



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 [^{F1}bus operator's] 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 [^{F1}bus operator's] 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 [^{F2}licence under Part 2] , 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 ^{F3}... to the effect that he held such a licence.
- (3) In subsections (1) and (2), “relevant licence” means—
- (a) a [^{F4}licence under Part 2] ; 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.

*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 [^{F5}in accordance with Part II of Annex I to the 2009 Regulation] ;
- (b) the certificate mentioned in subsection (1)(b) must take the form of the certificate set out in [^{F6}Annex III to the 2009 Regulation and contain the security features as set out in Annex II to that Regulation] ;
- (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
- [^{F7}(iii) a body or authority designated by a Member State for the purposes of Article 8.3 of the 2009 Regulation (EU);] 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 [^{F8}the 2009 Regulation] in the subjects there listed.
- [^{F9}(4A) In the case of an examination organised or a certificate issued by an approved body specified in subsection (4)(c)(iii), references to the 2009 Regulation in subsections (4) (a), (4)(b) and (4)(d) are references to the 2009 Regulation (EU).]
- (5) Where two or more individuals trading in partnership apply for, or are the holders of, a [^{F10}bus operator's] 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.

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| F1 | Words in s. 46D(1) substituted (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), s. 48(2), Sch. 1 para. 16(2) ; S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3)) |
| F2 | Words in s. 46D(2) substituted (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), s. 48(2), Sch. 1 para. 16(3) ; S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3)) |
| F3 | Words in s. 46D(2) omitted (31.12.2020) by virtue of The International Road Passenger Transport (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/973) , regs. 1(2), 2(5)(a) ; 2020 c. 1, Sch. 5 para. 1(1) |
| F4 | Words in s. 46D(3)(a) substituted (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), s. 48(2), Sch. 1 para. 16(4) ; S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3)) |
| F5 | Words in s. 46D(4)(a) substituted (18.8.2014) by The Road Passenger Transport (Qualifications of Operators) Regulations (Northern Ireland) 2014 (S.R. 2014/206) , regs. 1(1), 9(11)(a) |
| F6 | Words in s. 46D(4)(b) substituted (18.8.2014) by The Road Passenger Transport (Qualifications of Operators) Regulations (Northern Ireland) 2014 (S.R. 2014/206) , regs. 1(1), 9(11)(b) |
| F7 | S. 46D(4)(c)(iii) substituted (31.12.2020) by The International Road Passenger Transport (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/973) , regs. 1(2), 2(5)(b) ; 2020 c. 1, Sch. 5 para. 1(1) |
| F8 | Words in s. 46D(4)(d) substituted (18.8.2014) by The Road Passenger Transport (Qualifications of Operators) Regulations (Northern Ireland) 2014 (S.R. 2014/206) , regs. 1(1), 9(11)(d) |
| F9 | S. 46D(4A) inserted (31.12.2020) by The International Road Passenger Transport (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/973) , regs. 1(2), 2(5)(c) ; 2020 c. 1, Sch. 5 para. 1(1) |

Changes to legislation: There are currently no known outstanding effects for the
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F10 Words in s. 46D(5) substituted (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), s. 48(2),
Sch. 1 para. 16(5); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))

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There are currently no known outstanding effects for the Transport Act (Northern Ireland) 1967, Section 46D.