



Vehicle & Operator Services Agency

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Our Ref: **F0002673**

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Dear

FREEDOM OF INFORMATION ACT 2000

I refer to your e-mail of 28th May 2010 requesting information, which we have dealt with under the terms of the Freedom of Information Act 2000.

You asked which Statutory Instrument/Regulation grants the right to various organizations, such as the Chartered Institute of Logistics and Transport or Society of Engineers, to grant exemptions from examination to obtain a Certificate of Professional Competence in respect of Goods Vehicle and PSV Operator Licensing as described in the Guides for operators publications GV74 Appendix and PSV 437 Appendix 4.

VOSA offers the following response:

In order to carry out road transport operations (passenger or freight) for hire or reward an operator must obtain a Standard Operators Licence from the Local Traffic Area Office of the Department for Transport. In order to obtain (and retain) such a licence the operator must employ the services of someone in continuous and effective control of the operations who is certified as professionally competent in the relevant operations. The normal method of indicating professional competence is by the possession of a Certificate of Professional Competence (CPC) issued in consequence of passing the examination specifically approved for the purpose. The Regulations do provide, however, other ways in which professional competence may be certified and CILT(UK) is authorised by DfT to issue such certification. For the avoidance of any doubt, it is necessary to describe the derivation of the authority by which CILT(UK) may award certification of professional competence and the agreed conditions to be satisfied by applicants.

Authority

In addition to certification of professional competence through the examination prescribed for the purpose, Directive 96/26/EC of the Council of the European Union, as amended by Directive 98/76/EC, permits member states to regard as professionally competent “.....holders of certain advanced diplomas or technical diplomas, which provide proof of a sound knowledge of the subjects listed.....”.

In the UK, the provisions of Directive 98/76 are enacted by The Goods Vehicle (Licensing of Operators) Act 1995, as amended by The Goods Vehicle Operators (Qualifications) Regulations 1999, which allow that “An individual shall be regarded as professionally competent if, and only ifhe is the holder of any other certificate of competence, diploma or other qualification recognised for the purpose.....by the Secretary of State. For passenger operators similar provisions are contained in the Public Passenger Vehicles Act 1981 together with the PSV (Operator Licences) Regulations 1995, as amended by the PSV Operators (Qualifications) Regulations 1999.

Conditions to be satisfied

In respect of certification of professional competence issued by CILT(UK), what is recognised by the Secretary of State is the following:

1. A certificate indicating professional competence in both national and international road transport operations (freight or passenger as appropriate) will be issued to a current member of the Institute in any grade who passes the CILT(UK) Certificate with Endorsement in Road Freight Transport or Road Passenger Transport.

A certificate indicating professional competence in national road transport operations will be issued to a current member of the Institute in any grade who passes the CILT(UK) Certificate with Endorsement in Passenger Transport Coordination.

The CILT(UK) Certificate with Endorsement is awarded to candidates who pass the examinations for the management core unit and the relevant option unit at the same sitting, or failing that, within six months of each other, and achieve an average mark of 60% over the two examinations. In this case the certificate will be issued automatically at the same time as the award of the qualification.

2. Additionally, a certificate indicating professional competence in national and international road transport operations (freight or passenger as appropriate) may be issued to a current Chartered Member or Chartered Fellow of the institute (CMILT or FCILT) who has either:
 - a) passed, within the four years immediately prior to an application for exemption either:
 - i) the ILT/CILT(UK) Diploma in Transport and the ILT/CILT(UK) Advanced Diploma in Transport. Or
 - ii) the ILT/CILT(UK) Professional Diploma in Logistics and Transport including the units Transport Operations and either Movement of Goods or Movement of People (using

the assessment provided by the Institute) and the
ILT/CILT(UK) Advanced Diploma in Transport.

- b) graduated within the four years immediately prior to an application for exemption with a first or higher degree accredited by the Institute as an exemption from the educational requirements for Chartered Membership and including an examination covering the areas specified in Annex 1 to EU Directive 98/76/EC

Where the qualification in a or b, above was gained more than four years prior to the application for issue of a Certificate, an accredited record of continuing professional development is required for at least the two years immediately prior to the application and in areas specified in Annex 1 to EU Directive 98/76/EC.

- 3) A certificate indicating professional competence in national road transport operations (freight or passenger as appropriate) may be issued to a current Member of the Institute (MILT) who has either:
 - a) passed, within the four years immediately prior to an application for exemption, the ILT/CILT(UK) Diploma in Transport or the ILT/CILT(UK) Professional Diploma in Logistics and Transport including the units Transport Operations and either Movement of Goods or Movement of People (using the assessment provided by the Institute).
 - b) Graduated within the four years immediately prior to an application for exemption with a first or higher degree accredited by the Institute as an exemption from the educational requirements for Chartered Membership and including an examination covering the areas specified in Annex 1 to EU Directive 98/76/EC.

Where more than four years have elapsed since gaining the qualification in a or b above, the exemption can be granted if the applicant produces an accredited record of continuing professional development for at least the two years immediately prior to the application and in areas specified in Annex 1 to EU Directive 98/76/EC.

Application for Exemption

The normal Institute Membership certificate (in whatever grade) does **NOT** provide proof of professional competence as required by the Goods Vehicle Operators (Qualifications) Regulations 1999 or the PSV Operators (Qualifications) Regulations. Professional competence is indicated by the separate certificate that is issued only to those who qualify for it under the specific requirements above.

Certificates indicating professional competence under section 1, above, are issued automatically to those who qualify. Certificates under sections 2 or 3 will only be issued following application, which must be made on the form that can be obtained from the Institute and accompanied by all the evidence necessary to substantiate the claim.

However, from information received from colleagues in the central Department for Transport it appears DfT officials have, in the past, carried out internal reviews to establish what examinations can be considered as CPC equivalent. A review is shortly due to be carried by DfT, to comply with the new EU Access to the Occupation Regulations.

If you have any queries about this letter, please contact us, quoting reference **F0002691**.

If you are unhappy with the response provided, you may ask for an internal review. To request an internal review, please write to:

VOSA Corporate Office,
Berkeley House,
Croydon Street,
Bristol,
BS5 0DA

or email vosa.corporateoffice@vosa.gsi.gov.uk

giving the reasons for your dissatisfaction. It will help us if you quote the reference number for your case.

If you do not agree with the outcome of the internal review, you may lodge an appeal with the Information Commissioner (www.informationcommissioner.gov.uk). The Information Commissioner is an independent official appointed by the Crown to oversee the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

The Information Commissioner can consider complaints about any aspect of the way in which requests for information have been handled. Please note: the Information Commissioner would be unlikely to consider your complaint if you have not first requested an internal review.

You can write to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire
SK9 5AF

Yours sincerely

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