



Return this application to:
Road Transport Operator Licensing Unit
Department of Transport, Tourism and Sport
Clonfert House, Bride Street, Loughrea, Co. Galway H62 ET93

Application to Add, Change or Remove Director or Secretary of a Company; or Member of the Committee of Management or Secretary of a Cooperative

This is an application form to add, change or remove a Director or Secretary of a Company; or Member of the Committee of Management or Secretary of a Cooperative on a Road Haulage / Road Passenger Transport Operator Licence. Please complete in BLOCK CAPITALS. All documentation indicated in this form must be enclosed. Tick boxes as appropriate in this form.

Section 1 Licence Details	<u>Office Use Only</u>
<p>1A Name of Operator _____</p> <p>1B Road Haulage Operator Licence <input type="checkbox"/> Road Passenger Transport Operator Licence <input type="checkbox"/></p> <p>1C Licence No. _____</p> <p>1D National <input type="checkbox"/> International <input type="checkbox"/></p>	<div style="border: 1px solid black; height: 100px;"></div>

Section 2

I wish to make notification of (*tick as applicable*):

- **Change or addition of:** Director of Company Secretary of Company Member of a Cooperative
Secretary of a Cooperative ; or
- **Removal without replacement of:** Director of Company Secretary of Company Member of a Cooperative
Secretary of a Cooperative

Section 3 Details of Director/Secretary/Member to be removed and/or new Director/Secretary/Member (as applicable)

3A Where a Director/Secretary/Member is to be removed please enter his/her name and PPSN below:
Name: _____ PPSN: _____

Where there is a change or addition of Director/Secretary/Member, please enter the details of the new Director/Secretary/Member below and ensure that he/she completes a **Vetting Invitation Form** and a **Good Repute Declaration Form** (attached to this form).

3B Name _____

3C Address _____
_____ **3D** Eircode: _____

3E Mobile _____ **3F** Telephone _____

3G E-mail _____

3H PPSN _____ **3I** Date of Birth _____

Section 4**Good Repute**

The new Director/Secretary/Member must complete both a **Vetting Invitation Form** and a **Good Repute Declaration Form** (attached to this form) and fill in details of any convictions or infringements in any jurisdiction for any offence listed in Note A attached. The Vetting Invitation Form and Good Repute Declaration Form must be completed and submitted, even if there are no convictions or infringements to declare. (**NOTE:** If a new Secretary is itself a company, a Good Repute Declaration Form for Companies and Cooperatives must be submitted on behalf of that company, signed by a director or the company secretary.)

► **Vetting Invitation Form**

Garda Vetting is now carried out by means of an **online eVetting** process. The completed Vetting Invitation Form is submitted by the individual to RTOL Unit, and an e-mail from evetting.donotreply@garda.ie is then sent to his or her e-mail address containing a link to an online Garda Vetting Application Form. The individual must then use the link to access and complete the electronic Garda Vetting Application Form and submit it online. Garda Vetting is used to collect information on all convictions resulting from Garda prosecution.

NOTE: The Vetting Invitation Form must be accompanied by copies of at least **two** identification documents, which must meet the requirement of at least **100 points** as outlined in the Guidelines to the Vetting Invitation Form.

► **Good Repute Declaration Form**

The Good Repute Declaration Form is used to collect information on:

- i) All infringements, either in the Republic of Ireland or outside the State (an infringement imposes a penalty without a Court appearance, e.g. a prohibition, on-the-spot fine, fixed penalty, penalty points etc.); and
- ii) Any convictions not resulting from Garda prosecution, either in the Republic of Ireland or outside the State (examples include convictions by Revenue, the Road Safety Authority, the Workplace Relations Commission, etc.).

Section 5**Declaration and Signature**

5A I hereby declare that all of the information in this application is true and accurate, and all statements or information provided about any person made in this application are made with their agreement.

5B I understand that the Department of Transport, Tourism and Sport may undertake good repute checks on persons who hold a specified position before approving this application and during the validity of the licence.

5C I agree to inform the Department of Transport, Tourism and Sport of any convictions for relevant offences against any person to whom this application relates, during the validity of the licence.

5D I confirm inclusion of the following (please tick ✓):

- Copy of Form B10 as forwarded to the Companies Registration Office detailing the change/s as above

Where there is a new Director/Secretary/Member, the following items must also be submitted:

- Vetting Invitation Form for new Director/Secretary/Member
- Copies of two ID documents as outlined in the Guidelines attached to the Vetting Invitation Form for new Director/Secretary/Member
- Good Repute Declaration Form for new Director/Secretary/Member

Signed _____

Name in **BLOCK CAPITALS** _____

Date _____

Status _____

(Director/Secretary/Member of Management Committee of Cooperative/
Secretary of Cooperative)

For further information contact the Road Transport Operator Licensing Unit at:

Department of Transport, Tourism and Sport, Clonfert House, Bride Street, Loughrea, Co. Galway H62 ET93

Telephone: 091 872950 Lo-call: 0761 001 601 Fax: 091-872999 E-mail: rtol@dtas.gov.ie Website: www.rtol.ie

LIST OF RELEVANT CONVICTIONS/INFRINGEMENTS**Road Transport Act 2011**

Section 2(1) – Obligation on operator to notify Minister of certain convictions

- (a) murder,
- (b) manslaughter,
- (c) a drug trafficking offence (within the meaning of section 3 of the Criminal Justice Act 1994),
- (d) an offence under the Non-Fatal Offences against the Person Act 1997,
- (e) an offence under section 2 of the Illegal Immigrants (Trafficking) Act 2000,
- (f) a sexual offence (within the meaning of section 3 of the Sex Offenders Act 2001),
- (g) an offence under the Criminal Justice (Theft and Fraud Offences) Act 2001,
- (h) an offence under the Criminal Law (Human Trafficking) Act 2008,
- (i) an offence relating to money laundering under Part 2 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010,
- (j) an offence under the Firearms Acts 1925 to 2009,
- (k) an offence consisting of attempting or conspiring to commit, or aiding, abetting, counselling, soliciting, procuring or inciting the commission of any offence mentioned in *paragraphs (a) to (j)*, or
- (l) an offence under the law of another jurisdiction which corresponds to an offence mentioned in *paragraphs (a) to (k)*, where the conduct constituting the offence under the law of that other jurisdiction would, if committed in the State, constitute an offence referred to in any of those paragraphs.

Statutory Instrument No. 89 of 2017 – European Union (Occupation of Road Transport Operator) Regulations 2017**SCHEDULE 1**

An offence under:

- (a) the Companies Acts 2014 relating to a company established for the purposes of pursuing the occupation of road transport operator;
- (b) the Road Traffic Acts 1961 to 2016;
- (c) Part 2 of the Public Transport Regulation Act 2009 (No. 37 of 2009);
- (d) the Road Transport Act 1933 (No. 8 of 1933) and any Act or section of any Act construed together with it;
- (e) the Dangerous Substances Acts 1972 and 1979;
- (f) the Carriage of Dangerous Goods by Road Act 1998 (No. 43 of 1998);
- (g) the Animal Health and Welfare Act 2013 (No. 15 of 2013);
- (h) the Customs and Excise (Miscellaneous Provisions) Act 1988 (No. 10 of 1988);
- (i) section 3 of the Customs Act 1956 (No. 7 of 1956);
- (j) section 14 or 15 of the Customs Act 2015 (No. 18 of 2015);
- (k) section 10 of the International Carriage of Perishable Foodstuffs Act 1987 (No. 20 of 1987);
- (l) the International Carriage of Goods by Road Act 1990 (No. 13 of 1990);
- (m) section 102 of the Finance Act 1999 (No. 2 of 1999);
- (n) the Agriculture Acts 1931 to 1980 relating to the carriage of animals, meat or agricultural produce;
- (o) the Agricultural Produce (Fresh Meat) Acts 1930 to 1988;
- (p) the following Acts, in so far as they relate to the occupation of road transport operator:
 - (i) the Minimum Notice and Terms of Employment Acts 1973 to 2005;
 - (ii) section 77 of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005);
 - (iii) the Protection of Young Persons (Employment) Act 1996 (No. 16 of 1996);
 - (iv) the Unfair Dismissals Acts 1977 to 2007;
 - (v) the Organisation of Working Time Act 1997 (No. 20 of 1997);
 - (vi) the Terms of Employment Acts 1994 to 2012;
 - (vii) the Employment Permits Acts 2003 to 2014;
 - (viii) the Payment of Wages Act 1991 (No. 25 of 1991);
- (q) the Social Welfare Acts;
- (r) the Competition Acts 2002 to 2014;

- (s) the Bankruptcy Acts 1988 to 2011;
- (t) Part 3 of the Consumer Protection Act 2007 (No. 19 of 2007);
- (u) the Sale of Goods and Supply of Services Act 1980 (No. 16 of 1980);
- (v) the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 (No. 16 of 2012);
- (w) the Taxi Regulation Act 2013 (No. 37 of 2013);
- (x) any regulation made under the European Communities Act 1972, relating to road transport or the carriage of goods or passengers by road;
- (y) a law in force in another Member State that corresponds to any of the foregoing offences, where the conduct constituting the offence under the law of that other Member State would, if committed in the State, constitute an offence.

Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009

ANNEX IV

Most serious infringements for the purposes of Article 6(2)(a)

1. (a) Exceeding the maximum 6-day or fortnightly driving time limits by margins of 25% or more.
(b) Exceeding, during a daily working period, the maximum daily driving time limit by a margin of 50% or more without taking a break or without an uninterrupted rest period of at least 4.5 hours.
2. Not having a tachograph and/or speed limiter, or using a fraudulent device able to modify the records of the recording equipment and/or the speed limiter or falsifying record sheets or data downloaded from the tachograph and/or the driver card.
3. Driving without a valid roadworthiness certificate if such a document is required under Community law and/or driving with a very serious deficiency of, inter alia, the braking system, the steering linkages, the wheels/tyres, the suspension or chassis that would create such an immediate risk to road safety that it leads to a decision to immobilise the vehicle.
4. Transporting dangerous goods that are prohibited for transport or transporting such goods in a prohibited or non-approved means of containment or without identifying them on the vehicle as dangerous goods, thus endangering lives or the environment to such extent that it leads to a decision to immobilise the vehicle.
5. Carrying passengers or goods without holding a valid driving licence or carrying by an undertaking not holding a valid Community licence.
6. Driving with a driver card that has been falsified, or with a card of which the driver is not the holder, or which has been obtained on the basis of false declarations and/or forged documents.
7. Carrying goods exceeding the maximum permissible laden mass by 20% or more for vehicles the permissible laden weight of which exceeds 12 tonnes, and by 25% or more for vehicles the permissible laden weight of which does not exceed 12 tonnes

Regulation (EC) No. 1071/2009 of the European Parliament and of the Council of 21 October 2009

Article 6

- (a) that there be no compelling grounds for doubting the good repute of the transport manager or the transport undertaking, such as convictions or penalties for any serious infringement of national rules in force in the fields of:
- (i) commercial law;
 - (ii) insolvency law;
 - (iii) pay and employment conditions in the profession;
 - (iv) road traffic;
 - (v) professional liability;
 - (vi) trafficking in human beings or drugs; and
- (b) that the transport manager or the transport undertaking have not in one or more Member States been convicted of a serious criminal offence or incurred a penalty for a serious infringement of Community rules relating in particular to:
- (i) the driving time and rest periods of drivers, working time and the installation and use of recording equipment;

- (ii) the maximum weights and dimensions of commercial vehicles used in international traffic;
- (iii) the initial qualification and continuous training of drivers;
- (iv) the roadworthiness of commercial vehicles, including the compulsory technical inspection of motor vehicles;
- (v) access to the market in international road haulage or, as appropriate, access to the market in road passenger transport;
- (vi) safety in the carriage of dangerous goods by road;
- (vii) the installation and use of speed-limiting devices in certain categories of vehicle;
- (viii) driving licences;
- (ix) admission to the occupation;
- (x) animal transport.

Commission Regulation (EU) 2016/403 of 18 March 2016 supplementing Regulation (EC) No. 1071/2009 with regard to the classification of serious infringements of the Union rules which may lead to the loss of good repute by the road transport operator



Guidelines for completing Vetting Invitation Form (NVB 1a)

**IMPORTANT: Please read the following guidelines before completing this form.
Incomplete forms will be returned resulting in processing delays in the case of a licence application.**

GENERAL

The form must be completed in full using **BLOCK CAPITALS** and writing must be clear and legible.

The form should be completed in ball point pen.

The original signed Vetting Invitation Form must be returned – a photocopy will not be accepted.

All applicants are required to provide documents to validate their identity – **SEE NOTE BELOW.**

PERSONAL DETAILS

Insert details for each field, allowing one block letter per box.

For date of birth field, allow one digit per box.

Please fill in your e-mail address carefully, allowing one character/symbol per box. The invitation to the e-vetting website will be sent to this e-mail address, so it is essential that it is entered correctly.

Please allow one digit per box for your contact number.

Your current address means the address where you are now living.

The address fields should be completed in full. Do not use abbreviations.

ROLE BEING VETTED FOR

The role being vetted for must be clearly stated (for example Road Haulage Operator, Road Passenger Transport Operator, Director, Transport Manager etc.)

DECLARATION OF APPLICANT

The applicant must confirm their understanding and acceptance of the three statements shown by signing and dating the form at Section 2 and ticking the box provided. “Criminal record” is defined as (a) a record of the person’s convictions, whether within or outside the State, for any criminal offences, together with any ancillary or consequential orders made pursuant to the convictions concerned, or (b) a record of any prosecutions pending against the person, whether within or outside the State, for any criminal offence. “Criminal offence” includes an offence under the law of a state other than the State that corresponds to an offence under the law of the State, where the act or omission constituting the offence under the law of the other state would, if committed in the State, constitute an offence under the law of the State.

NOTE ON IDENTIFICATION DOCUMENTS

Copies of at least two forms of identification must be provided to validate the identity of the applicant when completing the application and at least one of these must be photographic. There is a points system for verification of identity and the documents provided must total at least **100 points**. Forms of identification are given points as follows:

- | | |
|--|-----------|
| • Irish Driving Licence or Learner Permit (new credit card format) | 80 points |
| • Irish Public Services Card | 80 points |
| • Passport (from country of citizenship) | 70 points |
| • Irish Certificate of Naturalisation | 50 points |
| • Birth Certificate | 50 points |
| • Garda National Immigration Bureau (GNIB) Card | 50 points |
| • National Identity Card (for EU/EEA/Swiss citizens) | 50 points |
| • Irish Driving Licence or Learner Permit (old paper format) | 40 points |
| • Letter from Employer within last two years confirming name and address | 35 points |
| • National Age Card (issued by An Garda Síochána) | 25 points |

Department of Transport,
Tourism and Sport
Road Transport Operator
Licensing Unit
Clonfert House, Bride Street
Loughrea
Co. Galway H62 ET93



An Roinn Iompair,
Turasóireachta agus Spóirt
Department of Transport,
Tourism and Sport

<u>For Department Use Only</u>
Our Ref: _____
Applicant/Operator Name _____

Vetting Invitation Form NVB 1(a)

IMPORTANT: Applicants must complete this form as the first stage in the Garda Vetting process. You must return this form with your application to the Department's address above, NOT to An Garda Síochána. An invitation to the e-vetting website will then be sent to the e-mail address you provide below. You must then use the link in the e-mailed invitation to access the e-vetting website and complete the online Garda vetting process. Licence applications CANNOT proceed until all members of the application have completed the online Garda vetting process.

SECTION 1 – PERSONAL INFORMATION

Forename(s):																										
Middle Name:																										
Surname:																										
Date Of Birth:	D	D	/	M	M	/	Y	Y	Y	Y																
Email Address:																										
Contact Number:																										
Role Being Vetted For:																										
Current Address:																										
Line 1:																										
Line 2:																										
Line 3:																										
Line 4:																										
Line 5:																										
Eircode/Postcode:																										

SECTION 2 – DECLARATION OF APPLICANT

Name Of Organisation: Department of Transport, Tourism and Sport

- I confirm that I have provided documentation to validate my identity as required;
- I hereby authorise the National Vetting Bureau of An Garda Síochána to furnish to the above Organisation a statement that there is no criminal record information to disclose in respect of me in Ireland or elsewhere, or a statement of criminal record information in Ireland or elsewhere as the case may be; and
- I declare that in the course of the vetting process I will disclose any conviction that may be recorded against me in Ireland or outside the State. **PLEASE TICK BOX** →

Applicant's
Signature:

Date: / /

GOOD REPUTE DECLARATION FORM FOR LICENCE MEMBERS

INSTRUCTIONS – PLEASE READ BEFORE COMPLETING THIS FORM

► **Purpose of this form** – This Good Repute Declaration Form is used to provide details of:

(1) **any infringements** either in Ireland or outside the State (*an infringement imposes a penalty without a Court appearance, e.g. on-the-spot fine, fixed penalty, penalty points etc.*); and

(2) **any Court convictions** not resulting from Garda prosecution, either in Ireland or outside the State (*e.g. prosecution by the Road Safety Authority, Revenue, Workplace Relations Commission etc.*).

► **Who must complete this form?**

This Good Repute Declaration Form must be completed (in addition to the Vetting Invitation Form) by each person listed as a licence member, including the Transport Manager, the Company Directors/Secretary where the applicant/operator is a Company, and the members of the Cooperative committee of management where the applicant/operator is a Cooperative.

► **Name of Licence Applicant/Operator:** This is the name in which the licence is to issue in the case of a licence application, or the name of the licence holder where there is a current licence.

► This form should be completed clearly and legibly in full using BLOCK CAPITALS.

EACH PERSON listed as a licence member must enter his/her details below

FORENAME:		SURNAME:	
PREVIOUS NAME (if any):	DATE OF BIRTH: (dd/mm/yyyy)	PPS Number:	

Name of Licence Applicant/Operator

(Note: Where the licence is in the name of a Company or Cooperative, that name should be entered here.)

Have you received a penalty for any infringement or any conviction not resulting from Garda prosecution, either in Ireland or outside the State?

No Yes If yes, please provide details below (if necessary, use additional pages and attach)

Date of infringement or conviction	Nature of infringement or conviction	Prosecuting Authority	Place of infringement or conviction	Court (if applicable)	Penalty

DECLARATION

I, the undersigned, hereby declare that in accordance with the above instructions I have included all infringements / convictions recorded against me in Ireland or outside the State.

Signature: _____ Date: _____
 PLEASE PRINT ALSO (_____) Position in transport undertaking: _____
(Applicant/Director/Secretary/Transport Manager /Partner/Member of Cooperative Management Committee/Secretary of Cooperative)