



Transport Act (Northern Ireland) 1967

1967 CHAPTER 37

PART IV

GENERAL PROVISIONS RELATING TO LICENCES UNDER PARTS II AND III

46D Professional competence of road passenger transport operators

- (1) In relation to an applicant for, or a holder of, a road service licence “exempt person” means a person who held, or was one of the holders of, a relevant licence before 1st January 1978 and, subject to subsection (2), for the purposes of a road service licence a person shall be regarded as professionally competent if—
- (a) he held, or was one of the holders of, a relevant licence before 1st January 1975; or
 - (b) he has demonstrated that he possesses the requisite skills by passing a written examination organised by an approved body and is the holder of a certificate to that effect issued by that body; or
 - (c) he is the holder of any other certificate of competence, diploma or other qualification recognised for the purposes of this section by the Department; or
 - (d) before 1st January 1980 he has held a relevant licence for not less than 3 years continuously.
- (2) A person shall not be regarded, for the purposes of subsection (1)(a), as the holder, or one of the holders of, a relevant licence, other than a road service licence, at any time unless he is the holder of a certificate issued by the Department for Transport or the competent authority of any Member State other than the United Kingdom to the effect that he held such a licence.
- (3) In subsections (1) and (2), “relevant licence” means—
- (a) a road service licence; or
 - (b) a licence or other authorisation granted in a Member State which authorises the holder to provide a service for the carriage of passengers by road for reward.

Status: Point in time view as at 01/01/2006. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Transport Act (Northern Ireland) 1967, Section 46D. (See end of Document for details)

- (4) (a) The written examination mentioned in subsection (1)(b) may be supplemented by an oral examination organised by the approved body in the form set out in Annex I to Council Directive No.96/26/EC;
- (b) the certificate mentioned in subsection (1)(b) must take the form of the certificate set out in Annex Ia to that Directive;
- (c) in subsection (1)(b), “approved body” means—
- (i) a body approved by the Department for the purposes of that subsection, or
 - (ii) a body approved by the Secretary of State for the purposes of paragraph 6 of Schedule 3 to the Public Passenger Vehicles Act 1981, or
 - (iii) a body or authority designated by another Member State for the purposes of Article 3(4) of Council Directive No. 96/26/EC; and
- (d) in subsection (1)(b), “the requisite skills” means knowledge corresponding to the level of training, for either national or international transport operations as the case may be, provided for in Annex I to that Directive in the subjects there listed.
- (5) Where two or more individuals trading in partnership apply for, or are the holders of, a road service licence, the applicant for, or as the case may be, the holder of, the licence shall be regarded as professionally competent if one of those individuals who is continuously and effectively responsible for the operation of the vehicles used under the licence is professionally competent.

Status:

Point in time view as at 01/01/2006. This version of this provision has been superseded.

Changes to legislation:

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