



Transport Act (Northern Ireland) 1967

1967 CHAPTER 37

PART III ^{F1} N.I.

CARRIAGE OF GOODS BY ROAD

F1 1975 c.46

N.I.

ROAD FREIGHT OPERATORS' LICENCES

14 Grant of operators' licences. N.I.

The Ministry may subject to and in accordance with the provisions of this Part and Part IV grant road freight operators' licences (in this Act referred to as “operators' licences”) to persons carrying or proposing to carry goods by road for reward ...^{F2} (in this Act referred to as “road freight operators”).

F2 SR 1977/327

15 Applications for operators' licences. N.I.

[^{F3}

(1)] A person applying to the Ministry for an operator's licence shall give such information as may reasonably be required to enable the Ministry to exercise the functions conferred on it by [^{F4} sections 28 and 28A], and in particular shall give information as to—

- (a) the principal place of business, or proposed principal place of business, of the applicant, and the place or places from which he proposes to act as a road freight operator;

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- (b) the district within which, or the places between which, the applicant proposes to act, as a road freight operator;
- (c) the goods which the applicant will normally carry for reward while he is acting as a road freight operator;
- (d) any previous experience of the applicant as a person providing any facilities wheresoever for the carriage of goods for reward;
- (e) any financial interest (whether past, subsisting or proposed, and whether as a partner or shareholder or as a result of a loan, guarantee or other financial transaction) of the applicant in the provision of any facilities wheresoever for the carriage of goods for reward, or any such interest of any other person in any business carried on by the applicant in providing such facilities;
- ^{F5}(f) particulars of any convictions during the five years preceding the making of the application, and at any time thereafter until the disposal of the application, of the applicant and of any person specified in the application in pursuance of section 28A(2) or (3);
- (g) particulars of the financial resources which are, or are likely to be, available to the applicant;
- (h) particulars of the professional competence qualifications of the applicant and of any person specified in the application in pursuance of section 28A(2) or (3);
- (i) a statement indicating whether or not the applicant intends to use goods vehicles operated under the licence to carry goods by road for reward elsewhere than in the United Kingdom.]

^{F5}(2) Subsection (1)(f) and (g) shall not apply in relation to an application for an operator's licence by a person who satisfies the Department that he is an exempt person.]

F3	SR 1977/327
F4	SR 1977/327
F5	SR 1977/327

^{F6}15A Conditions of operators' licences. **N.I.**

- (1) The Department when granting an operator's licence—
- (a) [^{F7}may attach conditions to the licence and in particular] a condition prohibiting the holder from using goods vehicles operated under the licence for carrying goods by road for reward elsewhere than in the United Kingdom; and
 - (b) shall attach to the licence conditions for requiring the holder of the licence to inform the Department, in writing within 28 days, if during the currency of the licence—
 - (i) the holder of the licence or the person, if any, specified in the licence in pursuance of section 28A(5) is convicted of any offence;
 - (ii) the holder of the licence becomes bankrupt or goes into liquidation^{F8} or an order of seizure is made against his property or a receiver or manager is appointed in relation to his trade or business; or
 - (iii) the person, if any, specified in the licence in pursuance of section 28A(5) ceases for whatever reason to be [^{F9}continuously and effectively responsible] for the operation of the goods vehicles used under the licence.

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- (2) Where an operator's licence is granted by the Department to a person who satisfies the Department that he is an exempt person, paragraph (b) of subsection (1) shall not require the Department to attach to the licence the conditions specified in subparagraphs (i) and (ii) of that paragraph.
- (3) On the application of the holder of an operator's licence to which is attached the condition referred to in subsection (1)(a) and on his production of such particulars as to his professional competence or that of the person, if any, specified in the licence in pursuance of section 28A(5) as the Department may require, the Department may remove that condition from the licence.
- (4) Where the holder of an operator's licence, or any person acting with his knowledge or consent, fails to comply with a condition of that licence, the holder of the licence shall be guilty of an offence and be liable on summary conviction to a fine not exceeding^[F10] level 3 on the standard scale.]

F6 SR 1977/327
F7 SR 1991/257
F8 prosp. (until 27/03/06) insertion by 2005 NI 10
F9 SR 1981/2
F10 1984 NI 3

16 Duration of, and fees for, operators' licences. **N.I.**

- (1) Subject to section 29, an operator's licence shall remain in force for three years or such^[F11] other period as may be specified therein.
- ^{F12}(1A) If on the date of the expiration of an operator's licence an application is before the Department for the grant of a new operator's licence in substitution for an existing operator's licence held by the applicant, the existing operator's licence shall continue in force until the application is disposed of.
- (1B) If on the date of the expiration of an operator's licence the licence is, by virtue of regulations made under section 33, held by a person other than the person to whom the licence was granted, the licence shall continue in force until the application by that other person for a new operator's licence is disposed of in accordance with those regulations.]
- (2) There shall be paid to the Ministry in respect of the grant of an operator's licence, for each complete year during which the licence is to remain in force, a fee of^[F13] £3] or such amount as may be prescribed with the approval of the Ministry of Finance by regulations made by the Ministry subject to affirmative resolution.

F11 SR 1977/327
F12 SR 1981/2
F13 SR 1985/33

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N.I.

ROAD FREIGHT VEHICLE LICENCES

17 Grant of vehicle licences. **N.I.**

- (1) The Ministry may, subject to and in accordance with the provisions of this Part and Part IV, grant road freight vehicle licences (in this Act referred to as “vehicle licences”) for the use of motor vehicles to carry goods by road for reward to—
 - (a) persons who hold operator licences, in respect of motor vehicles to be used while they are acting as road freight operators;
 - (b) farmers within the meaning of section 25(1), in respect of motor vehicles kept by them primarily for the purpose of the agricultural operations in which they are engaged and to be used to carry goods for reward only in the manner referred to in section 25(2); or
 - (c) milk hauliers within the meaning of section 25(1), in respect of motor vehicles to be used only while they are acting as milk hauliers.
- (2) Subject to regulations made under section 45, no person shall use a motor vehicle on a road to carry goods for reward except under and in accordance with the terms of a licence granted under subsection (1) in respect of that vehicle and in force at the time of carrying such goods.
- (3) Any person who acts in contravention of subsection (2) shall be guilty of an offence and be liable on summary conviction to a fine not exceeding^{F14} level 5 on the standard scale].

F14 1984 NI 3

18 Disqualifications for offences under s.17. **N.I.**

- (1) Without prejudice to any other penalty, any court before which a person is convicted of contravening the provisions of section 17 may order him to be disqualified for holding a goods vehicle certificate under [^{F15} Article 54 of the Road Traffic (Northern Ireland) Order 1981] in respect of the vehicle used in the commission of the offence, for a period not exceeding—
 - (a) one month, where the conviction is for a first offence;
 - (b) two months, where the conviction is for a second offence;
 - (c) six months, where the conviction is for a third or subsequent offence;
 and where the court makes such an order the person disqualified shall forthwith, or within such period as the court may fix, deliver the goods vehicle certificate, if any, held by him to the clerk of the court and, subject to subsection (2) the clerk shall forward that certificate to the Ministry of Home Affairs^{F16}, to be kept by that Ministry until that order ceases to be in force.
- (2) Where a person who is disqualified for holding a goods vehicle certificate by virtue of an order made under subsection (1) appeals against the order or the conviction in relation to which the order was made, the operation of the disqualification shall be suspended pending the appeal and—
 - (a) if the certificate has been delivered to the clerk of the court, the clerk shall return the certificate to the person disqualified; or

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- (b) the person disqualified shall not be required by the preceding subsection to deliver the certificate to the clerk of the court.
- (3) Where, as a result of an appeal of the kind referred to in subsection (2), the operation of an order for disqualification made under subsection (1) ceases to be suspended, the person disqualified shall forthwith, or within such period as the court which heard the appeal may fix, deliver the goods vehicle certificate granted to him to the proper officer of that court, and that officer shall forward the certificate to the Ministry of Home Affairs^{F16}, to be kept by that Ministry until the order ceases to be in force.
- (4) When an order made under subsection (1) ceases to be in force, the Ministry of Home Affairs^{F16} shall return the relevant goods vehicle certificate to the person to whom it was granted.
- (5) A person who fails to deliver a goods vehicle certificate to the clerk or proper officer of a court as required by this section shall be guilty of an offence and shall be liable on summary conviction to a fine of [F17 level 1 on the standard scale] for every day during the period commencing on the day on which the certificate should have been so delivered and ending on the day on which it is so delivered.
- (6) While an order made under subsection (1) is in force the person disqualified for holding the relevant goods vehicle certificate shall also be disqualified for—
- (a) obtaining another goods vehicle certificate in respect of the vehicle used in the commission of the offence;
 - (b) holding or obtaining any more goods vehicle certificates than one less than the number of such certificates held by him immediately before the commission of the offence of which he was convicted and in relation to which the order was made (excluding from that number any goods vehicle certificate in respect of which any other order for disqualification made under subsection (1) is in force at the time of the making of the first-mentioned order).
- (7) The power of the Ministry of Home Affairs^{F16} to make regulations under [F15 Article 218 of the Road Traffic (Northern Ireland) Order 1981] shall include power to make provision for—
- (a) the notification to that Ministry of the making of an order under subsection (1) of this section, of any appeal against such an order, and the result of any such appeal;
 - (b) the forwarding by the clerk or proper officer of a court, to that Ministry of a goods vehicle certificate which has been delivered to that clerk or officer pursuant to this section;
 - (c) suspending the holding, or restricting the obtaining, of goods vehicle certificates pursuant to the last preceding subsection.

F15 1981 NI 1

F16 Now D/Env., SRO (NI) 1973/504

F17 1984 NI 3

19 Applications for vehicle licences. **N.I.**

- (1) A person of the kind referred to in section 17(1) may apply to the Ministry, for a vehicle licence, giving such information as may reasonably be required to enable the Ministry to discharge its functions in relation to the application, including particulars of the vehicle proposed to be used under the licence which—

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- (a) belongs to the applicant; or
 - (b) is in his possession under an agreement for hire, hire-purchase, credit-sale or loan; or
 - (c) he intends to acquire, or to obtain possession of under an agreement of the kind referred to in paragraph (b).
- (2) An applicant for a vehicle licence shall not be required to distinguish, for the purposes of his application, between vehicles belonging to him and vehicles subject to an agreement of the kind referred to in subsection (1)(b).

20 Conditions of vehicle licences. **N.I.**

- (1) The Ministry may, when granting any vehicle licence in respect of a vehicle, attach conditions to that licence, including in particular conditions relating to—
- (a) the classes or descriptions of goods which may or may not be carried in that vehicle;
 - (b) the districts within which, or the places between which, that vehicle may be used to carry goods for reward;
 - (c) the persons or classes of persons for whom that vehicle may be used to carry goods for reward.
- [^{F18}(d) the parking of vehicles]
- (2) On the application of the holder of a vehicle licence, the Ministry may at any time while the licence is in force amend (whether by addition, omission or variation) the conditions attached to the licence, and upon such amendment the licence shall have effect subject to the conditions as so amended.
- (3) The conditions of a vehicle licence[^{F18} other than conditions attached by virtue of subsection (1)(d),] shall not apply in relation to the use of the motor vehicle in respect of which the licence is granted for any purpose for which it might lawfully be used without the authority of the licence.
- (4) Subject to subsection (3), where the holder of a vehicle licence, or any person acting with his consent, fails to comply with a condition of that licence, the holder of the licence shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding[^{F19} level 3 on the standard scale].

F18 1984 NI 15

F19 1984 NI 3

21 Effect of vehicle licences. **N.I.**

A vehicle licence shall not entitle the holder of the licence to use to carry goods for reward any vehicle other than the vehicle in respect of which the licence is granted.

22 Duration of vehicle licences. **N.I.**

- (1) Subject to the provisions of this section and of section 29, a vehicle licence shall remain in force for a period of twelve months[^{F20} or such other period as may be specified].

Subs. (2) rep. by 1984 NI 15

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- (3) Subject to section 33, a vehicle licence shall be revoked when the motor vehicle in respect of which the licence was granted ceases—
- (a) to belong to the holder of the licence, or
 - (b) to be in the possession of the holder of the licence under an agreement for hire, hire-purchase, credit-sale or loan.

F20 1984 NI 15

23 Fees for vehicle licences. **N.I.**

- (1) Subject to the provisions of subsection (2) and of sections ...^{F21} 25, there shall be paid to the Ministry in respect of the grant of a vehicle licence^{F22} a fee of^{F23} £2.50] for each month or part of a month during the currency of the licence].

Paras. (a),(b) rep. by 1984 NI 15

- (2) The amount of the fees payable under subsection (1) may be altered by regulations made by the Ministry with the approval of the Ministry of Finance.
- (3) Regulations made under subsection (2) shall be subject to affirmative resolution.

F21 SLR 1976
F22 1984 NI 15
F23 SR 1985/33

S.24 rep. by SLR 1976

25 Special provisions as to farmers and milk hauliers. **N.I.**

- (1) In this section—
- “farmer” means a person engaged to a substantial extent in carrying on or directing agricultural operations on any land;
- “milk haulier” means a person who uses a motor vehicle solely for the collection or delivery of liquid milk (including whole milk, cream, skim milk or buttermilk) not contained in sealed airtight containers.

- (2) Where a motor vehicle kept by a farmer primarily for the purpose of the agricultural operations in which he is engaged is used by that farmer to carry goods for reward only—
- (a) for other farmers who reside within three miles of the residence of the farmer who keeps that vehicle; and
 - (b) for the purposes of the business of agriculture in which those other farmers are engaged;

the fee payable in respect of the grant of a vehicle licence for that vehicle shall be^{F24} £2.50] or such amount as may be prescribed with the approval of the Ministry of Finance by regulations made by the Ministry subject to affirmative resolution.

Subs. (3) rep. by 1990 NI 7

- (4) Where a motor vehicle is used by a milk haulier only while he is acting as a milk haulier, the fee payable in respect of the grant of a vehicle licence for that vehicle shall

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be^{F24} £2.50] or such amount as may be prescribed with the approval of the Ministry of Finance by regulations made by the Ministry subject to affirmative resolution.

F24 SR 1985/33

26 Licence, notice or mark to be affixed to and exhibited on certain vehicles. N.I.

- (1) A vehicle licence or such other notice or distinguishing mark as may be prescribed shall, in the prescribed manner, be affixed to and exhibited on the motor vehicle in respect of which the vehicle licence is in force.
- (2) If a motor vehicle in respect of which a vehicle licence is in force is used in contravention of subsection (1), the holder of the licence and the driver of the vehicle shall each be guilty of an offence under this section and shall be liable on summary conviction to a fine not exceeding^{F25} level 1 on the standard scale].

F25 1984 NI 3

27 Surrender of vehicle licences. N.I.

- (1) The holder of a vehicle licence may at any time surrender the licence to the Ministry.
- (2) Where a licence is—
 - (a) surrendered to the Ministry under subsection (1); or
 - (b) revoked or suspended pursuant to section 29;
 the holder thereof shall be entitled to be repaid by the Ministry by way of rebate of the fee paid in respect of the grant of the licence—
 - (i) for each complete month of the period of the currency of the licence which is unexpired at the time of surrender or revocation; or
 - (ii) for each complete month of the period during which the licence is suspended;
 an amount equal to one-twelfth of the fee payable when such a licence is granted for a year.

N.I.

GENERAL PROVISIONS RELATING TO OPERATORS' OR VEHICLE LICENCES

28 Functions as to grant of operators' or vehicle licences. N.I.

The Ministry shall, in deciding whether to grant or refuse to grant an operator's licence or a vehicle licence, have regard to the interests of persons requiring facilities for the carriage of goods and those of persons providing such facilities, and in particular shall have regard to the following matters:—

- (a) any previous conduct of the applicant as a person providing facilities for the carriage of goods for reward;
- (b) the suspension or revocation of any operator's licence or vehicle licence held at any time by the applicant or where the applicant has or had a controlling interest in a body corporate to any refusal to grant a licence to, or revocation or suspension of a licence held by, that body corporate;

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- (c) where the applicant is an agent or nominee of any other person, any previous conduct of that person as a person providing facilities for the carriage of goods for reward;
- (d) where the applicant is an agent or nominee of any other person, the suspension or revocation of any operator's licence or vehicle licence held at any time by that other person;
- (e) where the applicant is a body corporate, the refusal to grant an operator's licence or a vehicle licence to, or the revocation or suspension of any such licence held at any time by—
 - (i) any other body corporate having at the time of the application any controlling interest in the body corporate applying for the licence or in which the body corporate applying for the licence has any controlling interest;
 - (ii) any director of, or any shareholder having a controlling interest in, the body corporate which is applying for the licence or in such other body corporate as is mentioned in sub-paragraph (i);
- (f) the general effect which the grant of a licence would be expected to have on the holders of other operators' licences and on the facilities being provided in Northern Ireland for the carriage of goods by road for reward;
- (g) the need for ensuring fair competition among persons providing facilities in Northern Ireland for the carriage of goods by road for reward.

[^{F26}28A Refusal of operators' licences in certain cases. N.I.]

- (1) Subject to the following provisions of this section, the Department shall refuse to grant to an applicant an operator's licence unless, having regard, in addition to the matters specified in section 28, to the information given to it in pursuance of section 15(1)(f) to (h), it is satisfied that the applicant is—
 - (a) of good repute,
 - (b) of appropriate financial standing, and
 - (c) professionally competent.
- (2) In the case of an applicant being a body corporate the requirements of subsection (1) (a) and (c) shall be satisfied by one of the persons in the^{F27} . . . employment of the applicant who is to be [^{F28} continuously and effectively responsible] for the operation of the goods vehicles to be used under the licence and who is specified in the application.
- (3) In the case of an applicant not being a body corporate, the requirements of subsection (1)(c) may also be regarded as satisfied where there is specified in the application a person in the^{F27} . . . employment of the applicant who is to be [^{F28} continuously and effectively responsible] for the operation of the goods vehicles to be used under the licence and who, the Department is satisfied, is of good repute and professionally competent.
- (4) The Department shall not be required by subsection (1) to refuse to grant an operator's licence on a ground mentioned in subsection (1)(a) or (b) if the applicant satisfies the Department that he is an exempt person.
- (5) There shall be specified in a licence granted by the Department in pursuance of an application to which either subsection (2) or (3) applies, the person who is to be [^{F28}

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continuously and effectively responsible] for the operation of the goods vehicles to be used under the licence and who is specified in the application.]

F26 SR 1977/327

F27 SR 2003/217

F28 SR 1981/2

29 **Suspension and revocation of operators' or vehicle licences.** **N.I.**

(1) The Ministry may revoke or suspend a vehicle licence on any of the following grounds—

- (a) that the Ministry of Home Affairs^{F29} has revoked or suspended the goods vehicle certificate granted under [^{F30} Article 54 of the Road Traffic (Northern Ireland) Order 1981] in respect of the vehicle to which the licence relates;
- (b) that the holder of the licence has been convicted of contravening or failing to comply with section 17(2);
- (c) that the holder of the licence has been convicted of an offence under section 20;
- (d) that the holder of the licence, or any servant or agent of his, has been convicted of an offence under section 34, 35 or 40;
- ^{F31}(dd) that the holder of the licence, or any servant or agent of his, has been convicted of an offence under section 2 of the International Road Haulage Permits Act 1975 ;]
- (e) that the holder of the licence, or any servant or agent of his, has, in relation to the vehicle in respect of which the licence is granted, been convicted of contravening any statutory provision relating to—
 - (i) the maintenance of vehicles in a fit and serviceable condition;
 - (ii) the regulation, taxation or certification of vehicles;
 - (iii) limits of speed and weight, laden and unladen, and the loading of vehicles;
 - (iv) the time for which drivers of goods vehicles may remain continuously on duty and the hours which they are to have for rest;
 - (v) the keeping of records as to hours of work;

Para. (f) rep. by 1990 NI 7

- (g) where the licence is held by a body corporate, that a person to whom the grant of an operator's licence or vehicle licence has been refused or whose operator's licence or vehicle licence has at any time been revoked or suspended has become a director of that body corporate or has acquired a controlling interest in that body corporate.
- (2) Where within any period of thirty-six consecutive months the Ministry has revoked or suspended, on any of the grounds referred to in subsection (1)(b) to (g), any vehicle licences held by a road freight operator, the total number of such revocations and suspensions being—
- (a) not less than three; and
 - (b) not less than one-tenth (calculated to the nearest whole number) of the greatest number of vehicle licences held by that operator during the said period;

and the Ministry is satisfied that, having regard to the conduct of the operator, the operator's licence held by the operator should be revoked or suspended, the Ministry

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may revoke or suspend the operator's licence held by that operator, and may also revoke or suspend all the vehicle licences held by that operator.

- ^{F32}(2A) An operator's licence may be revoked or suspended by the Department on the ground that any condition subject to which the licence was granted has not been complied with.
- (2B) Subject to subsections (2C) to (2F), where at any time during the currency of an operator's licence it appears to the Department that the holder of the licence is not—
- (a) of good repute,
 - (b) of appropriate financial standing, or
 - (c) professionally competent,
- the Department shall revoke the licence [^{F33} as from such time as the Department may determine].
- (2C) In the case of the holder of a licence being a body corporate, subsection (2B) shall apply as if in relation to paragraphs (a) and (c), it referred to the person who is [^{F34} continuously and effectively responsible] for the operation of the goods vehicles used under the licence and who is specified in the licence in pursuance of section 28A(5).
- (2D) In the case of the holder of a licence not being a body corporate where there is specified in the licence in pursuance of section 28A(5) a person who is [^{F34} continuously and effectively responsible] for the operation of the goods vehicles used under the licence subsection (2B) shall apply as if in relation to paragraph (a) it referred to that person as well as the holder of the licence and as if in relation to paragraph (c) it referred to that person.
- (2E) In the event of the death or physical or mental incapacity of the holder of a licence or of a person specified in the licence in pursuance of section 28A(5) or in the event of the person so specified ceasing for some other reason to be [^{F35} in the full-time employment of] the holder of the licence, subsection (2B) shall not require the Department to revoke the licence during such period, not exceeding one year from the occurrence of the event in question, as the Department may determine, or during such further period, not exceeding 6 months, as the Department may, in exceptional circumstances, determine.
- (2F) The Department shall not be required by subsection (2B) to revoke a licence on a ground mentioned in paragraph (a) or (b) of that subsection if the holder of the licence satisfies the Department that he is an exempt person.
- (2G) Where the Department revokes or suspends an operator's licence under subsection (2A) or (2B), it may also revoke or suspend all the vehicle licences held by that operator.]
- (3) Where the Ministry decides to revoke or suspend an operator's licence under [^{F36} this section], the Ministry shall serve a notice to that effect on that road freight operator, stating the reasons for the decision, and the revocation or suspension shall not take effect—
- (a) until the expiration of the period of twenty-eight days from the service of the notice; or
 - (b) where the road freight operator appeals to the county court under subsection (4), until the appeal is finally determined or abandoned.
- (4) A road freight operator aggrieved by the decision to revoke or suspend his road freight operator's licence under [^{F36} this section] may, within twenty-eight days from the

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service of the notice under subsection (3), appeal to the county court, giving notice of the appeal to the Ministry.

- (5) On an appeal under subsection (4) the county court, if it is satisfied that the Ministry was not justified in deciding to revoke or suspend the licence under [^{F36} this section], shall declare that the revocation or suspension shall be of no effect, stating the reasons for its decision, and that decision shall be final.

F29 Now D/Env., SRO (NI) 1973/504

F30 [1981 NI 1](#)

F31 [1975 c.46](#)

F32 SR 1977/327

F33 SR 1981/2

F34 SR 1981/2

F35 [1990 NI 7](#)

F36 SR 1977/327

S.30 rep. by SLR 1976

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