauling within 24.135 kilometres (15 miles), of a farm or forestry estate occupied by the keeper, agricultural or woodland produce of the farm or estate.

5. Hauling within 24.125 kilometres, (15 miles), of a farm or a forestry estate occupied by the keeper material to be spread on roads to deal with frost, ice or snow.

6. Hauling a snow plough or similar contrivance for the purpose of clearing snow; and

7. Hauling -

(a) soil for landscaping or similar works.

(b) a mowing machine ,

where the keeper is the local authority.”

All uses outside of these exemptions would require an operators licence.

PLUS

2, When not used for agriculture the driver should hold the appropriate drivers licence for the size of the vehicle combination, the class F will not be sufficient when not used for agriculture.

3, The trailer if not used for agriculture would not be exempt and would require to be tested.

4, The red diesel is a question that should be put to HM Revenue & Customs Fuel Duty Branch, there are a number of different interpretations the Revenue & Customs use.

5, If not used under the exemption of vehicles with a maximum authorised speed of 40 kilometres per hour a tachograph would be required unless there is another specific exemption relating to its use. (See below scenario 3) [from 561/06]

vehicles used or hired, without a driver, by agricultural, horticultural, forestry, farming or fishery undertakings for carrying goods as part of their own entrepreneurial activity within a radius of up to 100 km from the base of the undertaking;

Goods vehicle operator licensing

Most goods vehicles with a gross plated weight of over 3.5 tonnes or, if there is no plated weight, an unladen weight of over 1525 kg require a goods vehicle operator's licence, if they are used to carry goods or burden of any description in

connection with a trade or business, or for hire or reward. The requirement also applies to vehicles used for infrequent periods - such as one day.

Therefore, where you do not consider that the exemptions outlined above will apply you would be advised to hold an operators' licence and your best course of action would be to contact the national enquiry number **(0300 123 9000)** and request a starter pack so that you may apply for a licence. A restricted licence should be sufficient, provided that you are carrying your own goods.

I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the delay in sending a full reply.

Dear sir/madam,

I hope that you are able to clarify some information for me and give me some guidance.

I run a small business and carry out agricultural contracting, I hope to buy a new low loader tractor in order to move my excavator around from job to job.

The work we carry out is all within 15-20miles of our work base, the tractor that moves the excavator around is used not just for moving the excavator is is also used on site for other works. The machine that we are moving weighs 13 tonne, the low loader is 3.8 tonne and the tractor is 8-10 tonne. The tractor and the low loader are both fitted with air bracking systems and are both well within the weight limit for this specific job.

Am I able to run the tractor on red diesel?

Do I need an operators license?

What kind of license do me and my staff need to drive the tractor?

Is there anything that I should consider before I go ahead with my purchase?

I hope that you are able to assist me with my quiery as false information I have been given my other people could lead to me

spending thousands on new machinery and then costing me more money in the long term in fines for not running the machinery legally.

(Removed - Section 40 FOI Act)

I refer to your e – mail addressed to the Central Licensing Office in Leeds, concerning the above. It has been passed to this office for reply. Please accept my apologies for the delay in replying.

Goods vehicle operator's licence

Most goods vehicles with a gross plated weight of over 3.5 tonnes or, if there is no plated weight, an unladen weight of over 1525 kg require a goods vehicle operator's licence, if they are used to carry goods or burden of any description in connection with a trade or business, or for hire or reward. The requirement also applies to vehicles used for infrequent periods - such as one day. Therefore, on the basis of the information you have supplied you would be advised to hold an operators' licence and your best course of action would be to contact the national enquiry number (**0300 123 9000**) and request a starter pack so that you may apply for a licence.

Tachographs

Turning to tachographs, where the maximum permissible weight (including any trailer or semi - trailer) exceeds 3.5 tonnes, a tachograph is required. ("Maximum Permissible Weight" can be taken to mean the sum of the maximum permissible gross weights of towing vehicle and trailer being towed or the maximum permissible train weight of the towing vehicle - whichever is the lesser).

Our booklet "Rules on Drivers' Hours and Tachographs" (GV74) which you will find useful is available on our website.

I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the delay in sending a full reply.

Good afternoon.

Could you please clarify something for me.

A Mercedes Sprinter van model No 519 which is advertised as GVW 5,000 kgs, Unladen weight 2,200 kgs

I know this is fitted with a tacho, do I need to operate the tacho when the vehicle is running empty, also do I need an O license.

Your assistance would be greatly appreciated.

(Removed - Section 40 FOI Act)

I refer to your e – mail of 23 February , concerning the above.

Recovery vehicles

Schedule 3 to the Goods Vehicles (Licensing of Operators) Regulations 1995, lists the categories of goods vehicle that are exempt from operator licensing. Schedule 3 para (27) prescribes that a "recovery vehicle" is exempt from the requirement for an operator's licence to be held. A "recovery vehicle" is defined in Part V of Schedule 1 to the Vehicle and Excise and Registration Act 1994, as; "a vehicle which is constructed or permanently adapted primarily for any one of the purposes of lifting, towing and transporting a *disabled* vehicle".

The 1994 Act does not give a definition of "disabled". In our view it should be given its ordinary meaning "rendered incapable of action or use" (Oxford English Dictionary).

Therefore, if the vehicle will be used **exclusively** for the removal of a disabled vehicle either from a place where it became disabled to a place where it is to be repaired or scrapped; or, from premises to which it was taken for repair to other premises at which it is to be repaired or scrapped, this would meet the criteria for recovery and an operator's licence will not be required.

You have mentioned that you will be collecting vehicles from salvage auctions.

Please note: although the following is by no means legal advice (see below), VOSA would advise that picking up vehicles from car auctions (even when

disabled) may not constitute recovery under the provisions of the above and that an operator's licence may be required for this.

I should point out that this is in VOSA's view and does not constitute legal opinion, as only a court of law can give a definitive interpretation of the legislation. .

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me.

Regards

Dear Sir

Following a conversation with VOSA's national helpline I was advised to send my enquiry to yourself.

>

I am in the process of setting up an Authorised Treatment Facility depolluting end of life vehicles.

To do this I need a recovery vehicle and would like to clarify if I require an Operators Licence for this vehicle please?

It would be an 11,000kgs recovery vehicle with flat-bed and a hiab on the back.

I will purchase and collect scrap vehicles from residential addresses, Category A, B, C, D vehicles from vehicle salvage auctions and vehicles from the roadside. While some vehicles are runners, others are non runners but all of them are end of life and disabled vehicles unfit for the road.

These vehicles will be brought back to my own premises where I will depollute them. I will then transport the depolluted vehicle to a waste recycling company for destruction, on the back of the same recovery vehicle.

I would appreciate your earliest response.

(Removed - Section 40 FOI Act)

Dear Sir/Madam

I refer to your e – mail of 4 January , concerning the above. Please accept my apologies for the delay in replying.

Recovery vehicles

Schedule 3 to the Goods Vehicles (Licensing of Operators) Regulations 1995, lists the categories of goods vehicle that are exempt from operator licensing. Schedule 3 para (27) prescribes that a “recovery vehicle” is exempt from the requirement for an operator’s licence to be held. A “recovery vehicle” is defined in Part V of Schedule 1 to the Vehicle and Excise and Registration Act 1994, as; “a vehicle which is constructed or permanently adapted primarily for any one of the purposes of lifting, towing and transporting a *disabled* vehicle”.

The 1994 Act does not give a definition of “disabled”. In our view it should be given its ordinary meaning “rendered incapable of action or use” (Oxford English Dictionary).

Therefore, if the vehicle will be used **exclusively** for the removal of a disabled vehicle either from a place where it became disabled to a place where it is to be

repaired or scrapped; or, from premises to which it was taken for repair to other premises at which it is to be repaired or scrapped, this would meet the criteria for recovery and an operator's licence will not be required.

However, if having read the above, you do not consider that your use of the vehicle would be exempt you would be advised to hold an operators' licence and your best course of action would be to contact the national enquiry number **(0300 123 9000)** and request a starter pack so that you may apply for a licence.

I should point out that this is in VOSA's view and does not constitute legal opinion, as only a court of law can give a definitive interpretation of the legislation. .

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again apologies for the delay in replying

Regards

I would be grateful for your help, We have just bought a daf recovery truck, it is a 2 axle rigid body 7500 kg gross, heavy oil,

We would like to know if we need a operators licence and if so how much do they cost.

We will be collecting scrap cars, accident damaged vehicles, mot failures, some cars or vans may drive and just need transferring from different locations.

thankyou for your help in this matter.

(Removed - Section 40 FOI Act)

I refer to your e – mail of 5 January, concerning the above. Please accept my apologies for the delay in replying.

Showman's goods vehicles

You have asked if the vehicle could be classed as a showman's goods vehicle. Showman's goods vehicles are exempt from the requirement to hold an operator's licence, if they are classed as showman's goods vehicles for the purposes of paying vehicle excise duty. This is because the exemption from the operator's licensing system is linked by para 3(2) to part 1 to Goods Vehicles (Licensing of Operators) Regulations 1995, to the definition of showman's goods vehicle in Section 62 of the Vehicle Excise and Registration Act 1994. This is defined as a showman's vehicle which-

**"is a goods vehicle; and
is permanently fitted with a living van or some other special type of
body or superstructure, forming part of the equipment of the show of
the person whose name is registered under the 1994 Act".**

In our view, the vehicle must be registered in the name of the person who is following the business of a travelling showman and where he is the sole user of the vehicle, for the purposes of his business and for no other purpose.

Therefore, if you do not consider that the above would apply to your use of the vehicle, you would be advised to hold an operators' licence and your best course of action would be to contact the national enquiry number (**0300 123 9000**) and request a starter pack so that you may apply for a licence.

I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the delay in sending a full reply.

I have been given your contact details following a call to the VOSA helpline who advised me my query was " a bit of a grey area" but that you would be able to help.

My query is as follows:

We used to have an exhibition trailer with which we attended various shows and events (e.g. *****) but I'm getting to old to sleep on an air-bed on the floor so we recently acquired a 7.5ton Iveco Eurocargo lorry which we had converted to form a Showmans Vehicle. The vehicle now has fixed living accomodation of sofa, table, double bed, kitchen, shower and toilet in the front 'half' and a display area in the back 'half'.

We only the use the vehicle to attend shows; it is not used for any other purpose. As such it is only used once or twice a week between the months of late April and September. On average we attend 15-20 shows per year and the furthest we travel is 100 miles away.

When we were searching around for suitable vehicles/companies to convert we were told on several occasions that we wouldn't require an operators licence as we were purchasing a 'Showmans Vehicle'. However, I have since been advised (by a garage mechanic) to double check that this is indeed the case, hence my call to the VOSA helpline.

Would you be able to confirm the situation for me and also regarding the need for tachograph records in our case.

Many thanks for your help. I look forward to hearing from you and would welcome any advice/suggestions you are able to offer.

(Removed - Section 40 FOI Act)

I refer to your e – mail of 10 February, addressed to the Central Licensing Office in Leeds, concerning the above. It has been passed to this office for reply. Please accept my apologies for the delay in replying.

Horseboxes and goods vehicle operator licensing

In the majority of cases, goods vehicles with a gross plated weight of over 3.5 tonnes or, if there is no plated weight, an unladen weight of over 1525 kg require a goods vehicle operator's licence, if they are used to carry goods or burden of any description in connection with a trade or business, or for hire or reward. However, generally, where a horsebox is used on an "amateur" basis, we would not normally consider that the vehicle is being used for hire or reward, where it is clear that the carriage of horses is not with a view to making a profit, (i.e where nothing more than petrol money or modest prize money is involved).

However, where it is clear that there may be a commercial element to the activity (see section on charities - below), the user of the vehicle would be advised to hold an operator's licence.

Charities

In your email, you have mentioned that you are a registered charity. VOSA's view is that, where it can be demonstrated that a charity is not carrying on a business, then it would not need to hold an operator's licence, but the burden of proof rests with that charity and it is necessary to take in to consideration all of the charity's activities and not just the transport element. In doing so, it is necessary to consider whether the charity is not being run on a commercial basis, for example are there any paid employees such as drivers, managerial or admin staff? Where, this is the case, it may be considered that the charity is being run on a commercial basis, therefore it would require an operator's licence.

It is also necessary to consider what is meant by a 'business.' Guidance that we have received in the past from the Department of Transport would suggest that making a profit is only one factor and that each case must be looked at individually; a serious undertaking, earnestly pursued for a purpose of fulfilling a social obligation might constitute a business, even when not undertaken for profit.

Where any of the above is applicable, it *may* be considered that the charity is being run on a commercial basis and - in our view - the user of the vehicle would be advised to hold an operator's licence, when using vehicles with a gross plated weight of greater than 3.5 tonnes. Therefore your best course of action would be to contact the national enquiry number (**0300 123 9000**) and request a starter pack so that you may consider applying for a licence.

Taking your lorry abroad

You have asked about taking the horses in to Europe. For information on this please see "Taking your lorry or bus abroad", by performing a search for this document on **www.businesslink.gov.uk**.

I should point out that this is in VOSA's view and does not constitute legal opinion, as only a court of law can give a definitive interpretation of the legislation. As this is the case, you may wish to engage your own private legal advice on this if you are still unsure.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the delay in sending a full reply.

I am sending this email having spoken to someone called ***** in your office this morning - 09/02/2010 at 11.45am. He was very helpful and asked me to email in order to have something emailed back to keep in the lorry.

I was enquiring about whether or not I needed to apply for an Operator's Licence for our Riding For Disabled Centre to run the Horsebox.

I was told -

Even though I am employed by the Centre to drive the horsebox for the Charity to take horses to shows etc for our Disabled riders to compete on I do not need to have this licence. Our riders do not get charged for transport - The Centre funds this for them. I also asked the question if I require anything further should I travel any of our horses into Europe: ie: Belgium is planned for April 2010, and was also told nothing would be required.

Please can someone put in writing for me the information required for me to keep in the Horsebox so if stopped by VOSA I have it to show as proof of having looked into this.

(Removed - Section 40 FOI Act)

I refer to your e – mail of 7 January, concerning the above. Please accept my apologies for the considerable delay in replying.

Recovery vehicles

Schedule 3 to the Goods Vehicles (Licensing of Operators) Regulations 1995, lists the categories of goods vehicle that are exempt from operator licensing. Schedule 3 para (27) prescribes that a “recovery vehicle” is exempt from the requirement for an operator’s licence to be held. A “recovery vehicle” is defined in Part V of Schedule 1 to the Vehicle and Excise and Registration Act 1994, as; “a vehicle which is constructed or permanently adapted primarily for any one of the purposes of lifting, towing and transporting a *disabled* vehicle”.

The 1994 Act does not give a definition of “disabled”. In our view it should be given its ordinary meaning “rendered incapable of action or use” (Oxford English Dictionary).

Therefore, if the vehicle will be used **exclusively** for the removal of a disabled vehicle either from a place where it became disabled to a place where it is to be repaired or scrapped; or, from premises to which it was taken for repair to other premises at which it is to be repaired or scrapped, this would meet the criteria for recovery and an operator's licence will not be required.

Where you do not consider that the above will be applicable, you would be advised to hold an operators' licence and your best course of action would be to contact the national enquiry number (**0300 123 9000**) and request a starter pack so that you may apply for a licence. (Details such as fees etc.. are provided in the pack).

I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the long delay in sending a full reply.

Was looking for clarification as to whether i need an operators license or not, I am looking to buy a Iveco Tilt and slide recovery vehicle with a GVW of 6500kg, currently running recovery but on transit beavertail less than 3500KG. Will be working in ***** area providing vehicle recovery services, including roadside assistance, vehicle delivery, and vehicle collection. Could you please let me know if a license will be required and if so do you know the cost for 1 Vehicle.

(Removed - Section 40 FOI Act)

I refer to your e – mail of 5 January, concerning the above. Please accept my apologies for the considerable delay in replying. I will cover the relevant subjects in your query under separate headings:

The need for an operator's licence - "amateur" activities

In the majority of cases, goods vehicles with a gross plated weight of over 3.5 tonnes or, if there is no plated weight, an unladen weight of over 1525 kg require a goods vehicle operator's licence, if they are used to carry goods or burden of any description in connection with a trade or business, or for hire or reward. However, generally, where a HGV is used on an "amateur" basis, we would not normally consider that the vehicle is being used for hire or reward, where it is clear that the carriage of goods (in this case cars), is not with a view to making a profit. Therefore, although we must point out in all correspondence that existing regulations do not exempt privately run HGVs from the requirements of operator licensing, we would not consider it to be in the public interest to take any action

where nothing more than petrol money or (where applicable) modest prize money is involved.

Recovery vehicles - where a vehicle is used in connection with a trade or business

Schedule 3 to the Goods Vehicles (Licensing of Operators) Regulations 1995, lists the categories of goods vehicle that are exempt from operator licensing. Schedule 3 para (27) prescribes that a "recovery vehicle" is exempt from the requirement for an operator's licence to be held. A "recovery vehicle" is defined in Part V of Schedule 1 to the Vehicle and Excise and Registration Act 1994, as; "a vehicle which is constructed or permanently adapted primarily for any one of the purposes of lifting, towing and transporting a *disabled* vehicle".

The 1994 Act does not give a definition of "disabled". In our view it should be given its ordinary meaning "rendered incapable of action or use" (Oxford English Dictionary).

Therefore, if the vehicle will be used **exclusively** for the removal of a disabled vehicle either from a place where it became disabled to a place where it is to be repaired or scrapped; or, from premises to which it was taken for repair to other premises at which it is to be repaired or scrapped, this would meet the criteria for recovery and an operator's licence will not be required.

("Specialised breakdown vehicles)/"Tachographs

Our booklet "Rules on Drivers' Hours and Tachographs" [GV 262] which will be of help is available on our website. (See page 10 [top]).

"A" frames - legal requirements

You have asked about the above. It is legal to use them, however it should be noted that, when towing any unbraked trailer, that trailer must not exceed 750 kgs gross vehicle weight. (For further information on this, contact our Technical Services Branch on *****).

I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the delay in sending a full reply.

I rang the VOSA information line to get some clarification on the requirement of an operators licence. They gave me some general advice but suggested I send you an E-mail for a formal response.

I work full time for an Insurance company and my hobby is restoring cars. I am looking to purchase a recovery truck to transport and collect cars with. I will use it to pick up vehicles I purchase. I will also take my cars to shows and track day events. Some of the vehicles I buy just for parts so I would also take the remaining rusty old shell to the recycling centre for disposal. Roughly speaking a maximum of 5K miles per year.

It seems a better solution than the A-frame and trailer which I currently use as there seems to be so many grey areas with regards to weights, braking and MAM's. I do not want to fall foul of the law so I have decided to look at a 3.5T transit / VW LT 35 chassis with the beaver tail on which it seems if I understand correctly can be driven on my car licence up to a maximum weight of 3.5T for van and load. On looking at these vehicles there is also the possibility of a 7.5T truck/chassis with the beaver tail which are in many cases are cheaper and would be better equipped to deal with the job. I imagine the 3.5T vehicle would struggle with the weight and as the 7.5T's are cheaper they seem a good alternative. I passed my test in 1993 and I have C1 C1E D1 D1E on my licence which I understand allows me to drive vehicles up to 7.5T including goods carried with something called grandfather rights??.

I see there is an exemption for recovery vehicles, but what ever I purchase will not be used commercially as a recovery truck it will just for my own pleasure purposes. Can you clarify the position regarding this as the operators licence regulations seem to be onerous and perhaps bearing these in mind I would be better going for a 3.5T as these, from what I can tell, would require me just adhering to the maximum weight limit of 3.5T and making sure the vehicle is road worthy with a valid MOT and Tax. Also it looks like I would need to use a tachograph on the 7.5T, which is something I have also not used before, so if you can give me some guidance on this as well

Please could you also clarify if A-frames are actually legal or not. Opinion seems to be divided and the general opinion I found was ultimately it would be for the courts to decide??? When they sold me it they assured me it was 100% legal single man towing system up to a maximum towing weight limit of 3.5T.

I know you probably get loads of requests for such information, but if you could give me some guidance on what I need to do to comply with regulations it would be greatly appreciated.

(Removed - Section 40 FOI Act)

I refer to your e – mail of 12 January, addressed to the Central Licensing Office in Leeds, concerning the above. It has been passed to this office for reply. Please accept my apologies for the considerable delay in replying.

I can confirm that HGVs used for driver training purposes do not require operator's licences - **provided that no load is carried on the vehicle.** I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the delay in sending a full reply.

I have a new client query from a man who has just left an established driver training company, where he was employed, looking to set up a single vehicle driver training sole trader establishment. He will more than likely have an 18T DAF rigid box lorry with a box trailer giving a max. GVW of 32T. He will take multiple drivers through the ropes toward their relevant LGV/HGV license qualifications. He will not have any employees.

Could you let me know if he will require an O license.

(Removed - Section 40 FOI Act)

I refer to your e – mail of 11 January, concerning the above. Please accept my apologies for the considerable delay in replying.

Exhibition vehicles

Most goods vehicles with a gross plated weight of over **3.5 tonnes** or, if there is no plated weight, an unladen weight of over **1525 kg** require a goods vehicle operator's licence, if they are used to carry goods or burden of any description in connection with a trade or business, or for hire or reward. The requirement also applies to vehicles used for infrequent periods - such as one day. In the case of vehicles used for exhibition purposes; in our view, such vehicles are not exempt from goods vehicle operator licensing as they are being used in connection with a trade or business and goods (e.g furniture, display units, brochures, leaflets etc..) are most likely being carried on the vehicle.

As this is the case, would be advised to hold an operators' licence and your best course of action would be to contact the national enquiry number (**0300 123 9000**) and request a starter pack so that you may apply for a licence.

A restricted licence should be sufficient, provided that you are carrying your own goods.

I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the delay in sending a full reply.

Regards

Hello i have just spoken to vosa on (number deleted as it is now invalid) and asked the lady if i require an operators licence having previously checked at vosa ***** and was told i didnt require one.

I have the following :

A 7.5 ton leyland daf converted to an exhibition unit with a fold down side (to form a stage) it has the ability to sleep 2 people with hot and cold water cooker and toilet facilities.

We intend to use this vehicle for outside displays/exhibitions to promote our business.

can you please advise if i need an operators licence or not if so what type of licence would be required and how do i go about obtaining one

thanks

(Removed - Section 40 FOI Act)

I refer to your e – mail of 12 January, concerning the above. Please accept my apologies for the delay in replying.

Showmen's goods vehicles

You have asked if the vehicle could be classed as a showman's goods vehicle. Showman's goods vehicles are exempt from the requirement to hold an operator's licence, if they are classed as showman's goods vehicles for the purposes of paying vehicle excise duty. This is because the exemption from the operator's licensing system is linked by para 3(2) to part 1 to Goods Vehicles (Licensing of Operators) Regulations 1995, to the definition of showman's goods vehicle in Section 62 of the Vehicle Excise and Registration Act 1994. This is defined as a showman's vehicle which-

is a goods vehicle; and

is permanently fitted with a living van or some other special type of body or superstructure, forming part of the equipment of the show of the person whose name is registered under the 1994 Act.

In our view, the vehicle must be registered in the name of the person who is following the business of a travelling showman and where he is the sole user of the vehicle, for the purposes of his business and for no other purpose.

Therefore, if you do not consider that the above would be applicable, you would be advised to hold an operators' licence and your best course of action would be to contact the national enquiry number **(0300 123 9000)** and request a starter pack so that you may apply for a licence. Our Guide for Operators (GV 79) is available on our website. A restricted licence should be sufficient, provided that you are carrying your own goods.

I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the delay in sending a full reply.

Regards

Please can you help me, I am thinking of buying a 7.5 tonne lorry to use as a showmen's vehicle for my events business. The Lorry will be fitted with a permanent live in area with bed and sink. The rest of the space will be shelved and prepared for carrying our equipment such as marquee which will be secured to the lorry on erection. The Lorry will also house a battery bank for solar panels on the roof to power equipment used at the show. Would a lorry such as this be categorized as a showmens vehicle and be exempt from the operators license and what does that entail?

(Removed - Section 40 FOI Act)

I refer to your e – mail of 22 January, concerning the above. Please accept my apologies for the considerable delay in replying.

Dual purpose vehicles

Under Schedule 3 (2) of the goods Vehicles (Licensing of Operators) Regulations 1995 "a dual purpose vehicle **and any trailer drawn by it**" is identified as exempt from goods vehicle operator licensing.

"Dual purpose vehicle" is described in the Road Vehicles (Construction & Use) Regulations 1986 as:-

“examples are Range Rovers, Land Rovers, Jeeps, certain Japanese vehicles and those designed to go over rough ground as well as on roads, not being track laying vehicles.

Therefore, on the basis of the information you have supplied (and under current legislation), no operators licence will be required.

I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the delay in sending a full reply.

I have been told to email you by VOSA regarding a question I have about towing a trailer. I have a small ***** company that deals mainly with *****. About 20-30 times per year we need to move a stage to some of our ***** so that we can *****. We have a Nissan Navara 2007. If we were to put our staging in a twin axle trailer the trailer and the load would weigh 2500kg the question is do I need an Operator license for a set up like this? Thank you for you time and consideration. Please feel free to contact me on ***** with any questions or return mail to this address.

(Removed - Section 40 FOI Act)

Thank you for your email of 22 January, concerning the above. Please accept my apologies for the considerable delay in replying.

Vehicles with "fixed equipment"

Schedule 3 to the Goods Vehicles (Licensing of Operators) Regulations 1995 identifies the vehicles that are exempt from operator licensing. Schedule 3 (15) (a) prescribes that the following type of vehicle is exempt:

“A vehicle fitted with a machine, appliance, apparatus or other contrivance which is a permanent or essentially permanent fixture, provided that the only goods carried on the vehicle are -

(a) required for use in connection with the machine, appliance, apparatus or contrivance or the running of the vehicle;”

This exemption usually applies in cases where a machine, appliance or apparatus (e.g a crane, compressor or generator) has been fixed or bolted on to the vehicle. Any goods carried on such a vehicle must be **strictly** in connection with the use of such equipment, (i.e. the vehicle should effectively form a moving platform for these permanent or essentially permanent fixtures, and absolutely no goods that are not essential for the equipment to function (e.g. loose tools or other articles) should be carried on the vehicle.

In VOSA's view, vehicles used for catering are not exempt under the above as goods or burden (cooking utensils, foodstuffs etc, ..) may be carried on the vehicle.

Most goods vehicles with a gross plated weight of over 3.5 tonnes or, if there is no plated weight, an unladen weight of over 1525 kg require a goods vehicle operator's licence, if they are used to carry goods or burden of any description in connection with a trade or business, or for hire or reward. The requirement also applies to vehicles used for infrequent periods - such as one day. As this is the case, on the basis of the information currently supplied, you would be advised to hold an operators' licence and your best course of action would be to contact the national enquiry number (**0300 123 9000**) and request a starter pack so that you may apply for a licence. A restricted licence should be sufficient, provided that you are carrying your own goods.

Tachographs

Turning to tachographs, where the maximum permissible weight (including any trailer or semi - trailer) exceeds 3.5 tonnes, a tachograph is required (unless the vehicle is identified in regulations as being exempt). ("Maximum Permissible Weight" can be taken to mean the sum of the maximum permissible gross weights of towing vehicle and trailer being towed or the maximum permissible train weight of the towing vehicle - whichever is the lesser).

Our booklet "Rules on Drivers Hours and Tachographs" (GV 262), which you will find useful. (The exemptions are covered and explained in section 1, page nine) is available on our website.

I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the delay in sending a full reply.

Dear Sir,

I am about to buy a 5 tonne van and convert it into a mobile fish and chip van and I need to know if I will need an operators licensing for it.

I will be operating around the local villages in ***** and doing no more than 100 miles a week.

Could you also tell me if I am required to use a taco?

Many thanks.

(Removed - Section 40 FOI Act)

I refer to your e – mail of 22 January, concerning the above. Please accept my apologies for the considerable delay in replying.

Fastrack tractors

I attach a copy of our guidance on these vehicles - which you will find useful.

Red diesel

You have asked about red diesel. For definitive information on this, you should contact your local branch of HM Revenue & Customs.

I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the delay in sending a full reply.

Regards

Dear Sir,

after contacting VOSA, and I couldn't find anything on the VOSA Website, I have been given your email - I am trying to find out the legal stance for my husband's business to ensure we are legal and working to the law with our agricultural vehicles.

We are farmers and foresters and we are in the process of purchasing a Fastrac Tractor, and want to ensure we are complying with legislation;

our business is felling timber for ourselves on Forestry Commission Land where a normal lorry has no access (this is why we get the jobs!) we need to bring the timber back to our yard, we shall be travelling no more than 25 miles to the forest and no more than 25 miles back to our yard at *****. We have a braked trailer, which we have weighed, it with a similar tractor weighs 12t total tare, we propose to load no more than 10-12 tonne on it totalling 24t gross.

My question to you is : are we legal to carry this weight, can we use our tractor on Red Diesel for this? what if we travel further? and what, if other legislation do we need to be aware of .

Thanking you in advance for your responses

(Removed - Section 40 FOI Act)

I refer to your e – mail of today's date, concerning the above.

Recovery vehicles

Schedule 3 to the Goods Vehicles (Licensing of Operators) Regulations 1995, lists the categories of goods vehicle that are exempt from operator licensing. Schedule 3 para (27) prescribes that a “recovery vehicle” is exempt from the requirement for an operator’s licence to be held. A “recovery vehicle” is defined in Part V of Schedule 1 to the Vehicle and Excise and Registration Act 1994, as; “a vehicle which is constructed or permanently adapted primarily for any one of the purposes of lifting, towing and transporting a *disabled* vehicle”.

The 1994 Act does not give a definition of “disabled”. In our view it should be given its ordinary meaning “rendered incapable of action or use” (Oxford English Dictionary).

Therefore, if the vehicle will be used **exclusively** for the removal of a disabled vehicle either from a place where it became disabled to a place where it is to be repaired or scrapped; or, from premises to which it was taken for repair to other premises at which it is to be repaired or scrapped, this would meet the criteria for recovery and an operator’s licence will not be required.

The need for an operator's licence

Most goods vehicles with a gross plated weight of over 3.5 tonnes or, if there is no plated weight, an unladen weight of over 1525 kg require a goods vehicle

operator's licence, if they are used to carry goods or burden of any description in connection with a trade or business, or for hire or reward (unless identified as exempt in regulations - see above) . The requirement also applies to vehicles used for infrequent periods - such as one day.

Therefore, if you do not consider that your use of the vehicle will be exempt, you would be advised to hold an operators' licence and your best course of action would be to contact the national enquiry number (**0300 123 9000**) and request a starter pack so that you may apply for a licence. Our booklet "Guide for Operators" (GV 74) which you may find useful is available on our website.

I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. apologies for the delay in sending a full reply.

I have forwarded this e-mail to yourself, having been advised that you are the correct person to talk to about this incident, by your colleague.

Having looked at the V.O.S.A Website some weeks ago, I'd concluded that we did not need an Operators Licence for this vehicle, as it was not a "recovery" vehicle in that it would be used, or indeed could be used, to actually pick up a broken down vehicle on the highway and bring it back to base.

However, I have been advised by someone with more expertise that we indeed do need an Operators Licence ! hence this e-mail to ask for your advice and guidance.

If we do need an Operators Licence can you send me any paper work or instructions that indeed to follow to ensure compliance with the legal requirements.

Many Thanks for your assistance

Can you help me please?

I understand that we need an Operators Licences to enable us to use a 3.1/2 Ton Breakdown Vehicle in the course of our Business operations.

The Breakdown Van, carries equipment and crew to deal with incidents on the railway, such as derailments etc.

I'm advised that we will need an Operators Licence of some sort in order that we can continue to use the vehicle when it is required.

Can you advise me please of the legal requirements and what we need to do to ensure compliance

A quick reply would be appreciated, as our company operations are being transferred to a new Operator from the 1 April 2010.

Thanks

(Removed - Section 40 FOI Act)

I refer to your e – mail of 26 January, concerning the above. Please accept my apologies for the considerable delay in replying. Please find below our generic information in relation to the use of agricultural tractors and goods vehicle operator licensing:n -

*"The Goods Vehicles (Licensing of Operators) Regulations 1995 identify the classes of vehicle for which an operators' licence is not required. An Operators Licence is not required for vehicles described in Part 1 of Schedule 3. In Schedule 3 (1) **"Any tractor as defined in paragraph 4(3) of Part IV of Schedule 1 Vehicle Excise and Registration Act 1994 while being used for one or more of the purposes in Part II of this Schedule"** is classed as exempt.*

Part II goes on to outline these uses:

"1. Hauling;

(a) threshing appliances,

(b) farming implements.

(c) a living van for the accommodation of persons employed to drive the tractor; or

(d) supplies of water or fuel required for the tractor

2. Hauling articles for a farm required by the keeper, being either the occupier of the farm or a contractor employed to do agricultural work on the farm by the occupier of the farm.

3. Hauling articles for a forestry estate required by the keeper where the keeper is the occupier of that estate or employed to do forestry work on the

estate by the occupier or a contractor employed to do forestry work on the estate by the occupier.

4. Hauling within 24.135 kilometres (15 miles), of a farm or forestry estate occupied by the keeper, agricultural or woodland produce of the farm or estate.

5. Hauling within 24.125 kilometres, (15 miles), of a farm or a forestry estate occupied by the keeper material to be spread on roads to deal with frost, ice or snow.

6. Hauling a snow plough or similar contrivance for the purpose of clearing snow; and

7. Hauling -

(a) soil for landscaping or similar works.

(b) a mowing machine ,

where the keeper is the local authority.”

All uses outside of these exemptions would require an operators licence.”

I should point out that this is in VOSA's view and does not constitute legal opinion. As this is the case, we are not able to provide documents conferring exemption from operator licensing.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the delay in sending a full reply.

Regards

Dear *****

One of our tractors has been stopped today by the Police for not having an 'O' Licence.

As it was an agricultural tractor and it was being used for agricultural purposes (planting potatoes) we feel that the Policeman was incorrect in his assumption.

I have contacted Vosa to clarify the rules under which Agricultural Vehicles are exempt from the 'O' Licence requirements and I was asked to contact yourself and explain the circumstances so that you can provide us with details of the exemption document that applies to agricultural vehicles.

If you need further information I can be contacted on *****

(Removed - Section 40 FOI Act)

I refer to your email of 28 January (and our telephone conversation of 5 February) , concerning the above. Please accept my apologies for the delay in sending a written reply. In our conversation, the need for tachographs and a goods vehicle operator's licence were covered. however, you requested written information relating to holding companies and subsidiaries and restricted goods vehicle operator licences.

Holding companies and subsidiaries

Under section 3 paragraph (4) of the Goods Vehicles (Licensing of Operators) Act 1995 -

"4) Notwithstanding subsections (2) and (3), a company may use a goods vehicle on a road for the carriage of goods for hire or reward under a restricted licence instead of a standard licence if (but only if) the goods concerned are the property of a company which is—

- (a) a subsidiary of the first company,**
- (b) a holding company for the first company, or**
- (c) a subsidiary of a company which is a holding company both for that subsidiary and for the first company".**

Therefore, where the above is applicable, a restricted company may carry for a "sister" company.

I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the delay in sending a full reply.

I have been given your details from one of your colleagues in the hope that you can provide a definitive answer, or at least further guidance, on our position with regard to the need for a Vehicle Operator licence and the fitment and use of tachographs.

Our company is ***** and we provide equipment and technical solutions to counter EOD, Hazmat and CBRN threats.

We wish to purchase a single vehicle and equip it with equipment and systems such that it provides a mobile sales platform that can be taken to customer demonstrations and trials both here in the UK and to our trading partners abroad (Most likely EU states).

The vehicle will be used purely as a sales and demonstration aid and will not be used for the carriage/delivery of sold goods.

We anticipate that once equipped the vehicle will have a GVW of more than 3,500 kg, but will not exceed 7,500 kg.

We are receiving conflicting advice as to our need to have and maintain a vehicle operator licence i.e. is our use deemed as the carriage of commercial goods or could we be exempt as a specialised vehicle?

Can you please confirm if we are exempt from such a requirement and if so what are the specific terms of our exemption?

If we are not exempt can you please provide an overview as to what are actual legal obligations are as the internet based information is not clear?

i.e. do we have to have our own transport manager with recognised qualifications ?

do we have to comply with drivers hours and tachograph rules ?

other than regular scheduled maintenance and normal regular vehicle checks is there anything unusually onerous with regard to compliance ?

I look forward to your response in due course.

(Removed - Section 40 FOI Act)

I refer to your e – mail of 28 January, concerning the above. Please accept my apologies for the considerable delay in replying.

"Restricted licence"

A restricted goods vehicle operators' licence is defined in Section 3 (3) to the goods Vehicles (Licensing of Operators) Act 1995, as:

“an operators' licence under which a goods vehicle may be used on a road for the carriage of goods for or in connection with any trade or business carried on by the holder of the licence, other than that of carrying goods for hire or reward”.

Therefore, if the licence holder is able to demonstrate that they are carrying their own goods, a restricted licence is always sufficient. Therefore, where you are able to provide a receipt for the sale of goods to your company, then at that point they *may* be perceived as your own goods. (**Please note:** this should **not** be perceived as legal advice, as interpretation of the law is a matter for the courts - see below).

Where import duty is concerned, we are not in a position to advise and your best course of action would be to contact your local branch of HM Revenue & customs about this.

I must re-iterate that this is in VOSA's view and does not constitute legal opinion. As this is the case, you should engage your own private legal advice on a matter such as this, if you are unsure.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me. Once again, please accept my apologies for the delay in sending a full reply.

Regards

I am in the process of applying for a restricted operators licence in order that in the course of our business we can purchase and collect kegs of beer from Belgium for onward supply to UK customers. The UK distribution end will be handled by small vans but a hired HGV will be used to collect on a monthly basis initially. We intend to pay 'up front' for the beer but my question is - does the import duty have to be paid prior to collection to entirely transfer ownership of the product to us and therefore allow transportation on the restricted licence. (otherwise, we can defer payment of duty to the middle of the following month).

regards,

(Removed - Section 40 FOI Act)

I refer to your email - and today's conversation

Most goods vehicles with a gross plated weight of over 3.5 tonnes or, if there is no plated weight, an unladen weight of over 1525 kg require a goods vehicle operator's licence, if they are used to carry goods or burden of any description in connection with a trade or business, or for hire or reward. The requirement also applies to vehicles used for infrequent periods - such as one day. .

As discussed, in the case of vehicles used for exhibition purposes; in our view, such vehicles are not exempt from goods vehicle operator licensing as they are being used in connection with a trade or business and goods (e.g furniture, display units, brochures, leaflets etc..) are most likely being carried on the vehicle.

As this is the case, would be advised to hold an operators' licence and your best course of action would be to contact the national enquiry number **(0300 123 9000)** and request a starter pack so that you may apply for a licence.

I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me.

Regards

(Removed - Section 40 FOI Act)

I refer to our recent conversation, as discussed most goods vehicles with a gross plated weight of over 3.5 tonnes or, if there is no plated weight, an unladen weight of over 1525 kg require a goods vehicle operator's licence, if they are used to carry goods or burden of any description in connection with a trade or business, or for hire or reward. The requirement also applies to vehicles used for infrequent periods - such as one day.

As discussed, Schedule 3 (15) (a) Goods Vehicles (Licensing of Operators) Regulations 1995 prescribes that the following type of vehicle is exempt:

“A vehicle fitted with a machine, appliance, apparatus or other contrivance which is a permanent or essentially permanent fixture, provided that the only goods carried on the vehicle are -

(a) required for use in connection with the machine, appliance, apparatus or contrivance or the running of the vehicle;”

As also discussed, this exemption usually applies in cases where a machine, appliance or apparatus (e.g a crane, compressor or generator) has been fixed or bolted on to the vehicle. Any goods carried on such a vehicle must be **strictly** in

connection with the use of such equipment, (i.e. the vehicle should effectively form a moving platform for these permanent or essentially permanent fixtures, and absolutely no goods that are not essential for the equipment to function (e.g. loose tools or other articles) should be carried on the vehicle.

Tachographs

You asked about tachographs. Our booklet "Rules on Drivers Hours and Tachographs" (GV 262) which you will find useful, and the most recent guide on goods vehicle operator licensing (GV74) are available on our website.

I should point out that this is in VOSA's view and does not constitute legal opinion.

I hope that the information given above has been of some help. If you have any further queries, do not hesitate to contact me.

My Name is *****, I have been tasked with taking over management of a fleet of vehicles, some of which are currently on a Standard Operators Licence. I feel certain that we do not need a licence but would be grateful if you could advise me.

The vehicles are not used for burden, and indeed are not built with any capacity to carry any. They are used exclusively for road surveying, and testing, and the only equipment carried is that which is required to carry out the work.

I have attached some pictures of three of the vehicles in question, and can supply others if required.

I would also like to know whether the drivers would need to work under UK drivers hours rules, and what the requirement would be for record keeping.

The drivers are employed as such and it is their main duty, and is generally carried out for more than 4 hours per Day, operating outside a 50 Km radius of base. There is an operator on board for the other duties. All vehicles are capable of over 45 KPH, although some operate at considerably less whilst carrying out surveying and testing.

I hope I have given you sufficient information. Please do not hesitate to contact me if you require more.

I look forward to your response.