

09th June 2011.

The following advice is valid as of the above date with regard to -

Transportation of Racing Pigeons within the UK by RPRA MEMBERS.

We have taken legal advice and as of the above date we DO NOT currently require Licensing!

However if this changes in the future we will attempt to advise accordingly !

1. Not for Profit Organisations, Personal Use and the Law.

We are a not for profit organisation and although pigeon racing has not been classified as a sport, we do consider ourselves operating for the pleasure of our members.

We understand that Schedule 3 to the Goods Vehicles (Licensing of Operators) Regulations 1995 makes no mention of not for profit organisations.

Any implication that we would be included is refuted on the basis that (under section 2 Goods Vehicles (Licensing of Operators) Act 1995 c. 23) we are neither carrying for hire or reward nor in connection with any trade or business carried on as the pigeons are transported to release points for purely non-commercial purposes and not to carry on a business.

You will also find we do not trade. The point is that we do this for hire and reward as we seek only to cover the costs of the transport for an activity that is for pleasure or a hobby.

Additionally, VOSA cannot imply that not for profit organisations are included by virtue of their exclusion from Schedule 3; the case law developed on the interpretation of legislation referred to above clearly takes the position that we and our members clearly are conducting these activities legally, for personal use.

2. Restricted Licence

There are three different types of operator's licence for goods vehicles.

Which one is needed depends on what operations one carries out as part of one's "**business**".

We refer you to the points made at paragraph 2 above as a restricted licence is a requirement of a business and not for personal use we do not see how we would need a restricted licence either.

3. Impounding Illegally

With reference to your mandate of impounding, detaining or immobilising vehicles as a result of 1/. And 2/. Above.

Subsequently we would write to the Traffic Commissioner stating why VOSA has wrongfully impounded vehicle(s).

We would seek to refute the basis for any decision to do this by appealing any decision. We would prove the vehicle is exempt from operator licensing requirements and would show the vehicle was not being operated illegally.

We would not rule out private legal recourse and amongst the redress we would seek, we would not rule out injunctive relief by way of a private action on our own behalf, or on behalf of, our members.

NOTES TO MEMBERS –

1/.THIS IS GENERAL ADVICE BASED ON THE INFORMATION RECEIVED TO DATE AND UNDERSTANDING OF THE LAW AS OF THE 09TH JUNE 2011.

2/.WE WOULD ADVISE ALL MEMBERS TO REFER ANY ISSUE THAT MAY CAUSE CONCERN BACK TO THE RPRA FOR FURTHER GUIDANCE.

Regards

Stewart Wardrop

General Manager.

27th February 2012.

VOSA - Transportation of Racing Pigeons within the UK by RPRA MEMBERS.

The long running saga is now hopefully over!

After recent meeting with the Head of Policy at VOSA we are very pleased to announce that the following statement has been agreed by VOSA and will be have been briefed to all its VOSA operational teams by the end of February 2012.

LICENSING

"The common scenario which has been long been a source of dubiety with regard to the application of operator licensing, concerns racing pigeon clubs. Pigeon clubs typically run small goods vehicles or goods vehicle combinations over 3.5 tonnes gross weight. These vehicles are generally used to transport racing pigeons belonging to club members. The members contribute towards the running costs of the vehicles through contributions made through their very modest annual membership subscriptions. As the clubs are run by members for members, and on a not-for-profit basis, there is no question of these vehicles being used commercially.

Where it is evident that vehicles are being operated by pigeon racing clubs in a way consistent with that outlined above, they should not be construed to be vehicles used for "hire or reward" or "in connection with a trade or business", and therefore not in scope of operator licensing."

Gordon McDonald – Head of Policy – VOSA (Feb 2012)

IN SUMMARY – No Licence is required as long as its club members taking the club vehicles and it's on a "not for profit" basis.

(For clarification – professional hauliers DO require licensing)

TACHOGRAPHS

IN SUMMARY – vehicles under 7.5 tonnes driven by club members following above licensing definitions DO NOT require Tachograph's.

(For clarification – ANY vehicle over 7.5 tonnes MUST have a Tachograph fitted and used).

Recommendation

Copy this notice and keep within the Club Vehicle – laminated copies will be available from the Racing support office at the Reddings upon request.

Regards

Stewart Wardrop

General Manager - RPRA.

5th March 2012.

VOSA - Transportation of Racing Pigeons within the UK by RPRA MEMBERS.

Clarification following last week's announcement regarding LICENCING and TACHGRAPHS.

CLUBS CONVEYING FOR OTHER CLUBS.

As part of the discussions with VOSA this was clarified!

As long as the conveying club can demonstrate that "No profit" is being made by conveying another clubs Pigeons NO licencing is required.

The easiest way to keep a record would be along the following lines

Conveying Club A – spends £4000 a year conveying Pigeons. (Depreciation, fuel, road tax, insurance and other such costs).

As part of this conveying it receives £2500 contributions from its own members (Club A) plus £2000 from Clubs B and C which it has also conveyed for in the season.

This will result in a balance of £4000 – (£2500 + £2000) = £500 in the season.

Providing this balancing figure of £500 is "ring fenced" in the clubs accounts under "conveying costs" for reuse on FUTURE conveying then NO LICENCING IS REQUIRED.

The KEY is to be able to demonstrate simply that "NO PROFIT" is being made!

Recommendation

Copy this notice and keep within the Club Vehicle – laminated copies will be available from the Racing support office at the Reddings upon request.

Regards

Stewart Wardrop

General Manager - RPRA.