



# A guide for horsebox and trailer owners



**GUIDE**

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This publication has been produced in association with:



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## Introduction

This guide addresses some basic questions to assist owners and operators of horseboxes. It is intended only to offer general help and isn't a legal document. For full details of the law in respect of each aspect covered by the guide you will need to refer to the relevant legislation or seek independent legal advice.

For many years, there has been a great deal of uncertainty of the legal requirements in relation to operating horseboxes, whether they are trailers or rigid goods vehicles. As a result of that uncertainty, some non-compliance has been identified and several articles have appeared in specialist equestrian publications. However, more recently, VOSA has attempted to introduce much more clarity on rules which, at times, can be fairly complex, and this guide is designed to further support those efforts.

The guide is divided into the following chapters;

- 1) **Operator licensing**
- 2) **Drivers' hours and tachographs**
- 3) **Roadworthiness**
- 4) **Vehicle weights**
- 5) **Certificates of competence**
- 6) **Other requirements**
- 7) **Enforcement**

Further information on specific aspects of the law can be found in the documents listed in this guide and from the web links provided to Government websites (see Annex 1). If, after considering the additional information, you are still unsure about any aspect of the law, you should consider seeking independent legal advice.

# Operator licensing

- ▶ Operator licensing exists to improve road safety, maintain a level playing field and protect the environment in relation to commercially operated goods vehicles
- ▶ Some horsebox owners may be in scope of operator licensing if their operation generates significant income
- ▶ Operator licensing is not intended to cover most people whose equestrian activities are no more than leisure pursuits
- ▶ But horses transported in return for financial payment require the authority of an operator's licence

An operator's licence is required by anyone who uses a vehicle of more than 3.5 tonnes gross vehicle weight (the maximum combined weight of vehicle and load) for carrying any kind of goods or livestock in connection with a business. The scheme is designed to ensure that operators of such vehicles maintain them to a specified minimum standard, operate with the constraints laid down by the relevant transport legislation, and abide by environmental rules.

An operator's licence is not connected in any way to a certificate of competence for travelling livestock and horses, and exists for entirely different reasons.

Users\* of rigid horseboxes or vehicles towing horsebox trailers with a gross plated weight (GPW) of greater than 3.5 tonnes or (where there is no plated weight) if the weight of the vehicle without a load is greater than 1.525 tonnes, need a goods vehicle operator's licence to transport their horses (or anything associated with their horses such as water, hay, tack, etc) for hire or reward.

Horses and/or associated kit and provisions are deemed to be transported for hire or

reward if that transport is done as part of a commercial equestrian activity, if there is an expectation of receiving more than just modest prize-money, or if any kind of significant corporate sponsorship is received. In other words, if transporting horses is done as part of an equestrian activity which goes beyond what could reasonably be considered a hobby – ie it is designed to make a profit, or be at least cost neutral, then it should be considered to be a hire or reward operation.

**In deciding whether or not you need an operator's licence, you should firstly consider whether your equestrian activity is very much a hobby, and if you can reasonably be deemed to have amateur status. If it's the case that your expenditure is more than you could ever hope to gain in prize-money or sponsorship, and you don't consider your activity to be a business, then you don't need an operator's licence. This should account for most people who transport horses as part of their hobby.**

Where it is evident that any prize-money does not form part of an expected income in connection with what is clearly an amateur activity (and those winnings are only ever on an incidental basis), then an operator's licence will not be required.

Where the user and rider has turned professional, where their success has attracted corporate sponsorship, or they are receiving any other form of corporate support, then this may be perceived as having a commercial element to it, so an operator's licence would then be required.



**Please note:** you need an operator's licence even if you use a vehicle for hire or reward only for a short period, such as two or three weeks or even just one day.

\*You are the vehicle user if it is owned or hired by you, or if you employ the driver.



## Transporting horses on behalf of others

Where transport is in connection with an amateur activity and for nothing more than fuel money (purely to cover costs), then an operator’s licence will not be required. However, where there is a commercial element to horse transport, when horses are being transported in return for financial payment, then an operator’s licence will be needed.

Where horses are being transported as part of a business, a standard goods vehicle operator’s licence (national or international) is required. (see our companion guide “Goods Vehicle Operator Licensing – A Guide for Operator’s (GV 74) for further information on the different licence types, together with their respective requirements)



**Important** – Where the user of a vehicle combines the use of a horsebox for amateur purposes and a business (e.g. a farm, livery stables or any other related business), a goods vehicle operator’s licence will be required, irrespective of how frequently that vehicle may be used in connection with the business.

## Transporting horses to the farrier or vet

When you are transporting your own horse to the farrier or vets an operator’s licence will not

be required, where it is clear that the vehicle is for private use and not in connection with a business and where it is also clear that you are not transporting someone else’s horse for payment.

## Dual-purpose vehicle and trailer combinations

**A dual purpose vehicle and any trailer drawn by it, is identified as being exempt from operator licensing under existing legislation. Therefore, where you use a 4x4 and trailer, an operator’s licence will not be required.**

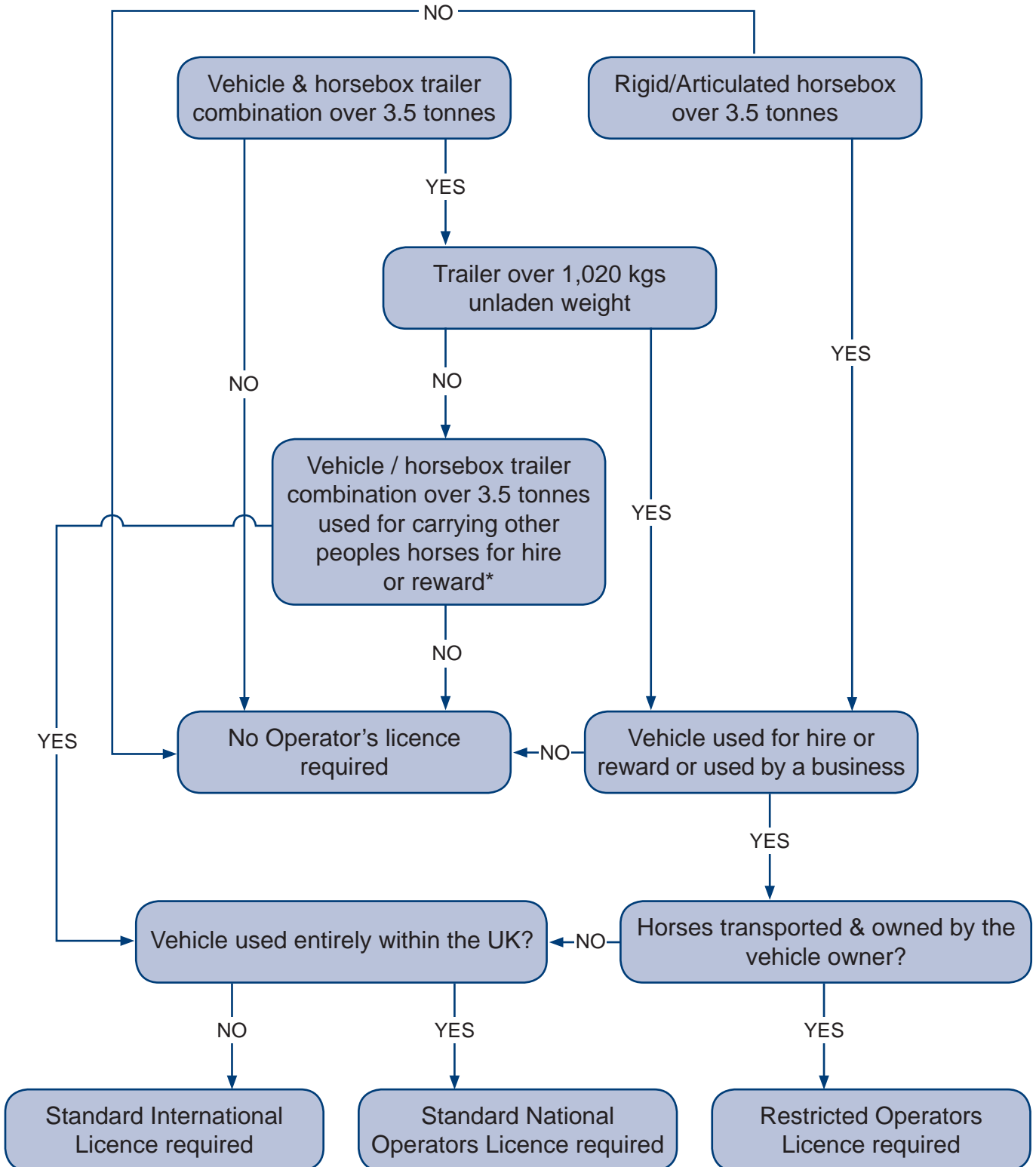
Examples of dual purpose vehicles can include 4x4 all-terrain vehicles or even estate cars – vehicles which are constructed or adapted for the carriage of both goods and passengers.

## Operator Licensing System

The **licensing system** is run in the following way:

- ▶ Great Britain is divided into eight Traffic Areas. Northern Ireland is covered by a separate licensing system.
- ▶ The person who issues licences in each area is called the ‘**Traffic Commissioner**’. This is an independent person appointed by the Secretary of State for Transport.

## Flow diagram for O-licensing



\* Where the vehicle or combination is over 3.5 tonnes and is used for hire or reward (i.e. paid horse transport), a standard licence will be required – irrespective of the weight of the trailer.

## Case study #1 - the amateur competitor

Karen is the owner of a horse that she regularly transports to competitions, using a 7.5 tonne gross vehicle weight horsebox. She considers this very much to be her hobby, travelling to events mainly at weekends. She wins some prize-money occasionally, which goes towards the upkeep of her horse and transportation costs. From time to time, she also transports her friend's horse, which enables them to share the fuel costs. Karen doesn't have an operator's licence and doesn't use the tachograph which is fitted in the vehicle.

The circumstances under which Karen uses her horsebox mean that she doesn't need to be authorised by a goods vehicle operator's licence. She doesn't transport her horse, or any other horse, as part of any business venture. As such, she can't be construed to

be doing it for hire or reward or in connection with a trade or business, which is the main criteria for requiring an operator's licence. She does attract some very modest income from time to time in the form of the occasional prize-money or small fuel contribution, but these sums of money are not enough to take her into the realms of operating commercially.

She is also entitled not to use the tachograph which is installed in the vehicle because the weight of the vehicle doesn't exceed 7.5 tonnes and she isn't operating on a commercial basis.

Karen does, however, need to ensure that her horsebox is maintained in a roadworthy condition and that she has at least category C1 entitlement on her driving licence.





## Case study #2 - the part-time breeder

Joan's main occupation is a vet, but she's also a breeder, who regularly transports her stallion, mare and progeny to shows mainly in the North East of England (but can go further afield) in an 18 tonne gross weight horsebox. Showing the horses increases the stud value of the stallion and she sells the progeny of the mare. She never transports horses for anyone else. Sometimes she makes a profit, but she can very often just break even and has also been known to make a loss.

Although Joan's main income comes from being a vet, breeding horses is also deemed to be a business venture for which she needs the authority of a goods vehicle operator's licence. As Joan only ever transports her own horses in connection with her own business, she needs only a restricted operator's licence. A restricted operator's licence is required under circumstances where a horsebox is used for transporting horses, but where that transport is incidental to the main business. So for

Joan, that means because she's a breeder and not a horse transporter, the transport is incidental to her overall business, so a restricted licence is appropriate.

Also, the fact that Joan is running a vehicle over 7.5 tonnes in connection with a business means that she needs to use the tachograph and adhere to the EU drivers' hours rules. The main implication of this is that Joan needs to factor in a weekly rest period of at least 45 hours (reductions apply with specific caveats – see section on drivers' hours on the next page).

As the holder of a goods vehicle operator's licence, Joan needs to ensure that her vehicle is kept and maintained in a condition appropriate for the conditions applicable to that licence.

Joan would also need to have category C entitlement (for goods vehicles in excess of 3.5 tonnes) on her driving licence.



# Drivers' hours and tachographs

- ▶ **The rules on EU drivers' hours and tachographs exist to govern the driving hours and rest periods of drivers who drive commercial goods vehicles, which can include some horseboxes**
- ▶ **You do not have to conform to these rules if you drive a horsebox up to 7.5 tonnes gross vehicle weight for personal use**
- ▶ **Like operator licensing, EU drivers' hours and tachographs are not intended to cover most people whose equestrian activities are no more than leisure pursuits**
- ▶ **Horsebox drivers who are governed by the rules must be able to ensure minimum weekly rest periods are taken.**

Vehicles with a gross vehicle weight exceeding 3.5 tonnes, or vehicle and trailer combinations with a gross train weight of more than 3.5 tonnes when used in connection with the carriage of goods or burden, are required to have tachographs fitted, and the drivers are required to adhere to the EU Drivers' Hours Rules. However, there are several exemptions which apply to specific types of operation.

Prior to the new drivers' hours legislation coming into force in April 2007, the old legislation exempted all horseboxes over 3.5 tonnes gross vehicle weight, whilst being used for personal use, from the requirement to use tachographs and adhere to EU drivers' hours rules. This meant that drivers of all non-commercial horseboxes could work Monday to Friday and transport their horses at the weekends without regard to weekly rest periods.

In April 2007, the European Union introduced a new piece of legislation on drivers' hours which also included the exemption for personal

use, but made it more restrictive in that the non-commercial element of that provision only now extends to vehicles up to 7.5 tonnes gross vehicle weight. Consequently, all drivers of horseboxes exceeding 7.5 tonnes need to adhere to the rules on drivers' hours and tachographs.

For vehicles or vehicle and trailer combinations with a gross or train weight of more than 3.5 tonnes and up to 7.5 tonnes, tachographs are not required to be fitted and the EU Drivers' Hours rules don't apply when that vehicle or vehicle combination is used on a non-commercial basis. When deciding whether or not a vehicle is legitimately used non-commercially, we must apply the same criteria as we do for the application of goods vehicle operator licensing – is the vehicle used for hire or reward or in connection with a trade or business?

Where a person drives a vehicle which is in scope of the EU drivers' hours rules, not only do the rules apply for the whole of that day, they must also abide by the rules on weekly rest for that week – this has always been the case. From a very basic perspective, the EU rules require a driver to take a weekly rest period of at least 45 hours – that is an uninterrupted period which is legally referred to as a "regular weekly rest period". There are however, various other rules which mean that a weekly rest period needn't always be at least 45 hours, and these are explained later.

So, for anyone who works full-time during the week and drives a horsebox which is in scope of the drivers' hours rules at the weekend, the hours they spend driving that vehicle at the weekend may be restricted. If that person started work at 09:00 on a Monday morning for example, they would need to have completed any in-scope driving by 12:00 on the previous Saturday in order to fit in the required 45-hour rest period.

However, that same person can legally take a reduced weekly rest period of at least 24 hours once every other week on condition that the reduction is paid back within three weeks. That

being the case, it would be acceptable for a full time worker to use a horsebox up until 09:00 on the Sunday prior to starting work on the Monday. It's important to realise that reductions can't be taken in any two consecutive weeks, and that any reduction must be compensated by an equivalent period taken all at once before the end of the third week following the reduction.

For example, where a driver reduces a weekly rest period to 33 hours in week 1, he must compensate for this by attaching a 12-hour period of rest to another rest period of at least 9 hours before the end of week 4. This compensation cannot be taken in several smaller periods.

	Week 1	Week 2	Week 3	Week 4
Weekly rest	33 hours	45 hours	45 hours	45 hours + 12 hours' compensation

## Weekly driving limit

The maximum weekly driving limit is **56 hours**, which applies to a fixed week (see below).

A **fixed week** starts at 00.00 on Monday and ends at 24.00 on the following Sunday.

The following diagram shows an example of how this might be achieved:

Sun	Weekly rest
Mon	9 hours' driving
Tue	10 hours' driving
Wed	9 hours' driving
Thu	9 hours' driving
Fri	10 hours' driving
Sat	9 hours' driving
Sun	Weekly rest

Total weekly hours =  $(4 \times 9) + (2 \times 10) = 56$ .

The rules on weekly rest are summarised as follows;

- ▶ A driver must start a weekly rest period no later than at the end of six consecutive 24-hour periods from the end of the last weekly rest period.
- ▶ In any two consecutive 'fixed' weeks a driver must take at least two regular weekly rest periods, or one regular and one reduced rest period.
- ▶ A regular weekly rest period is a period of at least 45 consecutive hours.
- ▶ A reduced weekly rest period is a period of at least 24 consecutive hours, but less than 45 hours.
- ▶ If a reduced rest is taken, the reduction must be compensated by an equivalent period taken in one block before the end of the third week following the week in question.
- ▶ A fixed week is the period 00:00 hours on Monday until 24:00 hours on Sunday.
- ▶ The working week is not required to be aligned with the fixed week – midweek weekly rest periods are perfectly acceptable.
- ▶ A weekly rest period which falls over two fixed weeks may be counted in either but not both.

By way of an example, if a horsebox in excess of 7.5 tonnes gross vehicle weight is driven on a Saturday following a week working in an office, then that driver must ensure that a weekly rest is taken in line with the EU rules before the end of the week. Although the rules on weekly rest say that 45 continuous hours must be taken, this can be reduced lawfully to 24 hours under many circumstances which affect occasional drivers, thus permitting the above example. What wouldn't be possible is the same person driving a horsebox on a Sunday, as there would be insufficient time remaining to take even a reduced weekly rest period of at least 24 hours.

The table below summarises the current limits on drivers' hours as specified by the EU rules



## Summary of EU limits on drivers' hours

Breaks from driving	A break of no less than 45 minutes must be taken after no more than 4.5 hours of driving. The break can be divided into two periods – the first at least 15 minutes long and the second at least 30 minutes, taken over the 4.5 hours.
Daily driving	Maximum of 9 hours, extendable to 10 hours no more than twice a week.
Weekly driving	Maximum of 56 hours.
Two-weekly driving	Maximum of 90 hours in any two-week period.
Daily rest	Minimum of 11 hours, which can be reduced to a minimum of 9 hours no more than three times between weekly rests. May be taken in two periods, the first at least 3 hours long and the second at least 9 hours long. The rest must be completed within 24 hours of the end of the last daily or weekly rest period.
Multi-manning daily rest	A 9-hour daily rest must be taken within a period of 30 hours that starts from the end of the last daily or weekly rest period. For the first hour of multi-manning, the presence of another driver is optional, but for the remaining time it is compulsory.
Ferry/train daily rest	A regular daily rest period (of at least 11 hours) may be interrupted no more than twice by other activities of not more than 1 hour's duration in total, provided that the driver is accompanying a vehicle that is travelling by ferry or train and has access to a bunk or couchette.
Weekly rest	A regular weekly rest of at least 45 hours, or a reduced weekly rest of at least 24 hours, must be started no later than the end of six consecutive 24-hour periods from the end of the last weekly rest. In any two consecutive weeks a driver must have at least two weekly rests – one of which must be at least 45 hours long. A weekly rest that falls across two weeks may be counted in either week but not in both. Any reductions must be compensated in one block by an equivalent rest added to another rest period of at least 9 hours before the end of the third week following the week in question.

## Roadworthiness and annual testing (plating)

- ▶ Many horseboxes are only used occasionally, so users need to be extremely vigilant to basic vehicle maintenance
- ▶ It's good practice to form the habit of basic checks, as detailed below, prior to using your horsebox
- ▶ Good vehicle maintenance will ensure conformance to legal requirements and the improved safety of your horse.

The welfare of your horse is important to you. With high quality stabling and the best possible veterinary care, you can ensure your horse is comfortable and healthy, but what happens when you are on the move? How safe is your horsebox or trailer?

As the government agency responsible for vehicle safety and environmental standards,

VOSA carries out a test every year on your horsebox to make sure it meets minimum road safety and environmental standards. In addition to annual testing, VOSA also undertakes regular roadside checks throughout the entire GB road network, where your vehicle could be the subject of a routine inspection.

If VOSA identifies any fault that could cause danger or damage to the environment at the annual test, we will ask you to have it repaired before the MOT certificate is issued. If the fault is more serious, you will need to arrange recovery from the testing station. If defects are identified during routine mechanical inspections, your vehicle could be the subject of a vehicle prohibition, making its further use illegal until such times as the defect is rectified.

Having your horsebox properly checked and serviced by a qualified mechanic before the annual test will help to ensure it is in good enough condition to pass. Similarly, frequent checks on the vehicle components which are more likely to become defective, should also prevent enforcement action should your vehicle become the subject of a routine inspection.



IMAGE: HORSE & HOUND / WWW.HORSEANDHOUND.CO.UK

## Drivers' walkaround check and pre-planting inspection for large horseboxes

### SPEEDLIMITER

If the vehicle has a speedlimiter installed, check it has the appropriate calibration plaque and seals.

### SPEEDOMETER

Make sure the speedometer illuminates.

### REFLECTORS

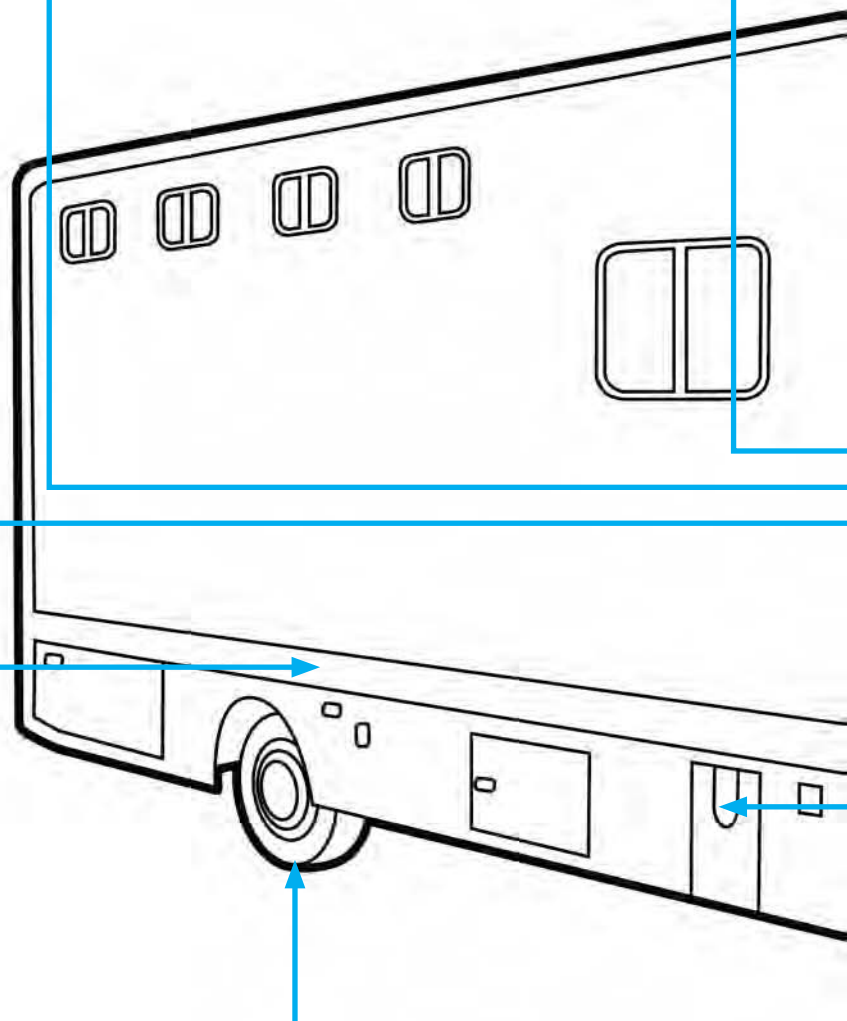
Check for obvious missing reflectors at the rear and the sides of your vehicle.

### WHEELS & TYRES

Check the wheel nuts for security and ensure the tyre pressures are correct. Use your vehicle regularly and park with the wheels in alternating resting positions. Parking your vehicle out of direct sunlight can also help your tyre sidewalls from perishing. Check tyre tread depth is at least over 1mm.

### PARKING BRAKE (HANDBRAKE)

Regular use of your vehicle can help keep the handbrake efficient. Check the condition of the parking brake (handbrake) brake application.



### SUSPENSION

Check to see if the vehicle is sitting square or lopsided. Listen for knocking sounds when the vehicle is in motion.

## STEERING MECHANISM

Check for obvious oil leaks and any unusual knocking noises when driving.

## SERVICE & SECONDARY BRAKES (FOOTBRAKE)

Regular use of your vehicle can help maintain the braking efficiency by preventing the moving parts of the braking system from seizing.

## BRAKE SYSTEMS

Check for air and fluid leaks and drain air tanks if required.

## TACHOGRAPH

If there is a tachograph installed, check to see that your use of the vehicle makes it exempt. If your vehicle is fitted with a tachograph but you only use the instrument as a speedometer, you must ensure that all the seals are intact, and that it has been calibrated and fitted with both the calibration and K factor plaques.

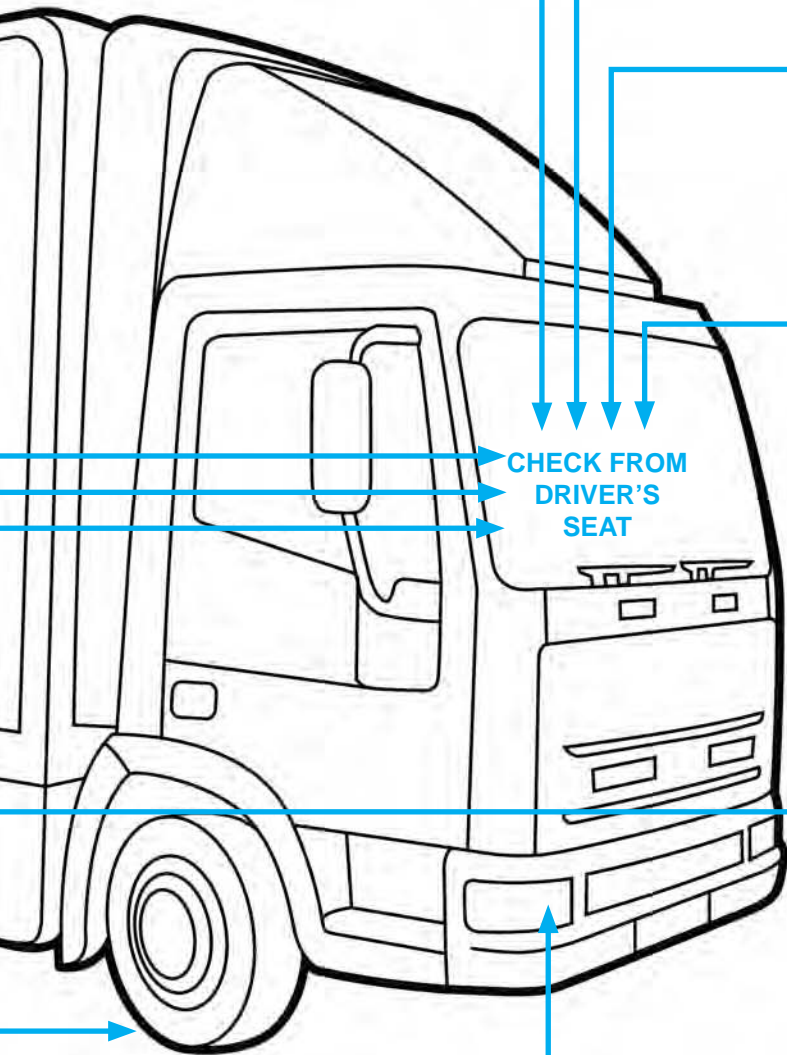
**Note:** There is no exemption for vehicles over 7500kg GVW.

## FUEL SYSTEMS

Check that the fuel cap has a seal fitted and has no obvious fuel leaks. Check that no black smoke is coming from the exhaust pipe as well as the security and condition of the exhaust system.

## HEADLIGHTS & LAMPS

Check that they work and are the right colour. Look for faded and broken lenses.



## Drivers' walkaround check for trailers

### ELECTRICAL CONNECTIONS

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Check connections are secure, in good condition and cannot snag or become taut in normal use.

### JOCKEY WHEEL

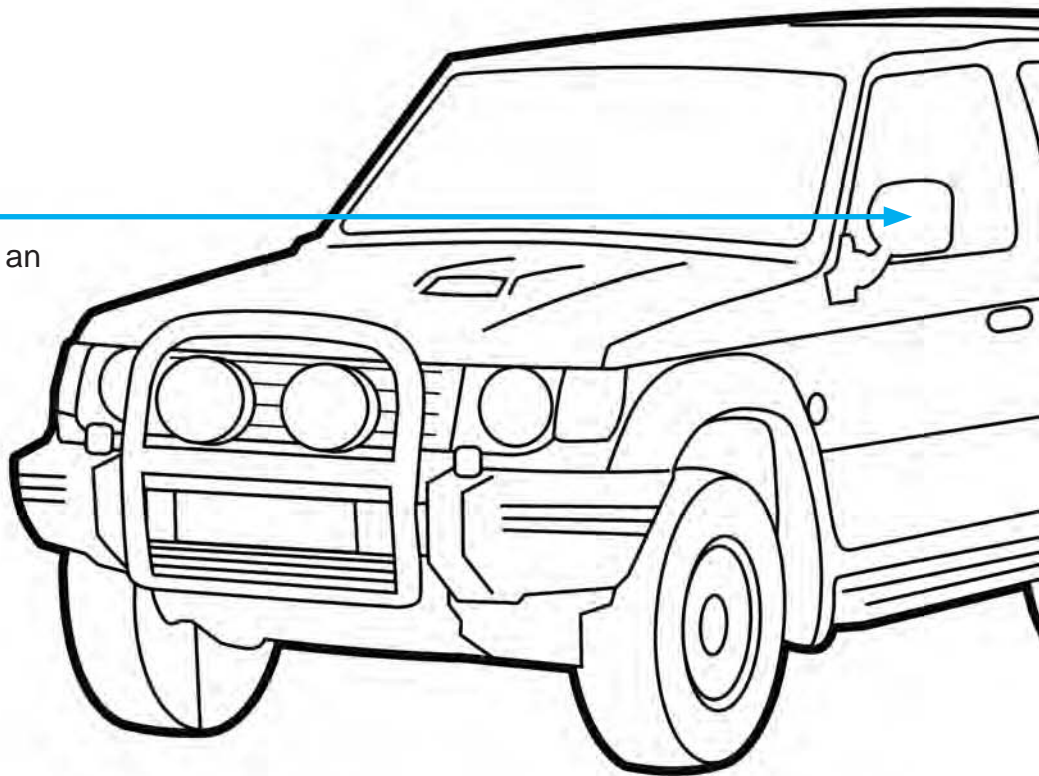
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Check the jockey wheel is present, secure, operational and in good condition.

### MIRRORS

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Are towing mirrors required for an adequate view to rear?



### BODY CONDITION

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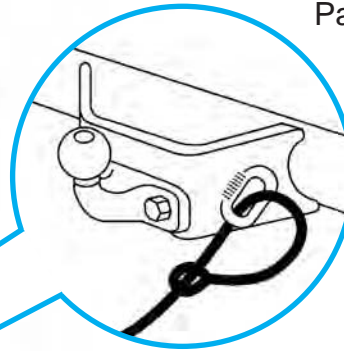
Check the overall security; that the access doors are secured; and that glass panels are secure and in good condition.



## VEHICLE TO TRAILER COUPLING

Check for condition and security. Check breakaway cable is properly attached and cannot snag or become taut in normal use.

Pass the cable through the attachment point and clip it back on itself.



## REFLECTORS

Check reflectors are all present; of the correct type and colour; in good condition; clean and secure.

## FRONT + REAR LIGHTS

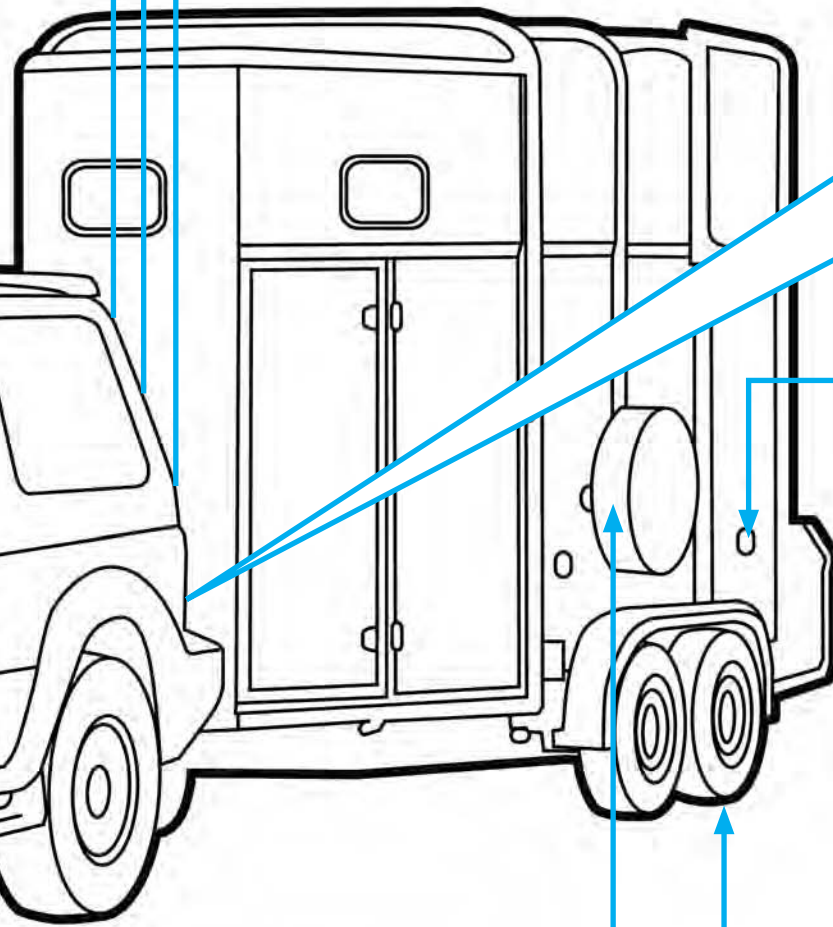
Check all lights are present, secure and operational.

## TYRE + WHEEL FIXING

Check tyres and wheels are fixed, secure and in good condition. Check tyre tread depth is at least over 1.6mm.

## EXTERIOR SPARE WHEEL + CARRIER

Check the exterior spare wheel and carrier are both secure.



## Vehicle weights

- ▶ Horsebox users should be vigilant to maximum vehicle weights as many could be unwittingly overloaded on a regular basis.
- ▶ The combined actual weight of towing vehicle and trailer combinations should never exceed the maximum train weight of the towing vehicle.

The law stipulates that goods vehicles should never be loaded in excess of their maximum permitted ministry plated weights or manufacturers' plated design weights. Weight limits exist to reduce damage to roads and bridges, to protect the environment, to improve road safety and to help ensure fair competition.

Manufacturers or ministry plates (these are usually fixed to the inside of the passenger door frame) specify the weights which should be adhered to on every vehicle. For example, a vehicle manufacturer's plate will give you the following information about the appropriate weights pertaining to your vehicle:

Manufacturer's Name.....	Chassis No.....
GVW/GVM 1695	
GVW/GTM 2895	
AXLE 1 – 0890	
AXLE 2 - 0880	

In this example, the first weight (gross vehicle weight of 1695 kgs) is the maximum weight of the vehicle on its own plus any load. The

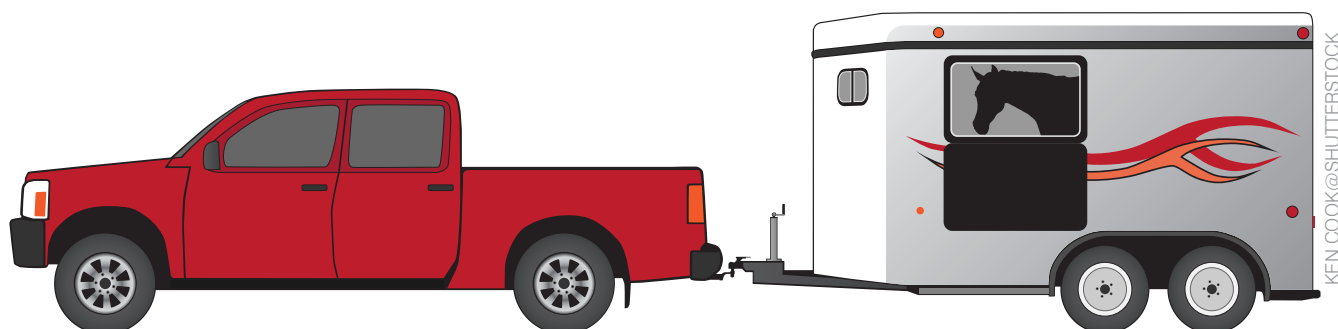
second weight, (gross train weight of 2895 kgs), is the maximum weight of the vehicle and any trailer that is attached plus any load. The third weight (890 kgs) is the maximum for the 1st axle of the vehicle, and the final weight (880 kgs) is the maximum weight for the rear axle.

These weights must not be exceeded on public roads. It's important to also appreciate that these weights include the driver, any passengers, loads and fuel.

Trailers may also have plates showing similar information with regard to the maximum weight they can carry, together with maximum capacity of each axle.

It is perfectly acceptable for a goods vehicle to be used with a maximum plated train weight of less than the combined plated gross weights of the vehicle and trailer, as long as the trailer isn't actually loaded to the extent that its actual weight would exceed the maximum threshold of the towing vehicle's maximum plated train weight.

For example, a towing vehicle with a plated gross weight of 3 tonnes and a plated train weight of 5 tonnes, could feasibly tow a trailer with a maximum gross weight of 3.5 tonnes. However, if both the vehicle and trailer in the combination were loaded to their respective maximum gross weights, then the combination's maximum train weight would be exceeded by 1.5 tonnes. It's the actual weight of the vehicle and load which is important in determining a vehicle's compliance with legal weight thresholds, not the potential carrying capacity.



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# Certificates of competence

There are three types of Certificate of Competence that could apply to drivers and/or operators of horseboxes:

- 1) Certificate of Competence (Coffs) for the handling and transportation of horses
- 2) Driver CPC in relation to driving standards for professional drivers
- 3) Transport Manager's or operator's CPC in relation to the standards applying to transport operations

## 1) Certificate of Competence for the handling and transportation of horses

Regulation (EC) 1/2005 applies to those people that transport horses in connection with a business or trade. The regulations don't apply to those who transport horses in relation to non-economic purposes e.g. to and from a specialist show or competition (even where they may win a minor cash prize). However, welfare protection for journeys made in relation to non-business transportation is afforded through provisions set down in WATEO 2006.

This regulation requires those handling and transporting horses to be trained in the relevant parts of the regulation's technical rules. Specifically: fitness to travel; means of transport; use of its facilities; loading, unloading and handling; watering and feeding intervals; journey times and rest periods; space allowances and documentation.

The Regulation requires those handling and transporting horses on journeys of over 65km (40 miles) to be independently assessed in their competence and in possession of a Certificate of Competence (Coffs). This requirement applies to both drivers and attendants.

There are two types of competence assessment:

- ▶ For journeys over 65km (40 miles) and up to eight hours.
- ▶ For journeys over eight hours.

For those undertaking journeys over 65km (40 miles) and up to eight hours, assessment is in the form of a theory test. For those undertaking journeys over eight hours, assessment is in the form of an advanced theory test together with an additional practical element covering assessment of animal handling, and if opted for, driving skills.

Contact details for the awarding bodies and further information on training and competence assessment under Regulation 1/2005 can be found in the DEFRA guidance note on implementation of the Regulation at: <http://www.defra.gov.uk/publications/2011/06/13/pb13550-animal-welfare-transport/>

## 2) Driver CPC in relation to driving standards for professional drivers

Driver CPC (Certificate of Professional Competence) has been introduced across the European Union to maintain high driving standards and improve road safety. All professional bus, coach and lorry drivers must hold a Driver CPC if they want to drive goods vehicles in excess of 3.5 tonnes or minibuses with 9 seats or more for a living. It doesn't affect people who drive vehicles for the non-commercial carriage of passengers or goods for personal use.

Drivers affected by the rules need to pass the Driver CPC theory and practical tests in addition to the licence acquisition theory and practical tests if they intend to drive professionally. Once they have passed these tests they will also need to undergo ongoing periodic training to keep your Driver CPC qualification.



### 3) Transport manager's or operator's CPC for standards applying to transport operations

A certificate of professional competence (CPC) in relation to a transport operation is the qualification a transport manager must have in order to demonstrate that they have the skills and knowledge necessary to manage that operation. It is one of the fundamental requirements for applicants for goods vehicle operator's licences.

A person can be professionally competent for national operations only, or for both national

and international operations. If a transport manager has a certificate of professional competence for national operations only, they can be nominated on a standard national licence. If they have professional competence for both national and international operations, they can also be nominated on a standard.

More information on goods vehicle operator licensing and CPC requirements can be obtained using the following link:  
<http://vibbpcms02/vosa/publications/manualsandguides/operatorlicensingguides.htm>

# Other requirements

## Driver licensing

You need to ensure that you have the correct licence for the size and type of vehicle you are using, and how it is being used.

The driver of a vehicle with a gross vehicle weight of up to 3.5 tonnes requires only a category B licence. (ordinary private car licence)

Vehicles between 3.5 tonnes and 7.5 tonnes can be driven by holders of C1 category licences. Drivers covered by this category are permitted to tow trailers of up to a maximum gross weight of 0.75 tonnes. Drivers who passed their driving test for a category B licence after 1 January 1997 stopped receiving automatic entitlement to drive category C1 vehicles.

With the exception of those drivers with category C1 entitlement, all drivers of goods vehicles with a maximum gross weight of more than 3.5 tonnes require a category C licence.

For more in-depth guidance on driver licensing please refer to the DVLA website via the following link;

[http://www.direct.gov.uk/en/Motoring/Drivingforaliving/Drivinglorriesbusesandcoaches/DG\\_4022548](http://www.direct.gov.uk/en/Motoring/Drivingforaliving/Drivinglorriesbusesandcoaches/DG_4022548)



## Speed limiters

From 1 January 2008, all goods vehicles with a gross weight in excess of 3500 kgs are required to have a speed limiter installed and working. The set speed of a limiter depends on the age of the vehicle, and the exact requirements are detailed in the following table.

Gross Vehicle Weight	First Registered	Set Speed
All vehicles over 3500 kgs	From 1 Jan 2005	90 kph / 56 mph
Vehicles between 3501 kgs & 7500 kgs	From 1 Oct 2001 & 31 Dec 2004	90 kph / 56 mph
Vehicles Between 7501 kgs & 12000 kgs (with Euro 3 diesel or gas engine)	Between 1 Aug 1992 & 30 Sept 2001	96.5 kph / 60mph
All vehicles between 7501 kgs & 12000 kgs	Between 1 Oct 2001 & 31 Dec 2004	90 kph / 56 mph
All vehicles over 12000 kgs	1 Jan 1998	90 kph / 56 mph

## National speed limits

Type of vehicle	Built-up areas *	Single carriage-ways	Dual carriage-ways	Motorways
	mph (km/h)	mph (km/h)	mph (km/h)	mph (km/h)
Vehicle with a trailer up to 7.5 tonnes train weight	30 (48)	50 (80)	60 (96)	60 (96)
Horsebox without a trailer up to 7.5 tonnes train weight	30 (48)	50 (80)	60 (96)	70 (112)
Horsebox with or without a trailer exceeding 7.5 tonnes train weight	30 (48)	40 (64)	50 (80)	60 (96)

\* The 30 mph limit usually applies to all traffic on all roads with street lighting unless signs show otherwise.

## Seat belts

Drivers and passengers of horseboxes need to adhere to the following requirements in relation to seat belts;

Belts in vehicle first used:	before 1/4/1967	1/4/1967 to 31/3/1980	1/4/1980 to 31/3/1981	1/4/1981 to 31/3/1987	1/4/1987 to 30/9/2001	after 1/10/2001
Driver	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>D</b>	<b>F</b>
Front passenger (furthest from the driver)	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>D</b>	<b>G</b>
Other front passengers	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>E</b>	<b>H</b>
Rear passengers	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>

### Key:

**A** - No belt required

**B** - In vehicles with unladen weight not exceeding 1525kg - 2 point belt (diagonal body restraining).  
In vehicles with unladen weight exceeding 1525kg - no belt required.

**C** - In vehicles with a maximum gross weight not exceeding 3500kg - 2 point belt (diagonal body restraining).  
In vehicles with a maximum gross weight exceeding 3500kg - no belt required.

**D** - In vehicles with a maximum gross weight not exceeding 3500kg

- 3 point belt (lap and diagonal).  
In vehicles with a maximum gross weight exceeding 3500kg - no belt required.

**E** - In vehicles with a maximum gross weight not exceeding 3500kg - 3 point belt, lap belt or disabled person's belt.

In vehicles with a maximum gross weight exceeding 3500kg - no belt required.

**F** - In vehicles with a maximum gross weight not exceeding 3500kg - 3 point belt (lap and diagonal).  
In vehicles with a maximum gross weight exceeding 3500kg - 3 point belt (lap and diagonal) or lap belt.

**G** - In vehicles with a maximum gross weight not exceeding 3500kg - 3 point belt (lap and diagonal).  
In vehicles with a maximum gross weight exceeding 3500kg - 3 point belt (lap and diagonal), lap belt or disabled person's belt.

**H** - 3 point belt (lap and diagonal), lap belt or disabled person's belt.

- ▶ all goods vehicles over 3.5 tonnes and first used on or after 1 October 1988 need to have seat belts fitted and used in respect of all forward facing seats.
- ▶ all private cars and 4 x 4 type vehicles, regardless of when they were first used, must have seat belts fitted and used in respect of the drivers seat and any passenger seat.
- ▶ all private cars and 4 x 4 type vehicles, first used on or after 1 April 1982, must have seat belts fitted and used in respect of all forward facing seats.

## Large coach-built horseboxes

Some larger coach-built horseboxes have a separate accommodation area. Although it is not specifically illegal to travel in this

accommodation area, you should bear in mind that this area would not have been specifically designed for use when travelling and Regulation 100 of the Road Vehicles (Construction & Use) Regulations 1986 (SI 1986 No. 1078) may apply. In summary, this regulation requires that:

a motor vehicle, and all its parts and accessories; the number of passengers carried, and the manner in which any passengers are carried in or on a vehicle; and the weight, distribution, packing and adjustment of the load of a vehicle, to be at all times such that no danger is caused, or is likely to be caused, to any person in or on a vehicle or on a road.

Our advice is that passengers are safest in a forward or rearward facing seat equipped with a three-point seat belt. Seat belt anchorage points should be designed so that they will be capable of withstanding the high forces of an impact and seat belts must comply with the latest British or European standards and be marked accordingly with either the 'e', 'E' or BS 'Kitemark'. We strongly recommend that seat belts and anchorages are professionally installed by qualified persons (such as a commercial garage or seatbelt specialist).

Although side facing seats, with or without seat belts, are not illegal, we would not advise that they are used. This is because seat belts are not designed to be used with such seats. In the event of an accident, seat belts on these side facing seats may help to prevent the wearer being thrown around the vehicle or from being ejected, but in a frontal crash they can increase injury risk by subjecting vulnerable parts of the body to higher loads than seat belts used on forward facing seats.

If you intend to carry children aged 12 years or under, the seat belt wearing regulations require them to use a suitable child restraint. You should bear in mind that child restraints cannot be fitted to side facing seats. In order to fit the required child restraints, you would need to have forward or rearward facing seats with full three point seat belts.

## Enforcement

VOSA has the power to prohibit vehicles from further use where serious mechanical defects, overloading and drivers' hours offences are detected.

As a last resort, VOSA may even consider impounding a vehicle where an operator has failed to run that vehicle without the authority of an operator's licence. Impounding action however, is likely only to occur where an operator has failed to apply for a licence even after being prosecuted for the offence.

On 1 April 2009 the graduated fixed penalty, deposits and immobilisation scheme (GFP/DS) was launched. The Road Safety Act 2006 introduced powers to enable both police constables and VOSA examiners to;

- ▶ Issue fixed penalties in respect of both non-endorsable and endorsable offences.

- ▶ Request immediate financial deposits from non-UK resident offenders (equivalent to an on-the-spot fine), either in respect of a fixed penalty or as a form of security in respect of an offence which is to be prosecuted in court
- ▶ Immobilise vehicles in any case where a driver or vehicle has been prohibited from continuing a journey, or in any case where a driver declines to pay the requested deposit. There are various offences covered by the scheme which are all driver related. The scheme includes offences such as failing to have a tachograph installed, failing to produce a driver CPC and failure to comply with the Construction and Use Regulations.

On some occasions, VOSA may even prosecute vehicle operators and drivers for some offences, some of which can lead to a maximum fine of **£5000** and/or **two years imprisonment**.





# Annex

Useful Contacts and Additional Information

## Operator licensing

Publications on operator licensing can be viewed and downloaded from <http://www.dft.gov.uk/vosa> by following the pathway:

- ▶ Publications>Manuals and guides> Operator Licence guides

If you have a query about operator licensing contact the following address:

**Central Licensing Office  
Hillcrest House  
386 Harehills Lane  
Leeds  
LS9 6NF**

## Drivers hours and tachographs

Publications on drivers' hours and tachographs can be downloaded from <http://www.dft.gov.uk/vosa> by following the pathway:

- ▶ Publications>Manuals and guides> Drivers' hours and tachograph guides

A full list of approved tachograph centres, together with a list of approved speed limiter centres, can also be downloaded using the same pathway.

## Roadworthiness

The VOSA publication on the "Guide to Maintaining Roadworthiness" can be downloaded from <http://www.dft.gov.uk/vosa> by following the following pathway:

- ▶ Publications>Manuals and guides> Operator Licensing Guides

## Driver licensing

Driver licence information is available from <http://www.direct.gov.uk> by following the pathway:

- ▶ Motoring>Driver Licensing

## Business Information

A wide range of information on transport as a business can be found on:

<http://www.businesslink.gov.uk/transport>

**Visit our websites:**

for commercial customers  
**[www.businesslink.gov.uk/transport](http://www.businesslink.gov.uk/transport)**

for private motorists  
**[www.direct.gov.uk](http://www.direct.gov.uk)**

for corporate information  
**[www.dft.gov.uk/vosa](http://www.dft.gov.uk/vosa)**

**Contact us:**

E-mail  
**[enquiries@vosa.gov.uk](mailto:enquiries@vosa.gov.uk)**

National Number  
**0300 123 9000\***

Monday to Friday - 7.30am until 6.00pm  
(normal working hours)



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