



Transport Act (Northern Ireland) 1967

1967 CHAPTER 37

PART IV

GENERAL PROVISIONS RELATING TO LICENCES UNDER PARTS II AND III

Modifications etc. (not altering text)

- C1** Pt. IV: transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), [Sch. 5 Pt. 2](#) (with art. 9(2))

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

- (1) The Ministry shall keep a record of all [^{F2}bus operator's] licences ^{F3}... granted by it under [^{F4}Part 2] .
- (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

F2 Words in s. 31(1) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\)](#), s. 48(2), [Sch. 1 para. 13](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))

F3 Words in s. 31(1) repealed (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\)](#), s. 60(2), [Sch. 4](#); S.R. 2012/262, art. 2 (with arts. 4-6)

F4 Words in s. 31(1) substituted (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\)](#), s. 60(2), [Sch. 3 para. 1](#); S.R. 2012/262, art. 2 (with arts. 4-6)

32^{F5} **Copies of licences.**

Where the Ministry is satisfied that a licence granted under Part II ^{F6}... has been lost, destroyed or so defaced by accident as to be incapable of use, the Ministry may, on

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payment of a fee of [^{F7} 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).

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| F5 | mod. by SR 1987/187, 383 |
| F6 | Words in s. 32 repealed (1.7.2012) by Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2), s. 60(2), Sch. 4 ; S.R. 2012/262, art. 2 (with arts. 4-6) |
| F7 | 1969 c.19 |

33^{F8} Transfer of licences.

- (1) Subject to subsection (2), a licence granted under Part II^{F9}... shall not be transferable by the holder of the licence or by operation of law to any other person.
- (2) The Ministry may by regulations provide for the holding of a licence granted under Part II^{F10}... 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^{F11} adjudged bankrupt or makes a voluntary arrangement proposed for the purposes of, and approved under, Part VIII of the Insolvency (Northern Ireland) Order 1989 [^{F12}or becomes subject to a bankruptcy restrictions order]^{F13}or has had a debt relief order made in respect of him, or becomes subject to a debt relief restrictions order] ;
 - (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^{F14} or the undertaking enters administration]; 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; [^{F15} or
 - (e) ^{F16}..., the licence has been revoked under section 10(3A)^{F16}... as from some future date.]

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| F8 | mod. by SR 1987/187, 383 |
| F9 | Words in s. 33(1) repealed (1.7.2012) by Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2), s. 60(2), Sch. 4 ; S.R. 2012/262, art. 2 (with arts. 4-6) |
| F10 | Words in s. 33(2) repealed (1.7.2012) by Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2), s. 60(2), Sch. 4 ; S.R. 2012/262, art. 2 (with arts. 4-6) |
| F11 | 1989 NI 19 |
| F12 | Words in s. 33(2)(a) inserted (21.4.2015) by The Insolvency (Northern Ireland) Order 2005 (Consequential Amendments) Order (Northern Ireland) 2015 (S.R. 2015/159), art. 1, Sch. para. 4(3) |
| F13 | Words in s. 33(2)(a) inserted (7.3.2016) by The Debt Relief Act (Northern Ireland) 2010 (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/108), art. 1, Sch. para. 6(3) |
| F14 | Words in s. 33(2)(c) inserted (27.3.2006) by Insolvency (Northern Ireland) Order 2005 (S.I. 2005/1455 (N.I. 10)), arts. 1(3), 3(3), Sch. 2 para. 9; S.R. 2006/21, art. 2 (subject to transitional provisions and savings in S.R. 2006/22, arts. 2 - 7) |
| F15 | SR 1981/2 |

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F16 Words in s. 33(2)(e) repealed (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\)](#), s. 60(2), [Sch. 4](#); S.R. 2012/262, art. 2 (with arts. 4-6)

34^{F17} Forgery of licences.

^{F18} If, with intent to deceive, any person—

- (a) ^{F19} . . . alters or uses or lends to, or allows to be used by, any other person, a licence granted under Part II ^{F20} . . . [^{F21} or any certificate or diploma referred to in^{F22} section 46D(1)^{F20} . . .]^{F20} . . . [^{F23} 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 ^{F24} . . . so closely resembling any such licence [^{F21}, certificate, diploma] [^{F25} or control document] 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^{F26} 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.

F17 mod. by SR 1987/187, 383

F18 SR 1981/2

F19 1981 c. 45

F20 Words in s. 34(a) repealed (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\)](#), s. 60(2), [Sch. 4](#); S.R. 2012/262, art. 2 (with arts. 4-6)

F21 SR 1977/327

F22 SR 2003/217

F23 SR 2005/212

F24 Words in s. 34(b) repealed (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\)](#), s. 60(2), [Sch. 4](#); S.R. 2012/262, [art. 2](#) (with arts. 4-6)

F25 Words in s. 34(b) substituted (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\)](#), s. 60(2), [Sch. 3 para. 2](#); S.R. 2012/262, art. 2 (with arts. 4-6)

F26 1984 NI 3

35^{F27} False statements.

^{F28} A person who for the purpose of—

- (a) obtaining the grant of a licence under Part II ^{F29} . . . 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; [^{F30} or
- ^{F31}(d)
- ^{F32}(e) obtaining from the Department any certificate of professional competence recognised for the purposes of [^{F33}section 46D] . [^{F34} or]]
- ^{F34}(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 [^{F35} Article 10 of the Perjury (Northern Ireland) Order 1979]) be guilty of

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an offence and shall be liable on summary conviction to a fine not exceeding^[F36] level 3 on the standard scale] or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

- F27** mod. by SR 1987/187, 383
F28 SR 1981/2
F29 Words in s. 35(a) repealed (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\), s. 60\(2\), Sch. 4](#); S.R. 2012/262, art. 2 (with arts. 4-6)
F30 1975 c.46
F31 S. 35(d) repealed (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\), s. 60\(2\), Sch. 4](#); S.R. 2012/262, art. 2 (with arts. 4-6)
F32 1984 NI 15
F33 Words in s. 35(e) substituted (18.8.2014) by [The Road Passenger Transport \(Qualifications of Operators\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/206\), regs. 1\(1\), 9\(7\)](#)
F34 SR 2005/212
F35 1979 NI 19
F36 1984 NI 3

36^{F37} **Disclosure of information.**

- (1) Any information which is obtained under Part II,^{F38} ... 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^[F39] level 3 on the standard scale], or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

- F37** mod. by SR 1987/187, 383
F38 Words in s. 36(1) repealed (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\), s. 60\(2\), Sch. 4](#); S.R. 2012/262, art. 2 (with arts. 4-6)
F39 1984 NI 3

37^{F40} **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 ^[F41]Part 2] and this Part, have power to—
- (a) enter and inspect any motor vehicle used for the carriage of passengers^{F42} ... 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^{F43} ... by road for reward is kept;

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- (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^{F44} ... 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^{F45} 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.

F40 mod. by SR 1987/187, 383

F41 Words in s. 37(2) substituted (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\), s. 60\(2\), Sch. 3 para. 3](#); S.R. 2012/262, art. 2 (with arts. 4-6)

F42 Words in s. 37(2)(a) repealed (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\), s. 60\(2\), Sch. 4](#); S.R. 2012/262, art. 2 (with arts. 4-6)

F43 Words in s. 37(2)(b) repealed (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\), s. 60\(2\), Sch. 4](#); S.R. 2012/262, art. 2 (with arts. 4-6)

F44 Words in s. 37(2)(c) repealed (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\), s. 60\(2\), Sch. 4](#); S.R. 2012/262, art. 2 (with arts. 4-6)

F45 1984 NI 3

38^{F46} 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^{F47} ... 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^{F47} ... for reward;
- (c) any servant or agent of any person of the kind referred to in paragraphs (a) and (b);

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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^{F47} ... which have been, or are being, or are to be, carried on the vehicle for reward, particulars of—

- (i) the number of passengers^{F48} ...;
 - (ii) the places from which and to which the passengers^{F47} ... have been, are being, or are to be, carried;
 - (iii) the reward for the carriage of the passengers^{F47}
- (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^{F49} ... 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^{F49} ... 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^{F49} ... 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^{F50} ... 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.

F46 mod. by SR 1987/187, 383

F47 Words in s. 38(1) repealed (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\)](#), s. 60(2), [Sch. 4](#); S.R. 2012/262, art. 2 (with arts. 4-6)

F48 Words in s. 38(1)(i) repealed (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\)](#), s. 60(2), [Sch. 4](#); S.R. 2012/262, art. 2 (with arts. 4-6)

F49 Words in s. 38(2) repealed (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\)](#), s. 60(2), [Sch. 4](#); S.R. 2012/262, art. 2 (with arts. 4-6)

F50 Words in s. 38(3)(b) repealed (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\)](#), s. 60(2), [Sch. 4](#); S.R. 2012/262, art. 2 (with arts. 4-6)

39^{F51} **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 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

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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 ^{F52}... carried on a motor vehicle, or by the driver thereof, is a document ^{F52}... in respect of which an offence has been committed under—

^{F53}(a)

(b) section 34 or 35, in relation to a vehicle licence;

he may seize the document ^{F52}..., and for the purposes of this subsection the power to seize shall include the power to detach from a vehicle.

(4) Where a document ^{F54}... is seized under subsection (3), either the owner or driver of the vehicle shall, if the document ^{F54}... 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 ^{F54}..., and the court shall make such order respecting the disposal of the said document ^{F54}...and award such costs as the justice of the case may require.

F51 mod. by SR 1987/187, 383

F52 Words in s. 39(3) repealed (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\), s. 60\(2\), Sch. 4](#); S.R. 2012/262, art. 2 (with arts. 4-6)

F53 S. 39(3)(a) repealed (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\), s. 60\(2\), Sch. 4](#); S.R. 2012/262, art. 2 (with arts. 4-6)

F54 Words in s. 39(4) repealed (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\), s. 60\(2\), Sch. 4](#); S.R. 2012/262, art. 2 (with arts. 4-6)

40 ^{F55} **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^{F56} level 3 on the standard scale] or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

F55 mod. by SR 1987/187, 383

F56 1984 NI 3

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41 ^{F57} **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.

F57 mod. by SR 1987/187, 383

42 ^{F58} **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.

F58 mod. by SR 1987/187, 383

43 ^{F59} **Prosecutions.**

- (1) Proceedings for an offence under any of the provisions of [^{F60}Part 2] 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, ^{F61}... 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.

F59 mod. by SR 1987/187, 383

F60 Words in s. 43(1) substituted (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\)](#), s. 60(2), [Sch. 3 para. 4](#); S.R. 2012/262, art. 2 (with arts. 4-6)

F61 Words in s. 43(2) repealed (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\)](#), s. 60(2), [Sch. 4](#); S.R. 2012/262, art. 2 (with arts. 4-6)

S. 44 rep. by 1990 NI 7

45 ^{F62} **Regulations for purposes of Parts II, III and IV.**

The Ministry may make regulations for prescribing anything which may be prescribed under Part II, ^{F63}...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;

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- (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 [^{F64}bus operator's] licence and the manner in which they are to be carried;
- (g) the custody of licences granted under [^{F65}Part 2] , 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)^{F66}...;
- (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 [^{F67}Part 2] 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;
- [^{F68}(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;]

F62 mod. by SR 1987/187, 383

F63 Words in s. 45 repealed (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\)](#), s. 60(2), [Sch. 4](#); S.R. 2012/262, art. 2 (with arts. 4-6)

F64 Words in s. 45(f) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\)](#), s. 48(2), [Sch. 1 para. 14](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))

F65 Words in s. 45(g) substituted (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\)](#), s. 60(2), [Sch. 3 para. 5](#); S.R. 2012/262, art. 2 (with arts. 4-6)

F66 Words in s. 45(g) repealed (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\)](#), s. 60(2), [Sch. 4](#); S.R. 2012/262, art. 2 (with arts. 4-6)

F67 Words in s. 45(i) substituted (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\)](#), s. 60(2), [Sch. 3 para. 6](#); S.R. 2012/262, art. 2 (with arts. 4-6)

F68 1984 NI 15

46^{F70} Interpretation of “carriage for reward” for purposes of [^{F69}Part 2] and this Part.

For the purpose of [^{F69}Part 2] and this Part—

- (a) the expression “reward” shall include consideration of any kind whether monetary or not^{F71}, 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^{F72} or any payment in respect of a journey in a motor vehicle exempted from licensing requirements by virtue of section 10A]

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- (b) where a motor vehicle is being used on a road to carry for reward any passengers ^{F73}... 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 ^{F73} ... 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 ^{F73} ... for reward^{F74} unless the person to whom the vehicle has been let on hire uses the vehicle to carry such passengers ^{F73} ...for reward in the course of a business of carrying passengers ^{F73} ... for reward];

- ^{F75}(c)
- ^{F76}(d)
- ^{F77}(e)

F69	Words in s. 46 substituted (1.7.2012) by Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2), s. 60(2), Sch. 3 para. 7 ; S.R. 2012/262, art. 2 (with arts. 4-6)
F70	mod. by SR 1987/187, 383
F71	1981 NI 24
F72	1990 NI 7
F73	Words in s. 46(b) repealed (1.7.2012) by Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2), s. 60(2), Sch. 4 ; S.R. 2012/262, art. 2 (with arts. 4-6)
F74	1984 NI 15
F75	S. 46(c) repealed (1.7.2012) by Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2), s. 60(2), Sch. 4 ; S.R. 2012/262, art. 2 (with arts. 4-6)
F76	S. 46(d) repealed (1.7.2012) by Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2), s. 60(2), Sch. 4 ; S.R. 2012/262, art. 2 (with arts. 4-6)
F77	S. 46(e) repealed (1.7.2012) by Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2), s. 60(2), Sch. 4 ; S.R. 2012/262, art. 2 (with arts. 4-6)

^{F78}**46A Interpretation of certain expressions in Parts II and III.**

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F78	S. 46A omitted (18.8.2014) by virtue of The Road Passenger Transport (Qualifications of Operators) Regulations (Northern Ireland) 2014 (S.R. 2014/206), regs. 1(1), 9(8)
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^{F79}**46B Good repute**

- (1) In determining whether a person is of good repute, the Department shall have regard to any relevant matter but shall, in particular, have regard to—
 - (a) a conviction or penalty incurred by that person, or any partner, employee or agent of the person, or in the case of a company, any officer of the company, as specified in Article 6.1(b) of the 2009 Regulation; and
 - (b) any other compelling grounds for doubting the good repute of the person, or any partner, employee or agent of the person, or in the case of a company,

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any officer of the company, which appear to the Department to relate to the person's fitness to hold a licence.

- (2) For the purposes of this Act, a conviction or penalty incurred by a person engaged in the transport of passengers includes a conviction or penalty incurred for an offence under the law of any part of the United Kingdom or any corresponding offence under the law of any country or territory outside the United Kingdom.
- (3) In determining whether a person is of good repute the Department must consider whether a finding that the person is no longer of good repute would constitute a disproportionate response.
- (4) Without prejudice to the generality of the Department's powers under subsection (1), to determine that a person engaged in the transport of passengers is not of good repute, the Department shall determine that that person is not of good repute if that person has—
 - (a) been convicted of a serious offence (within the meaning given in subsection (5));
 - (b) incurred a conviction or penalty for one of the most serious infringements of Community rules as set out in Annex IV of the 2009 Regulation; or
 - (c) been convicted of, or incurred a penalty for, a road transport offence.
- (5) A person engaged in the transport of passengers has a conviction for a "serious offence" if—
 - (a) that person has been convicted of any offence under the law of any part of the United Kingdom or under the law of a country or territory outside the United Kingdom; and
 - (b) on such conviction there was imposed on that person for that offence a punishment falling within subsection (6).
- (6) The punishments are—
 - (a) a sentence of imprisonment for a term exceeding 3 months;
 - (b) a fine exceeding level 4 on the standard scale;
 - (c) a community service order or community payback order requiring a person to perform work for more than 60 hours; and
 - (d) in the case of an offence committed under the law of a country or territory outside the United Kingdom, any punishment corresponding to those mentioned in paragraphs (a) to (c).
- (7) In this section—
 - (a) "a sentence of imprisonment" includes a reference to any form of custodial sentence or order, other than one imposed under the Mental Health (Northern Ireland) Order 1986, or any corresponding statutory provision in any part of the United Kingdom or any corresponding provision in any country or territory outside the United Kingdom;
 - (b) "community service order" means an order under Article 13 of the Criminal Justice (Northern Ireland) Order 1996;
 - (c) "community payback order" means an order under section 227A of the Criminal Procedure (Scotland) Act 1995;
 - (d) "road transport offence" means—
 - (i) an offence under the law of any part of the United Kingdom relating to road transport including, in particular an offence in the field described

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- in Article 6.1(a)(iv), or relating to the matters described in Article 6.1(b) of the 2009 Regulation; or
- (ii) any corresponding offence under the law of a country or territory outside the United Kingdom.
- (8) A reference to an offence under the law of any part of the United Kingdom includes a reference to an offence under section 42 of the Armed Forces Act 2006.
- (9) For the purposes of this section—
- (a) convictions which are spent for the purposes of the Rehabilitation of Offenders (Northern Ireland) Order 1978 shall be disregarded; and
 - (b) the Department may also disregard an offence if such time as it thinks appropriate has elapsed since the date of the conviction.]

F79 S. 46B substituted (18.8.2014) by [The Road Passenger Transport \(Qualifications of Operators\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/206\)](#), regs. 1(1), **9(9)**

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

- (1) A person applying for or holding a [^{F80}bus operator's] licence ^{F81}... 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 [^{F82}bus operator's] licence ^{F83}... authorising the use of vehicles for international operations shall not be considered to be of the appropriate financial standing unless he [^{F84}meets the conditions relating to financial standing set out in Article 7 of the 2009 Regulation.]

F80 Words in s. 46C(1) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\)](#), s. 48(2), [Sch. 1 para. 15\(2\)](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))

F81 Words in s. 46C(1) repealed (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\)](#), s. 60(2), [Sch. 4](#); S.R. 2012/262, art. 2 (with arts. 4-6)

F82 Words in s. 46C(2) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\)](#), s. 48(2), [Sch. 1 para. 15\(3\)](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))

F83 Words in s. 46C(2) repealed (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\)](#), s. 60(2), [Sch. 4](#); S.R. 2012/262, art. 2 (with arts. 4-6)

F84 Words in s. 46C(2) substituted (18.8.2014) by [The Road Passenger Transport \(Qualifications of Operators\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/206\)](#), regs. 1(1), **9(10)**

46D Professional competence of road passenger transport operators

- (1) In relation to an applicant for, or a holder of, a [^{F85}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 [^{F85}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

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- (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 [^{F86}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 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 [^{F87}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.
- (4) (a) The written examination mentioned in subsection (1)(b) may be supplemented by an oral examination organised by the approved body [^{F88}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 [^{F89}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
 - (iii) a body or authority designated by another Member State for the purposes of [^{F90}Article 8 of the 2009 Regulation]; 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 [^{F91}the 2009 Regulation] in the subjects there listed.
- (5) Where two or more individuals trading in partnership apply for, or are the holders of, a [^{F92}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.

F85 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))

F86 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))

F87 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))

F88 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\(11\)\(a\)](#)

F89 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\(11\)\(b\)](#)

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- F90** Words in s. 46D(4)(c)(iii) 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)(c)**
- F91** 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)**
- F92** 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))

^{F93}46E Professional competence of road freight operators

.....

- F93** S. 46E repealed (1.7.2012) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\)](#), s. 60(2), **Sch. 4**; S.R. 2012/262, art. 2 (with arts. 4-6)

^{F94}46F Savings

.....

- F94** S. 46F omitted (18.8.2014) by virtue of [The Road Passenger Transport \(Qualifications of Operators\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/206\)](#), regs. 1(1), **9(12)**

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