



STATUTORY INSTRUMENTS.

**S.I. No. 398 of 2018**



ROAD TRANSPORT (OPERATOR'S LICENCE APPLICATION)  
REGULATIONS 2018

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I, SHANE ROSS, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by section 2(6) and (6A) (inserted by section 19 of the Road Transport Act 2011 (No. 31 of 2011)) of the Road Traffic and Transport Act 2006 (No. 28 of 2006) (as adapted by the Transport (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 141 of 2011)), hereby make the following regulations:

1. These Regulations may be cited as the Road Transport (Operator's Licence Application) Regulations 2018.

2. In these Regulations—

“accountancy body” means prescribed accountancy body within the meaning of section 900(1) of the Companies Act 2014;

“annual accounts” means a balance sheet and profit and loss account;

“auditor” means a statutory auditor within the meaning of the Companies Act 2014;

“Department” means Department of Transport, Tourism and Sport;

“duly accredited person” means a person who—

- (a) has been admitted as, and is, a member of an accountancy body,
- (b) is for the time being practising in the profession of accountancy,
- (c) is not and never has been a relevant person or an employee of the undertaking in respect of which he or she is certifying the annual accounts or the statement of affairs,
- (d) is maintaining such minimum level of professional indemnity insurance as is required by the accountancy body concerned, and
- (e) is the holder of a certificate to practice accountancy, for the time being in force, issued by an accountancy body;

“holder of a specified position” has the meaning given to it by the Regulations of 2018;

“Regulations of 2018” means European Union (Occupation of Road Transport Operator) Regulations 2018 (S.I. No. 265 of 2018);

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 9th October, 2018.*

“relevant person” has the meaning given to it by the Regulations of 2018;

“statement of affairs” means a summary of the assets and liabilities of a road transport operator.

3. An application for an operator’s licence may be made electronically on the internet using an online application form or using a paper application form, each made available by the Department.

4. An application for a national or international road haulage operator’s licence shall be in the form contained in Schedule 1 and the operator shall provide in the application the information set out in that Schedule.

5. An application for a national or international road passenger transport operator’s licence shall be in the form set out in Schedule 2 and the operator shall provide in the application the information set out in that Schedule.

6. An application for an operator’s licence shall be accompanied by the relevant fee set out in the Road Transport Operator Licensing (Fees) Regulations 2015 (S.I. No. 460 of 2015) and the following documentation:

- (a) annual accounts relating to the operator’s business in respect of the financial year end to a date not more than 18 months prior to the date of application and certified by an auditor or a duly accredited person or, if the operator has traded for one year or less and does not have annual accounts, a statement of affairs, as at a date not later than one month prior to the date of application, certified by a duly accredited person;
- (b) a form, made available by the Department, completed by the operator or by any person holding a specified position with the operator authorising the National Vetting Bureau of the Garda Síochána to furnish the Department a statement that there is no criminal record information to disclose in respect of the operator in the State or elsewhere or a statement of criminal record information in the State or elsewhere;
- (c) a form, made available by the National Vetting Bureau of the Garda Síochána submitted to the Department, completed by the operator or by any person holding a specified position with the operator notifying the Department of any convictions for an offence—
  - (i) referred to in section 2(1) of the Road Transport Act 2011 (No. 31 of 2011), or
  - (ii) within the previous 5 years, specified in Schedule 1 to the Regulations of 2018,

committed by the operator or the person holding the specified position;

- (d) a form, made available by the Department, completed by the operator and by any person holding a specified position with the operator notifying the Department of any penalty for a serious infringement of the rules of the European Union relating to matters referred to in points (a) and (b) of the third subparagraph of paragraph (1) of Article 6 of Regulation (EC) No. 1071/2009 of the European Parliament and of the Council of 21 October 2009<sup>1</sup> which was incurred within the preceding 5 years in one or more other Member States;
- (e) a form, made available by the Department, completed by the operator notifying the Department of any convictions reported to the operator under section 3 of the Road Transport Act 2011;
- (f) if required by the Minister, evidence that the operator has leased or hired the vehicle being operated or intended to be operated under the licence;
- (g) if required by the Minister, evidence that the operator has adequate parking spaces and premises in the State for the vehicles being operated or intended to be operated under the licence;
- (h) if required by the Minister, in respect of passenger transport operators, a copy of the large public service vehicle licence held by the operator, in respect of the large public service vehicle (within the meaning of section 2 of the Road Traffic Act 1961 (No. 24 of 1961)) being operated or intended to be operated under the licence;
- (i) if required by the Minister, a copy of the approved policy of insurance (within the meaning of section 62 of the Road Traffic Act 1961) in respect of the vehicle being operated or intended to be operated under the licence;
- (j) a declaration by the operator that—
  - (i) all of the information provided in the application form is true and accurate, and where information is provided about any person in the application, the information is provided with the agreement of the person,
  - (ii) subject to subparagraph (iii), any changes in the details provided in the application shall be notified to the Department not later than one month from that occurrence,
  - (iii) any changes to vehicles being operated by the operator shall be notified immediately upon that occurrence to the Department,
  - (iv) the Department shall be informed of any conviction for an offence or a serious infringement committed by the operator or a relevant person as referred to in Regulation 6 of the Regulations of 2018,

<sup>1</sup>OJ No. L 300, 14.11.2009, p.52

- (v) confirms the operator's agreement that by providing the operator's tax reference number issued by the Revenue Commissioners, the Department may verify with the Revenue Commissioners that the operator is in compliance with obligations imposed on the operator by taxation requirements and has delivered all taxation returns to the Revenue Commissioners,
- (vi) the operator understands that the Department may undertake good repute checks on relevant persons before approving the application and during the validity of the licence,
- (vii) the operator agrees to abide by any terms and conditions attached to his or her licence, and
- (viii) the operator does not know of any reason why an operator's licence should not be granted to him or her.

7. The Road Transport (Road Freight Carrier's Licence Application Form) Regulations 1995 (S.I. No. 66 of 1995) are revoked.

## SCHEDULE 1

*Regulation 4*

## Road Haulage Operator Licence Application Form

<b>TYPE OF LICENCE REQUIRED</b>	
What type of licence is required?	National Road Haulage Operator Licence International Road Haulage Operator Licence
Previous Licence Number (if any)	

<b>APPLICANT DETAILS AND ESTABLISHMENT</b>	
Name of applicant	
Business address of applicant	
Eircode	
Registered Office address (if different from business address)	
Is the business a:	Sole Trader Company Co-operative Partnership
Office phone number	
Office fax number	
Office e-mail address	
In the case of a company, state the Companies Registration Office registration number	
If a trade or business name is registered with the Companies Registration Office, state the registration number	
If a trade or business name is registered with the Companies Registration Office, state the name	
<b>DETAILS OF SOLE TRADER, DIRECTORS, OR OTHERS IN THE BUSINESS</b>	
Name	
Address	
Eircode	
Mobile telephone number	
E-mail address	
Personal Public Service Number (PPSN)	
Date of Birth	
Position in firm	

<b>VEHICLES TO BE USED UNDER THE LICENCE</b>	
Vehicle Registration Number	
Is the vehicle leased or hired?	Yes No
Address where vehicles are normally parked	
I hereby declare that all vehicles to be used under the licence are insured to operate for hire or reward	Yes No

<b>FINANCIAL STANDING</b>	
Tax Reference Number	

<b>TRANSPORT MANAGER DETAILS</b>	
Name of transport manager	
Address	
Eircode	
Mobile	
Telephone	
E-mail address	
Personal Public Service Number (PPSN)	
Date of Birth	
Place of Birth	
Country of issue of Certificate of Professional Competence (CPC)	
Transport managers CPC number	
Date of issue of CPC	
Type of CPC	National International

## SCHEDULE 2

Regulation 5

## Road Passenger Transport Operator Licence Application Form

<b>TYPE OF LICENCE REQUIRED</b>	
What type of licence is required?	National Passenger Operator Licence International Passenger Operator Licence
Previous Licence Number (if any)	

<b>APPLICANT DETAILS AND ESTABLISHMENT</b>	
Name of applicant	
Business address of applicant	
Eircode	
Registered office address (if different from business address)	
Is the business a:	Sole Trader Company Co-operative Partnership
Office phone number	
Office fax number	
Office e-mail address	
In the case of a company, state the Companies Registration Office registration number	
If a trade or business name is registered with the Companies Registration Office, state the registration number	
If a trade or business name is registered with the Companies Registration Office, state the name	

<b>DETAILS OF SOLE TRADER, DIRECTORS, OR OTHERS IN THE BUSINESS</b>	
Name	
Address	
Eircode	
Mobile telephone number	
E-mail address	
Personal Public Service Number (PPSN)	
Date of Birth	
Position in firm	

<b>VEHICLES TO BE USED UNDER THE LICENCE</b>	
Vehicle Registration Number	
Is the vehicle leased or hired?	Yes No
Public Service Vehicle (PSV) licence valid until	



Address where vehicles are normally parked	
I hereby declare that all vehicles to be used under the licence are insured to operate for hire or reward	Yes No

<b>FINANCIAL STANDING</b>	
Tax Reference Number	

<b>TRANSPORT MANAGER DETAILS</b>	
Name of transport manager	
Address	
Eircode	
Mobile	
Telephone	
E-mail address	
Personal Public Service Number (PPSN)	
Date of Birth	
Place of Birth	
Country of issue of Certificate of Professional Competence (CPC)	
Transport managers CPC number	
Date of issue of CPC	
Type of CPC	National International



GIVEN under my Official Seal,  
4 October 2018.

SHANE ROSS,  
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These regulations prescribe the requirements that must be complied with in order to make an application for a road haulage transport operator's licence and a road passenger transport operator's licence in accordance with Section 2 (6) of the Road Traffic and Transport Act 2006 as amended by Section 19 of the Road Transport Act 2011.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
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DUBLIN  
PUBLISHED BY THE STATIONERY OFFICE  
To be purchased from  
GOVERNMENT PUBLICATIONS,  
52 ST. STEPHEN'S GREEN, DUBLIN 2.  
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)  
or through any bookseller.

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€3.05

