



Transport Act (Northern Ireland) 1967

1967 CHAPTER 37

PART IV

GENERAL PROVISIONS RELATING TO LICENCES UNDER PARTS II AND III

31^{F1} **Records of licences.**

- (1) The Ministry shall keep a record of all road service licences and operators' licences granted by it under Parts II and III.
- (2) Any person appearing to the Ministry to have reasonable grounds for claiming so to do shall be entitled at any reasonable time to inspect the record kept under this section.
- (3) The Ministry shall provide a copy of or extract from the record or any part thereof to any person reasonably requiring such copy or extract.

F1 mod. by SR 1987/187, 383

32^{F2} **Copies of licences.**

Where the Ministry is satisfied that a licence granted under Part II or Part III has been lost, destroyed or so defaced by accident as to be incapable of use, the Ministry may, on payment of a fee of [^{F3} 25p] issue a copy thereof to the person to whom the licence was granted or, as the case may be, to the person to whom the licence was transferred by virtue of regulations made under section 33(2).

F2 mod. by SR 1987/187, 383

F3 1969 c.19

33^{F4} **Transfer of licences.**

- (1) Subject to subsection (2), a licence granted under Part II or Part III shall not be transferable by the holder of the licence or by operation of law to any other person.

Status: Point in time view as at 01/01/2006.

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

- (2) The Ministry may by regulations provide for the holding of a licence granted under Part II or Part III by a person other than the person to whom the licence was granted where—
- (a) the person to whom the licence was granted dies or becomes incapacitated, or is^{F5} adjudged bankrupt or makes a voluntary arrangement proposed for the purposes of, and approved under, Part VIII of the Insolvency (Northern Ireland) Order 1989];
 - (b) an order has been made by a court, or a resolution has been passed for the winding up of the undertaking of the person to whom the licence was granted, except for the purpose of reconstruction;
 - (c) a receiver or liquidator of the undertaking of the person to whom the licence was granted has been appointed^{F6}; or
 - (d) the person to whom the licence was granted is a government department (including a department of the Government of the United Kingdom) or a body established by or under any statutory provision and the functions of that department or body are transferred by or under a statutory provision to any other person; [^{F7} or
 - (e) in the case of a road service licence or operator's licence, the licence has been revoked under section 10(3A) or 29(2B), as the case may be, as from some future date.]

F4 mod. by SR 1987/187, 383

F5 1989 NI 19

F6 prosp. (until 27/03/06) insertion by 2005 NI 10

F7 SR 1981/2

34^{F8} Forgery of licences.

^{F9} If, with intent to deceive, any person—

- (a) ^{F10} . . . alters or uses or lends to, or allows to be used by, any other person, a licence granted under Part II or Part III, or any notice or distinguishing mark prescribed under section 26 [^{F11} or any certificate or diploma referred to in^{F12} section 46D(1) or 46E(1)] [^{F13} or any international road haulage permit]^{F14} or a control document issued under Article 6 of Council Regulation (EC) No. 12/98 of 11th December 1997];
- (b) makes or has in his possession any document or mark so closely resembling any such licence [^{F11}, certificate, diploma] [^{F15} mark or permit] as to be calculated to deceive;

he shall be guilty of an offence and shall be liable —

- (i) on summary conviction, to a fine not exceeding^{F16} level 3 on the standard scale] or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment;
- (ii) on conviction on indictment, to imprisonment for a term not exceeding two years, with or without a fine.

F8 mod. by SR 1987/187, 383

F9 SR 1981/2

F10 1981 c. 45

F11 SR 1977/327

Status: Point in time view as at 01/01/2006.

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

F12 SR 2003/217
F13 1975 c.46
F14 SR 2005/212
F15 1975 c.46
F16 1984 NI 3

35 ^{F17} **False statements.**

- ^{F18} A person who for the purpose of—
- (a) obtaining the grant of a licence under Part II or Part III to himself or any other person;
 - (b) preventing the grant of any such licence; or
 - (c) procuring the attachment of conditions to, or the amendment of conditions attached to, any such licence; [^{F19} or
 - (d) obtaining the grant of an international road haulage permit to himself or any other person],^{F20} . . .
- [^{F21}(e) obtaining from the Department any certificate of professional competence recognised for the purposes of section 46A(5) or(6).^{F20} or]]
- [^{F20}(f) obtaining the issue of a control document under Article 6 of Council Regulation (EC) No. 12/98 of 11th December 1997;]

knowingly makes a statement which is false in a material particular shall (without prejudice to [^{F22} Article 10 of the Perjury (Northern Ireland) Order 1979]) be guilty of an offence and shall be liable on summary conviction to a fine not exceeding^{F23} level 3 on the standard scale] or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

F17 mod. by SR 1987/187, 383
F18 SR 1981/2
F19 1975 c.46
F20 SR 2005/212
F21 1984 NI 15
F22 1979 NI 19
F23 1984 NI 3

36 ^{F24} **Disclosure of information.**

- (1) Any information which is obtained under Part II, Part III or this Part shall not, without the previous consent in writing of the person from whom the information was obtained, be disclosed except for the purposes of—
 - (a) the execution of those Parts, and of general statistics and returns;
 - (b) any legal proceedings arising out of those Parts, or any criminal proceedings, whether so arising or not;
 - (c) any reports of any proceedings of the kind referred to in paragraph (b).
- (2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction, to a fine not exceeding^{F25} level 3 on the standard scale], or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

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

F24 mod. by SR 1987/187, 383

F25 1984 NI 3

37^{F26} **Inspectors and powers of entry.**

Subs. (1) rep. by 1995 NI 18

- (2) An inspector appointed under this Part shall, for the purposes of the enforcement of Parts II and III and this Part, have power to—
- (a) enter and inspect any motor vehicle used for the carriage of passengers or goods by road for reward, and for that purpose may stop and detain the vehicle during such time as is required for the inspection;
 - (b) enter, at any time which is reasonable having regard to the circumstances, any premises in or on which he has reason to believe that a motor vehicle used for the carriage of passengers or goods by road for reward is kept;
 - (c) enter, at any time which is reasonable having regard to the circumstances, any premises which he has reason to believe are used in connection with the carriage of passengers or goods by road for reward.
- (3) If a justice of the peace, on sworn information in writing, is satisfied—
- (a) that an inspector appointed under this section has been refused admission to any premises which he has a right to enter under subsection (2), or that such a refusal is apprehended, and that notice of the intention to apply for the warrant has been given to the occupier; or
 - (b) that an application for admission to the premises, or the giving of such a notice, would defeat the object of the entry, or that the premises are unoccupied or that the owner is temporarily absent;
- the justice may by warrant under his hand, which shall continue in force for a period of one month, give authority to an inspector to enter the premises, if need be by force.
- (4) An inspector entering any premises under this section may take with him such other persons as appear to him to be necessary.
- (5) On leaving any premises which he has entered under this section, being premises which are unoccupied or the occupier of which is temporarily absent, an inspector shall leave them as effectively secured against unauthorised entry as he found them.
- (6) If any inspector or other person who enters any work-place under this section discloses to any person any information obtained by him in the work-place with regard to any manufacturing process or trade secret he shall, unless the disclosure was made in the course of his duty, be guilty of an offence and shall be liable—
- (a) on summary conviction, to a fine not exceeding[F^{F27} level 3 on the standard scale] or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years, with or without a fine.

F26 mod. by SR 1987/187, 383

F27 1984 NI 3

Status: Point in time view as at 01/01/2006.

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

38^{F28} **Obtaining of information etc. by inspectors.**

- (1) Where an inspector appointed under this Part has reasonable cause to believe that a motor vehicle is used for the carriage of passengers or goods for reward—
- (a) the owner or driver of the vehicle;
 - (b) any person who has made, is making or intends to make, use of that vehicle for the carriage of passengers or goods for reward;
 - (c) any servant or agent of any person of the kind referred to in paragraphs (a) and (b);

shall furnish to that inspector all such information, and produce for his inspection all such documents, as the inspector may reasonably require from that person for the purposes of obtaining the name and address of the owner of the vehicle or of the person whose servant or agent the driver is, and of ascertaining, in relation to any passengers or goods which have been, or are being, or are to be, carried on the vehicle for reward, particulars of—

- (i) the number of passengers or the description of the goods and the name and address of the owner of the goods;
 - (ii) the places from which and to which the passengers or goods have been, are being, or are to be, carried;
 - (iii) the reward for the carriage of the passengers or goods.
- (2) The owner or occupier of any premises entered by an inspector under section 37, or any servant or agent of any such person, or any person found on any such premises, shall give to the inspector such information as it is in his power to give as to—
- (a) the name and address of the owner of any motor vehicle used for the carriage of passengers or goods for reward which is kept in or on those premises, or of the person whose servant or agent the driver of any such vehicle is;
 - (b) the matters referred to in subsection (1)(i), (ii) and (iii), in relation to any passengers or goods which have been, are being, or are to be, carried on any such vehicle kept in or on those premises;
 - (c) any use of those premises in connection with carriage of passengers or goods by road for reward.
- (3) An inspector may take copies of any documents—
- (a) produced to him under this section; or
 - (b) relating to the carriage of passengers or goods by road, being documents which are found by him on any vehicle or premises entered under section 37, and for that purpose the inspector may detain any document or motor vehicle for such time as is required for such copying.

F28 mod. by SR 1987/187, 383

39^{F29} **Power to seize certain articles.**

- (1) If an inspector appointed under this Part has reasonable cause to believe that a document produced to him in pursuance of this Part is a document in relation to which an offence has been committed under section 34 or 35, he may seize the document.
- (2) Where a document is seized under subsection (1), the person from whom it was seized shall, unless the document has been previously returned to him or he has been previously charged with an offence in relation thereto under either of the sections

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referred to in subsection (1), be summoned before a court of summary jurisdiction to account for his possession of the document and the court shall make such order respecting the disposal of the said document and award such costs as the justice of the case may require.

(3) If an inspector appointed under this Part has reasonable cause to believe that a document or mark carried on a motor vehicle, or by the driver thereof, is a document or mark in respect of which an offence has been committed under—

- (a) section 34, in relation to any notice or distinguishing mark prescribed under section 26; or
- (b) section 34 or 35, in relation to a vehicle licence;

he may seize the document or mark, and for the purposes of this subsection the power to seize shall include the power to detach from a vehicle.

(4) Where a document or mark is seized under subsection (3), either the owner or driver of the vehicle shall, if the document or mark is still detained and neither of them has been charged with an offence in relation thereto under either of the sections referred to in subsection (3), be summoned before a court of summary jurisdiction to account for his possession of, or the presence on the vehicle of, the said document or mark, and the court shall make such order respecting the disposal of the said document or mark and award such costs as the justice of the case may require.

F29 mod. by SR 1987/187, 383

40^{F30} **Obstruction of inspectors.**

Any person who—

- (a) wilfully obstructs an inspector acting in the exercise of his functions under this Part; or
- (b) without reasonable cause fails to give an inspector acting as aforesaid any information, or to produce to any such inspector any documents, or to allow that inspector to copy any documents, being information or documents which that inspector may reasonably require of him for the purpose of the exercise of those functions; or
- (c) prevents, or attempts to prevent, any other person from giving any such information to any inspector acting as aforesaid; or
- (d) in giving any such information to any inspector acting as aforesaid makes any statement which he knows to be false in a material particular;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding^{F31} level 3 on the standard scale] or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

F30 mod. by SR 1987/187, 383

F31 1984 NI 3

41^{F32} **Authorisation of inspectors.**

An inspector appointed under this Part shall, when exercising his functions under this Part produce, if so required a duly authenticated document showing his authority to act as such inspector.

Status: Point in time view as at 01/01/2006.

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

F32 mod. by SR 1987/187, 383

42 ^{F33} **Functions of police.**

A member of the Royal Ulster Constabulary may exercise the functions of an inspector appointed under this Part, but it shall not be necessary for any such member wearing uniform to produce any authority pursuant to section 41.

F33 mod. by SR 1987/187, 383

43 ^{F34} **Prosecutions.**

- (1) Proceedings for an offence under any of the provisions of Parts II and III and this Part shall not be instituted except by the Ministry or by a member of the Royal Ulster Constabulary.
- (2) Summary proceedings for an offence under Part II, Part III or this Part may be commenced at any time within the period of two years from the date of the commission of the offence, or within the period of six months from the date on which evidence sufficient to justify a prosecution for the offence came to the knowledge of the Ministry, whichever period first expires.
- (3) For the purpose of subsection (2) a certificate, purporting to be issued by the Minister or a secretary or assistant secretary of the Ministry, as to the date on which such evidence as aforesaid came to the knowledge of the Ministry, shall be prima facie evidence thereof.

F34 mod. by SR 1987/187, 383

S. 44 rep. by 1990 NI 7

45 ^{F35} **Regulations for purposes of Parts II, III and IV.**

The Ministry may make regulations for prescribing anything which may be prescribed under Part II, Part III or this Part and generally for the purpose of carrying those Parts into effect, and, without prejudice to the generality of the foregoing, may make regulations with respect to any of the following matters:—

- (a) applications for and the issue of licences under those Parts;
- (b) the form of, and the particulars to be included in, those licences;
- (c) the procedure on applications for those licences and for the amendments of conditions attached to those licences;
- (d) the procedure for the determination by the Ministry of questions in connection with the grant, refusal, suspension and revocation of those licences and the attachment of conditions to those licences;
- (e) the reviewing by the Ministry of the determination of questions of the kind referred to in paragraph (d);
- (f) the documents, plates and marks to be carried in or by vehicles used under and in accordance with a road service licence and the manner in which they are to be carried;

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- (g) the custody of licences granted under Parts II and III, the production, return or cancellation of those licences on their expiration, suspension or revocation and the custody, production and return of any documents, plates or marks prescribed under paragraph (f) or of any notice or distinguishing mark prescribed under section 26;
- (h) the notification to the Ministry of vehicles which have ceased to be used under vehicle licences;
- (i) the exemption from any of the provisions of Parts II and III and this Part of persons operating or proposing to operate such transport services as may be specified in the regulations or of vehicles of such classes or descriptions as may be so specified or vehicles used for such purposes or in such circumstances as may be so specified;
- [^{F36}(j) the application, with such additions, omissions, alterations or other modifications (whether conditional or not) as may be prescribed, of any of the provisions of Part II or of this Part, in relation to—
 - (i) public service vehicles registered in Northern Ireland while making journeys to or from places outside Northern Ireland, and
 - (ii) public service vehicles registered outside Northern Ireland;
 and in this paragraph “public service vehicle” has the same meaning as in Article 2(2) of the Road Traffic (Northern Ireland) Order 1981;]

F35 mod. by SR 1987/187, 383

F36 1984 NI 15

46 ^{F37} **Interpretation of “carriage for reward” for purposes of Parts II and III and this Part.**

For the purpose of Parts II and III and this Part—

- (a) the expression “reward” shall include consideration of any kind whether monetary or not^{F38}, but shall not include any payment in respect of a journey in a motor vehicle in circumstances where the conditions set out in Article 66A(2) of the Road Traffic (Northern Ireland) Order 1981 (car-sharing arrangements) are satisfied^{F39} or any payment in respect of a journey in a motor vehicle exempted from licensing requirements by virtue of section 10A]
- (b) where a motor vehicle is being used on a road to carry for reward any passengers or any goods the driver of the vehicle, if it belongs to him or is in his possession under an agreement for hire, hire-purchase, credit-sale or loan, and, in any other case, the person whose agent or servant the driver is, shall be deemed to be the person by whom the vehicle is being so used (in this section referred to as “the carrier”):

Provided that where an agreement for the hire of a motor vehicle which is used to carry passengers or goods on a road is accompanied by a transfer to the person hiring the vehicle of the services of a driver thereof, the person by whom the vehicle has been let on hire shall be deemed to carry such passengers or goods for reward^{F40} unless the person to whom the vehicle has been let on hire uses the vehicle to carry such passengers or goods for reward in the course of a business of carrying passengers or goods for reward];

- (c) goods carried in a motor vehicle on any road pursuant to any contract or arrangement—

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- (i) under which the carrier, otherwise than in the ordinary course of his trade or business, agrees or arranges with any other person to purchase or obtain any goods in one place and to sell or deliver such goods subsequently to that person or as directed by him at another place for a price which exceeds the price paid or payable by the carrier for the goods by an amount wholly or partly determined by or based upon or capable of being attributed to the cost of carrying the goods;
 - (ii) under which the carrier, otherwise than in the ordinary course of his trade or business, purchases or agrees to purchase from any other person any goods which are or are to be carried to some place for the purpose of being sold there and the price paid or to be paid by the carrier to the vendor for the goods is less than the price received or to be received by the carrier on such sale by an amount wholly or partly determined by or based upon or capable of being attributed to the cost of carrying the goods; or
 - (iii) providing that any motor vehicle belonging to two or more persons as co-owners or as partners may be used by any one of them for the purpose of carrying his goods in return for a contribution made or to be made by him towards the expenses of operating the vehicle or to the partners or co-owners in return for his use of such vehicle;
- shall be deemed to be carried for reward;
- (d) goods not the property of the carrier shall until the contrary is proved be deemed to be carried for reward and where the carrier is a partnership firm or other association of persons goods owned otherwise than in the like shares in which the vehicle carrying it is owned shall be deemed not to be the property of the carrier;
 - ^{F41}(e) “international road haulage permit” means a licence, permit, authorisation or other document issued in pursuance of a Community instrument relating to the carriage of goods by road between member States or an international agreement to which the United Kingdom is a party and which relates to the international carriage of goods by road.]

<p>F37 mod. by SR 1987/187, 383 F38 1981 NI 24 F39 1990 NI 7 F40 1984 NI 15 F41 1975 c.46</p>
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[^{F43}46A [^{F42}Interpretation of certain expressions in Parts II and III.]

- (1) The following provisions of this section and sections 46B to 46F shall have effect for the interpretation of certain expressions used in sections 5, 6A, 7, 10, 15, 15A, 28A and 29.
- (2) (a) “conviction” means—
 - (i) any conviction mentioned in section 29(1) or any conviction of contravening any provision of the law of Great Britain or of a country or territory outside the United Kingdom corresponding to any such conviction, or

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- (ii) any other conviction of an offence which is a serious offence as defined in section 46B(3) or a road transport offence as defined in section 46B(4),

not being in either case a spent conviction within the meaning of the Rehabilitation of Offenders (Northern Ireland) Order 1978; and a reference to a person being convicted of an offence shall be construed accordingly;

- (b) “a sentence of imprisonment” includes any form of custodial sentence or order other than one under the enactments relating to mental health and “a community service order” means an order under Article 7 of the Treatment of Offenders (Northern Ireland) Order 1976; and
- (c) references to an offence under the law in force in any part of the United Kingdom include a reference to a civil offence within the meaning of the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957.]

F42 SR 1977/327

F43 SR 2003/217

46B Good repute of road freight and road passenger transport operators

- (1) For the purpose of determining whether a person is or is not of good repute regard shall be had in particular to the existence and number of any convictions (within the meaning of section 46A(2)) relating to the person or any partner, employee or agent of the person or, in the case of a company, any officer of the company during the period of 5 years ending with the date on which the matter falls to be determined.
- (2) The Department shall determine that a person, or any partner, employee or agent of the person, or, in the case of a company, any officer of the company, is not of good repute if he has—
- (a) more than one conviction of a serious offence; or
 - (b) been convicted of road transport offences.
- (3) For the purposes of subsection (2)(a) a serious offence is—
- (a) an offence under the law in force in any part of the United Kingdom for which a sentence of imprisonment for a term exceeding 3 months, a fine exceeding level 4 on the standard scale or a community service order for more than 60 hours was imposed; and
 - (b) any corresponding offence under the law of a country or territory outside the United Kingdom for which a corresponding punishment was imposed.
- (4) For the purposes of subsection (2)(b) a road transport offence is—
- (a) an offence under the law of any part of the United Kingdom relating to road transport including in particular—
 - (i) an offence relating to drivers' hours of work or rest periods, the weights, dimensions and taxation of commercial vehicles, road or vehicle safety or the protection of the environment, and
 - (ii) any other offence concerning professional liability; or
 - (b) any corresponding offence under the law of a country or territory outside the United Kingdom.
- (5) For the purposes of subsection (2) spent convictions shall be disregarded.

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- (6) Subsection (2) is without prejudice to the power of the Department to determine that a person is not of good repute for reasons other than convictions of the kind there mentioned.

46C Financial standing of road freight and road passenger transport operators

- (1) A person applying for or holding a road service licence or an operator's licence shall be regarded as having appropriate financial standing if he has available, or will have available, to him sufficient financial resources to ensure the launching and proper administration of the service or undertaking operated or to be operated by him under that licence.
- (2) An applicant for, or the holder of, a road service licence or an operator's licence authorising the use of vehicles for international operations shall not be considered to be of the appropriate financial standing unless he has available to him capital and reserves of at least—
- (a) 9,000 Euro for the first or only vehicle which is to be or is authorised under the licence; and
 - (b) 5,000 Euro for each additional vehicle which is to be or is so authorised.

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.
- (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](#);

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- (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.

46E Professional competence of road freight operators

- (1) In relation to an applicant for, or a holder of, an 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 an 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 an operator's 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) an operator's licence; or
 - (b) a licence or other authorisation granted in a Member State which authorises the holder to carry goods by road for reward.
- (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](#);

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- (b) the certificate mentioned in subsection (1)(b) must take the form of the certificate set 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 13 of Schedule 3 to the Goods Vehicles (Licensing of Operators) Act 1995, 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, an 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.

46F Savings

The provisions of section 46A(5) and (6) that were in force prior to 21st May 2003 in relation to certificates of professional competence shall continue to apply in relation to a certificate of professional competence—

- (a) which was issued before 21st May 2003; or
- (b) which was issued on or after that date to a person who before that date passed the whole or any part of the examination leading to the issue of that certificate.

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

There are currently no known outstanding effects for the Transport Act (Northern Ireland) 1967, PART IV.