
STATUTORY INSTRUMENTS

2009 No. 804

ROAD TRAFFIC

**The Goods Vehicles (Licensing of Operators)
(Fees) (Amendment) Regulations 2009**

<i>Made</i>	- - - -	<i>25th March 2009</i>
<i>Laid before Parliament</i>		<i>30th March 2009</i>
<i>Coming into force</i>	- -	<i>20th April 2009</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by sections 45(1) and 57(1), (2) and (7) of the Goods Vehicles (Licensing of Operators) Act 1995(a) and by virtue of the Department for Transport (Fees) Order 2009(b).

Representative organisations have been consulted with in accordance with section 57(12) of the Goods Vehicles (Licensing of Operators) Act 1995.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Goods Vehicles (Licensing of Operators) (Fees) (Amendment) Regulations 2009 and shall come into force on 20th April 2009.

(2) In these Regulations, “the principal Regulations” means the Goods Vehicles (Licensing of Operators) (Fees) Regulations 1995(c);

Amendments to the Goods Vehicles (Licensing of Operators) (Fees) Regulations 1995

2.—(1) The principal Regulations shall be amended as follows.

(2) For regulation 2(2) there shall be substituted—

“(2) In these Regulations—

“application for a licence”, “application for a variation of a licence”, “application” and “licence” have the same meaning as in the Goods Vehicles (Licensing of Operators) Regulations 1995(d);

(a) 1995 c.23. See section 58(1) for the meaning of “prescribed” and “regulations”.

(b) S.I. 2009/711, which was made under the Finance (No. 2) Act 1987 (c.51), section 102. The relevant provisions in S.I. 2009/711 are regulation 7 and paragraphs 44 to 47 of Schedule 1, together with regulation 9 and Schedule 2.

(c) S.I. 1995/3000, to which relevant amendments have been made by S.I. 2007/687 and S.I. 2008/1474.

“election” means an election made under regulation 3(5) as that regulation had effect prior to 20th April 2009;

“five yearly anniversary” means the date of expiry of a period of 5 years, beginning with the date of the issuing of the relevant licence and thereafter each subsequent fifth anniversary of that date;

“one yearly anniversary” means the date of expiry of a period of one year, beginning with the date of issuing of the relevant licence, and thereafter each anniversary of that date.”

(3) In regulation 3—

- (a) paragraphs (5) and (6) shall be omitted.
- (b) in paragraph (7)(a) for “fee numbers (v) and (vi)” there shall be substituted “fee numbers (va) and (vi)”.
- (c) after paragraph (7) there shall be inserted—

“(7A) The period for which a fee is payable in relation to fee number (va) in Part II is the period beginning on the date on which an authorisation under section 5(6) takes effect or, as the case may be, a variation under section 17 directing the specification of an additional motor vehicle is granted and ending—

- (a) where an election was made before 20th April 2009, on the last day of the month preceding the one yearly anniversary, providing that day falls before 1st April 2010;
- (b) where no election was made before 20th April 2009, on the last day of the month preceding the next five yearly anniversary, providing that day falls before 1st April 2010;
- (c) in any other case on 31st March 2010.”

- (d) in paragraph (8), after “fee numbers (v),” there shall be inserted “(va)”

(4) In regulation 4—

- (a) in paragraphs (1) and (2), after “fee numbers (v) and (vi) in Part II”, there shall be inserted “as they had effect before 20th April 2009,”;
- (b) after paragraph (4), there shall be added—

“(5) For the purposes of this regulation, no refund shall be payable in the case of—

- (a) vehicles specified on a licence where the decision to grant the application for its issue is made on or after 20th April 2009; or
- (b) vehicles specified on a licence in respect of which fee number (vi) is due to be paid on or after that date; or
- (c) additional vehicles specified on a licence, on or after that date.”

(5) The following substitutions shall be made to the Schedule—

- (a) in relation to fee number (i), in column 3, “£250” for “£238”;
- (b) in relation to fee numbers (ii) and (iii), in column 3, “£391” for “£372”;
- (c) in relation to fee number (iv), in column 3, “£66” for “£63”;
- (d) in relation to fee number (v), the entries set out in the Schedule to these Regulations and numbered (v) and (va);
- (e) in relation to fee number (vi), the entry set out in the Schedule to these Regulations and numbered (vi);
- (f) in relation to fee number (vii), in column 3, “£6” for “£12”;

Transitional provisions relating to fees payable

3.—(1) Subject to paragraph (2), where a decision has been made before the coming into force of these Regulations—

- (a) to grant an application for the issue of a licence under section 13 of the Goods Vehicles (Licensing of Operators) Act 1995;
- (b) to grant an application for the issue of an interim licence under section 24(1) of that Act;
- (c) to give an interim direction under section 25(1) of that Act; or
- (d) to vary a licence under section 17(1)(a) of that Act;

fee numbers (ii), (iv) and (v) in the Schedule to the principal Regulations shall continue to apply without the amendments made by these Regulations.

(2) Where, before the coming into force of these Regulations, a licence holder has elected, under regulation 3(5) of the principal Regulations, to pay fees numbered (v) or (vi) annually and an annual payment is due before 1st April 2010—

- (a) the amount of the payment shall be £2 per month or part thereof per vehicle for the period beginning with the first day of the month immediately following the date on which the annual payment falls due and ending on 31st March 2010; and
- (b) no further payments shall be payable in respect of any period after 31st March 2010.

(3) In calculating the amount of the annual payment in accordance with paragraph (2), the vehicles to be taken account of shall include all vehicles specified on the licence on the date that payment falls due.

(4) In respect of fee number (iii) where—

- (a) a fee is payable in respect of the period of five years beginning immediately after the five yearly anniversary; and
- (b) the last date for payment of the fee, ascertained in accordance with the provisions of column 4 of the Schedule to the principal Regulations, is on or after the date of coming into force of these Regulations,

the amount payable on that date shall be the relevant substituted amount as prescribed by regulation 2(5)(b) of these Regulations.

(5) In respect of fee number (vi) where—

- (a) a fee is payable in respect of the period of five years beginning immediately after the five yearly anniversary, or the period of one year beginning immediately after the one yearly anniversary; and
- (b) the last date for payment of the fee, ascertained in accordance with the provisions of column 4 of the Schedule to the principal Regulations, is on or after the date of coming into force of these Regulations,

the amount payable on that date shall be the relevant substituted amount as prescribed by regulation 2(5)(e) of these Regulations.

Abolition of charges for vehicles specified on a licence

4.—(1) On 1st April 2010, the principal Regulations shall be further amended as follows.

(2) The following shall be substituted for regulation 2(1)(d)—

“(d) a numbered column or numbered fee is a reference to the column or fee bearing that number in the Schedule to the Regulations.”

(3) In regulation 3—

- (a) in paragraph (1), omit “of Part I”; and
 - (b) omit paragraphs (2), (3), (4) and (7); and
 - (c) in paragraph (8), omit “in Part I and fee numbers (v), (va), (vi) and (vii) in Part II”.
- (4) In the Schedule—
- (a) The heading “Part I” shall be omitted; and
 - (b) Part II shall be omitted.

Signed by authority of the Secretary of State

25th March 2009

Jim Fitzpatrick
Parliamentary Under Secretary of State
Department for Transport

SCHEDULE

Regulation 2(5)

<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
<i>Fee number</i>	<i>Subject matter of charge</i>	<i>Fee</i>	<i>Time fee is payable</i>
(v)	charge for motor vehicles specified in the licence which is issued	£2 per month or part thereof per vehicle for the period beginning on the date of the grant of the application for a licence and ending on 31st March 2010	Within 15 working days beginning with the date of the grant of the application
(va)	charge for additional motor vehicles specified in the licence which is varied	£2 per month or part thereof per vehicle for the period for which the fee is payable in accordance with regulation 3(7A)	Before authorisation under section 5(6) takes effect, or, as the case may be, within 15 working days of the grant of the application for the variation under section 17
(vi)	charge for the motor vehicles specified in the licence which is continued in force	£2 per month or part thereof per vehicle for the period beginning on the first day of the month in which the 5 yearly anniversary falls and ending on 31st March 2010	Before the end of the month preceding the five yearly anniversary

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Goods Vehicles (Licensing of Operators) (Fees) Regulations 1995 (“the principal Regulations”). The principal Regulations prescribe fees, in relation to the licensing of operators of goods vehicles, under the Goods Vehicles (Licensing of Operators) Act 1995. These Regulations amend these fees.

The simple fee changes (straightforward increase or decrease) made by *regulation 2(5)*, together with the percentage of the increase or decrease, are shown in the table below. The fees were last increased on 1st August 2008.

<i>OLD FEE</i>	<i>NEW FEE</i>	<i>PERCENTAGE INCREASE/</i>
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			<i>DECREASE</i>
Fee with licence application or application for a licence variation	£238	£250	5.0%
Fee for the issue of a licence	£372	£391	5.1%
Fee for the continuation in force of a licence	£372	£391	5.1%
Fee for the issue of an interim licence or interim direction	£63	£66	4.8 %
Additional charge for motor vehicles specified under an interim licence under section 24(1) or an interim direction under section 25(1)	£12	£6	-50%

Vehicle related charges are reduced to an amount equal to £2 per vehicle, per month or part thereof in respect of the period up to and including 31st March 2010 (*regulation 2(5)(d) and (e)*). After that date, those fees are abolished (*regulation 4*).

The Regulations contain a number of transitional provisions in relation to the fees chargeable for the issuing and variation of licences and interim licences and the giving of interim directions (*regulation 3(1)*). Their effect is that the fees payable remain those set under the principal Regulations, without the amendments made by these Regulations, where the relevant decision is made before the coming into force of these Regulations.

If, however, the licence holder had elected to pay vehicle related charges by way of annual payments before the coming into force of these Regulations and a payment is due before 1 April 2010, that payment will be £2 per vehicle, per month or part thereof, for the period beginning with the first day of the month the payment falls due and ending on 31st March 2010. No further vehicle related charges will be due after that date (*regulation 3(2)*).

Fees payable for the continuation of a licence and charges for the vehicles specified in the continued licence are charged at the new fee rates, where the last date for payment has not yet passed (*regulations 3(4) and (5)*).

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the VOSA Corporate Office, Berkeley House, Croydon Street, Bristol BS5 0DA. The impact assessment is also annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website at www.opsi.gov.uk.