
STATUTORY INSTRUMENTS

1981 No. 154

Road Traffic (Northern Ireland) Order 1981

PART V

**REGULATION OF GOODS VEHICLES AND PUBLIC SERVICE
VEHICLES, TOGETHER WITH THE DRIVERS OF SUCH VEHICLES,
AND CONTROL OF LARGE PRIVATE PASSENGER VEHICLES**

Certification and regulation of goods vehicles

Articles 53-55 rep. by 1995 NI 18

Limitation of continuous hours of duty of drivers of goods vehicles

56^{F1}.—(1) No person shall drive, or cause or permit any person employed by him or subject to his order to drive, a goods vehicle—

- (a) for any continuous period longer than the number of hours prescribed for a continuous period of driving; or
- (b) for continuous periods in any period of 24 hours amounting in the aggregate to more than the number of hours prescribed for such continuous periods of driving; or
- (c) so that the driver has not at least the prescribed period for rest in any period of 24 hours calculated from the commencement of any period of driving; or
- (d) for continuous periods in any period of 7 days amounting in the aggregate to more than the number of hours prescribed for such continuous periods of driving; or
- (e) so that the driver has not at least the prescribed period of rest in any period of 7 days.

(2) For the purposes of this Article and of any regulations made under Article 58—

- (a) any two or more periods of time shall be deemed to be a continuous period unless separated by an interval of not less than half an hour in which the driver is able to obtain rest and refreshment;
- (b) any time spent by a driver on other work in connection with a vehicle or the load carried by the vehicle, shall be reckoned as time spent in driving;
- (c) any time spent in driving or resting outside Northern Ireland may be taken into account in calculating any period prescribed under paragraph (1).

(3) Any person who drives, or who causes or permits any person employed by him or subject to his orders to drive, a goods vehicle contrary to the domestic drivers' hours code shall be guilty of an offence under this Order.

(4) This Article shall not apply to motor vehicles used for fire brigade or ambulance purposes and a person shall not be liable to be convicted of an offence under this Article, if he proves that the contravention was due to unavoidable delay in the completion of the journey to which the offence alleged relates by reason of circumstances which he could not reasonably have foreseen.

(5) The Department may by regulations—

Status: Point in time view as at 27/06/2007.

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- (a) exempt from the provisions of this Article goods vehicles of such a class or description as may be specified in the regulations;
- (b) provide that this Article shall apply to motor vehicles of such a class or description as may be so specified (not being goods vehicles) as it applies to goods vehicles;
- (c) provide that this Article shall apply to goods vehicles of any class or description with such modifications as may be so specified;
- (d) require drivers and employers of drivers to keep or to cause to be kept in such manner as may be so specified records with respect to such matters relevant to the provisions of this Article as may be so specified;
- (e) require to be installed in vehicles of such classes or descriptions and in such manner and place as may be so specified, equipment of such type and manner as may be so specified, for recording information as to the use of the vehicle and impose duties on the owners and drivers of the vehicle with respect to the use and operation of the equipment;
- (f) provide for the inspection of any records required to be kept or equipment to be installed under sub-paragraphs (d) and (e) respectively.

(6) In this Order “the domestic drivers' hours code” means the provisions of paragraphs (1) and (2) (including those provisions as applied by Article 63), any provision made by regulations under Article 83 by way of substitution for or adaptation of those provisions, and the provisions of any regulations made under paragraph (5) or made under Article 58 for purposes of those paragraphs.

F1 mod. by SR 1981/199

Article 57 rep. by 1995 NI 18

Regulations for purposes of Articles 53 to 57

58^{F2}.—(1) The Department may make regulations for the purpose of prescribing anything which is to be prescribed in^{F3} Article 56] and otherwise for giving effect to those Articles^{F3}

(2) Regulations made under paragraph (1) for the purposes of Article 56 may prescribe periods of driving of different duration for different classes of vehicles and for vehicles of the same class operating under different conditions and any such regulations may be expressed to apply for the purposes of Article 63 as they apply for the purposes of Article 56.

F2 mod. by SR 1981/199

F3 1995 NI 18

Licensing and regulation of public service vehicles

Public service vehicle not to ply for hire, etc., unless driver, etc., licensed

59^{F4}.—(1) No public service vehicle shall stand or ply for hire or carry passengers for hire unless the driver,^{F5} holds a passenger-carrying vehicle driver's licence, as defined in Article 70(2) or, as the case may be, a taxi driver's licence within the meaning of Article 79A].

(2) If a public service vehicle stands or plies for hire or carries passengers for hire contrary to this Article the owner of the vehicle shall be guilty of an offence under this Order unless he proves that the driver^{F5} . . . acted without his privity or consent.

F4 mod. by SR 1981/199

F5 1991 NI 3

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Modifications etc. (not altering text)

- C1 Art. 59 excluded (23.11.2009 for certain purposes otherwise prosp) by [Taxis Act \(Northern Ireland\) 2008 \(c. 4\), ss. 54\(1\), 59; S.R. 2009/352, art. 2, Sch.](#)

Public service vehicle not to ply for hire, etc., unless vehicle licensed

^{F6}60.—(1) A public service vehicle shall not stand or ply for hire or carry passengers for hire unless there is in force with respect to the vehicle a licence granted under Article 61 (in this Order referred to as a public service vehicle licence).

(2) If a public service vehicle is used in standing or plying for hire or is used to carry passengers for hire in contravention of this Article, the owner of the vehicle and the driver^{F7} . . . of the vehicle shall be guilty of an offence under this Order but the driver^{F7} . . . shall not be guilty of an offence under this Article if he proves that he did not know that there was not in force in relation to the vehicle a licence granted under Article 61.

(3) Any public service vehicle which is used in standing or plying for hire or which is used to carry passengers for hire without having such distinguishing mark or plate as may from time to time be prescribed shall be deemed to be an unlicensed public service vehicle.

F6 mod. by SR 1981/199

F7 1991 NI 3

Modifications etc. (not altering text)

- C2 Art. 60 excluded (23.11.2009 for certain purposes otherwise prosp) by [Taxis Act \(Northern Ireland\) 2008 \(c. 4\), ss. 54\(1\), 59; S.R. 2009/352, art. 2, Sch.](#)

Grant of public service vehicle licences

^{F8}61.—(1) Licences in respect of public service vehicles of such different classes as may be prescribed may be—

- (a) granted by the Department in such form and upon payment of such fee (which shall be uniform in respect of every vehicle of a particular class);
- (b) granted on such conditions and subject to revocation or suspension in such events;
- (c) generally dealt with in such manner,

as may be prescribed, or as the Department may determine.

(2) A public service vehicle licence granted by the Department under paragraph (1) shall, unless sooner revoked or suspended, continue in force for one year.

(3) [^{F9}Subject to paragraph (3A),] a public service vehicle licence shall not be granted under paragraph (1) unless the applicant for the licence—

- (a) satisfies the Department that on the date when the licence will come into operation there will be in force, in relation to the user on a road of the vehicle for which the licence is sought, such a policy of insurance or such a security in respect of third-party liabilities as complies with the requirements of Part VIII;
- (b) shows to the reasonable satisfaction of the Department that he will be in a position to satisfy all lawful claims which may be made against him in respect of damage to property caused by the user of the vehicle on a road.

[^{F9}(3A) Paragraph (3) shall not apply to a public service vehicle owned by a company mentioned in Article 90(2)(aa).]

Status: Point in time view as at 27/06/2007.

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(4) Any condition on which a public service vehicle licence is to be granted may be either—

- (a) prescribed; or
- (b) inserted in or endorsed on the licence in respect of the vehicle,

and a condition so inserted in or endorsed on a licence shall have the like effect as if it were prescribed.

(5) The different classes of vehicles in respect of which licences are granted under this Article shall be distinguished in such manner as may be prescribed.

F8 mod. by SR 1981/199

F9 1984 NI 15

Modifications etc. (not altering text)

C3 Art. 61 excluded (23.11.2009 for certain purposes otherwise prosp) by [Taxis Act \(Northern Ireland\) 2008 \(c. 4\), ss. 54\(1\), 59; S.R. 2009/352, art. 2, Sch.](#)

Public service vehicles not to carry more than the prescribed number of persons.

^{F10}**62.**—(1) A public service vehicle shall not carry a greater number of persons than that prescribed for the vehicle.

(2) If a greater number of persons than that prescribed for the vehicle is carried in a public service vehicle the owner of the vehicle and the^{F11} driver] of the vehicle shall be guilty of an offence under this Order.

(3) Where a person is convicted of an offence under this Article, the court shall cause particulars of the conviction to be endorsed upon the licence granted under Article 61 in respect of the vehicle^{F12}

(4) The owner^{F12} . . . of a public service vehicle who is charged with an offence under this Article shall, when required to do so, produce to the court before which he is charged the licence granted in respect of the vehicle under Article 61^{F12} . . . and if he fails to do so shall be guilty of an offence under this Order.

Para. (5) rep. by 1991 NI 3

F10 mod. by SR 1981/199

F11 1991 NI 3

F12 1996 NI 10

Modifications etc. (not altering text)

C4 Art. 62 excluded (23.11.2009 for certain purposes otherwise prosp) by [Taxis Act \(Northern Ireland\) 2008 \(c. 4\), ss. 54\(1\), 59; S.R. 2009/352, art. 2, Sch.](#)

Limitation of continuous hours of duty of drivers of public service vehicles

^{F13}**63.** Article 56 shall apply to the driving of public service vehicles as it applies to the driving of goods vehicles and paragraph (2)(*b*) of that Article shall in its application to public service vehicles have effect as if that sub-paragraph included a reference to any time spent by a driver on a public service vehicle in any capacity other than that of a passenger.

F13 mod. by SR 1981/199

Modifications etc. (not altering text)

C5 Art. 63 excluded (23.11.2009 for certain purposes otherwise prosp) by [Taxis Act \(Northern Ireland\) 2008 \(c. 4\), ss. 54\(1\), 59; S.R. 2009/352, art. 2, Sch.](#)

Power to stop and examine public service vehicles

^{F14}64.—(1) An authorised officer may stop and examine any public service vehicle which is plying for hire or carrying passengers for hire.

(2) If the authorised officer is satisfied that the vehicle does not comply with regulations made under Article 66 for ensuring the safety of passengers in public service vehicles and that danger to the passengers in the vehicle is likely to occur, he may require—

- (a) the passengers to leave the vehicle; and
- (b) suitable arrangements to be made by the owner of the vehicle for the immediate conveyance of the passengers to the places to which they are entitled to travel on the vehicle.

(3) If the owner of a public service vehicle fails to make suitable arrangements for the immediate conveyance of passengers upon being required so to do by an authorised officer under paragraph (2) (b) he shall be guilty of an offence under this Order.

(4) In this Article “authorised officer” means a member of the Royal Ulster Constabulary, or an officer of the Department who is authorised by the Department for the purposes of this Article.

F14 mod. by SR 1981/199

Modifications etc. (not altering text)

C6 Art. 64 excluded (23.11.2009 for certain purposes otherwise prosp) by [Taxis Act \(Northern Ireland\) 2008 \(c. 4\), ss. 54\(1\), 59; S.R. 2009/352, art. 2, Sch.](#)

Power to make bye-laws regulating public service vehicles within any area

^{F15}65.—(1) Subject to paragraph (2), the Department may make bye-laws regulating public service vehicles (in this Article referred to as vehicles) used in standing or plying for hire, or used to carry passengers for hire, within any area.

(2) The purposes for which bye-laws may be made under paragraph (1) are—

- (a) preventing vehicles from standing or plying for hire on, or preventing vehicles from using except in accordance with the bye-laws, specified streets or portions of streets or in any specified district in the area;
- (b) preventing, either generally or during particular hours, vehicles carrying passengers from any depot or stand in any street or district in the area;
- (c) prescribing which premises vested in or controlled by the Department and which portions of streets in the area may be used as stands or starting places for vehicles;
- (d) prescribing the number of vehicles which may stand at each stand or parking place and fixing the charges to be made and the time during which vehicles may remain there;
- (e) regulating the times and intervals at, and the order in, which vehicles may enter or leave such stands or starting places, or commence their journeys from any particular point or on any particular route;
- (f) enforcing order at and on such stands, starting places, points and routes;

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- (g) reserving particular stands or starting places for the use of vehicles or of vehicles plying on particular routes, and excluding from those stands or starting places all other vehicles (whether within the meaning of this Article or not) and generally regulating access to and the use of those stands or parking places;
- (h) prescribing the routes to be followed, either generally or during particular hours, by vehicles from one specified point to another within the area;
- (i) excluding, either generally or during particular hours, from specified streets or portions of streets in the area all vehicles except those which are proceeding in one particular direction;
- (j) prescribing the points within the area other than such stands or starting places at which, and the time during which, vehicles may stop for the purpose of taking up or setting down passengers, and preventing vehicles from stopping for such purposes at any points, or for longer than the time so prescribed;
- (k) prescribing the distance, not exceeding 10 miles beyond the boundaries of the area, for which drivers of vehicles shall be obliged to carry passengers for hire;
- (l) fixing the maximum rates or fares to be charged for or on vehicles for passengers and luggage within the area and a distance of 10 miles beyond the boundaries of the area, together with the minimum rates or fares to be charged therefor within the area, and for preventing the driver or conductor of a vehicle from demanding more, or accepting less, than the maximum or minimum fare so fixed.

(3) The provisions of Part VI of the Local Government Act (Northern Ireland) 1972 shall apply to bye-laws made under this Article and to bye-laws made under any local Act by the Department for the regulation of vehicles or any class or description of vehicles (by whatever name called); and in relation to such bye-laws made under a local Act the Department shall be substituted for any other confirming or approving authority specified in the local Act.

F15 mod. by SR 1981/199

Modifications etc. (not altering text)

C7 [Art. 65](#) excluded (23.11.2009 for certain purposes otherwise prosp) by [Taxis Act \(Northern Ireland\) 2008 \(c. 4\), ss. 54\(1\), 59; S.R. 2009/352, art. 2, Sch.](#)

Regulations for purposes of Articles 59 to 65^{F16} . . .

66^{F17}.—(1) The Department may make regulations for all or any of the following purposes, which regulations may apply to public service vehicles generally or to public service vehicles of a particular class,—

- (a) prescribing, subject to the approval of the Department of Finance, the fees to be paid on application for, and on the issue of, licences under Articles 61^{F16} . . . ;
- (b) regulating the manner in which the distinguishing mark or plate, referred to in Article 60(3), is to be shown on any such vehicle;
- (c) regulating the number of persons who may be carried in any such vehicle, the space to be allotted to each such person, and the manner in which such number and space are to be indicated upon the vehicle;
- (d) regulating the manner in which such vehicles are to be furnished or fitted;
- (e) ensuring that such vehicles are fit for public hire;
- (f) ensuring the safety of persons carried in such vehicles;

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- (g) providing for the inspection of such vehicles for the purpose of ensuring that they are fit for public hire and that persons may safely be carried in them;
- (h) providing for the cessation of the use of any such vehicle which at any time fails to comply with the regulations;
- (i) prescribing the classes of vehicles upon which a conductor must be carried in addition to the driver;
- (j) requiring the wearing of badges by licensed drivers and conductors;
- (k) regulating the conduct of passengers and of persons employed in connection with such vehicles;
- (l) securing the due publication of the rates and fares to be paid by passengers in such vehicles or for the hire of such vehicles;
- (m) securing the safe custody and delivery to its owner of any property accidentally left in such vehicles and fixing the charges to be paid in respect of safe-keeping and delivery and empowering prescribed persons to cause such property to be sold, or given to the finder, in the event of its not being claimed within a prescribed time;
- (n) providing for the performance by constables of such duties as may be assigned to them under Article 64;
- (o) prescribing anything which is required to be prescribed by Articles 59 to 65 and generally for giving effect to those Articles;
- (p) requiring documents of any prescribed description relevant to the administration or enforcement of any directly applicable Community provision regulating the provision of international passenger-carrying road transport services to be kept and produced on demand for the inspection of a prescribed person;
- (q) prescribing persons to act as authorised inspection officers for purposes of any such Community provision;
- (r) without prejudice to any of the above sub-paragraphs, prescribing anything which is authorised to be prescribed under this paragraph by virtue of Article 10(1) of the Transport (Northern Ireland) Order 1977 .

(2) The Department may by regulations exempt from all or any of the provisions of Articles 59 to 65^{F16} . . . or of any regulations made under paragraph (1) public service vehicles or any class or description of public service vehicles registered elsewhere than in Northern Ireland or brought temporarily into Northern Ireland or the drivers of such vehicles or modify or adapt such provisions in relation to such vehicles or drivers.

(3) Where any such directly applicable Community provision as is referred to in paragraph (1)(p) requires the keeping or production of any document, any person who contravenes that requirement shall be guilty of an offence under this Order.

F16 1991 NI 3

F17 mod. by SR 1981/199

[^{F18}Car-sharing arrangements

66A.—(1) A motor vehicle carrying passengers for payment in circumstances in which the conditions set out in paragraph (2) are fulfilled shall not be regarded as a public service vehicle.

(2) The conditions referred to in paragraph (1) are—

- (a) that the vehicle is not adapted to carry more than 8 passengers in addition to the driver;

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- (b) that the payment or aggregate of the payments made in respect of the journey by the vehicle does not exceed the amount of the running costs of the vehicle for the journey; and
- (c) that the arrangements for payment by the passenger or passengers so carried were made before the journey began,

and for the purposes of sub-paragraph (b) the running costs of a vehicle for a journey shall be taken to include an appropriate amount in respect of depreciation and general wear.

- (3) In this Article “payment” includes consideration of any kind, whether monetary or not.]

F18 1981 NI 24

Articles 67-69 rep. by 1995 NI 18

Articles 70-79 rep. by 1991 NI 3

[^{F19}Special provisions relating to licensing of drivers of large goods vehicles and passenger-carrying vehicles

F19 1991 NI 3

Licensing of drivers of large goods vehicles and passenger-carrying vehicles

70 ^{F20}.—(1) Licences under Part II to drive motor vehicles of classes which include large goods vehicles or passenger-carrying vehicles or large goods vehicles or passenger-carrying vehicles of any class shall be granted by the Department in accordance with the special provisions, that is to say the provisions of this Article and Articles 71 to 79, and shall, in so far as they authorise the driving of large goods vehicles or passenger-carrying vehicles, be otherwise subject to the special provisions in addition to Part II.

- (2) In the special provisions—

[^{F21}“Community licence” has the same meaning as in Part II;

“LGV Community licence” means a Community licence in so far as it authorises a person to drive large goods vehicles of any class;]

[^{F21}“PCV Community licence” means a Community licence in so far as it authorises a person to drive passenger-carrying vehicles of any class;]

“large goods vehicle driver's licence” means a licence under Part II in so far as it authorises a person to drive large goods vehicles of any class; and

“passenger-carrying vehicle driver's licence” means a licence under Part II in so far as it authorises a person to drive passenger-carrying vehicles of any class.

F20 mod. by SR 1994/365

F21 SR 1996/426

Grant of licences: fitness as regards conduct

71 ^{F22}.—(1) The Department shall not grant to an applicant a large goods vehicle driver's licence or a passenger-carrying vehicle driver's licence unless it is satisfied, having regard to the applicant's conduct, that he is a fit person to hold the licence applied for.

(2) For the purposes of paragraph (1), the Department may require the applicant for the licence to furnish such information as it may require and may, by notice to the applicant, require him to attend

the Department at the time and place specified by the Department to furnish the information and to answer such questions (if any) relating to his application as the Department may put to him.

(3) If the applicant fails without reasonable excuse to furnish information to or attend or answer questions properly put to him when required to do so under paragraph (2), the Department may decline to proceed further with the application and refuse to grant the licence.

F22 mod. by SR 1994/365

Conditions of certain licences

72^{F23}.—(1) [^{F24}The following licences, that is to say—

- (a) a large goods vehicle or passenger-carrying vehicle driver's licence issued as a provisional licence,
- (b) a full large goods vehicle or passenger-carrying vehicle driver's licence granted to a person under the age of 21, and
- (c) an LGV Community licence held by a person under the age of 21 who is normally resident in Northern Ireland,]

shall be subject to the prescribed conditions, and if the holder of the licence fails, without reasonable excuse, to comply with any of the conditions he is guilty of an offence under this Order.

(2) It is an offence for a person knowingly to cause or permit another person who is under the age of 21 to drive a large goods vehicle of any class or a passenger-carrying vehicle of any class in contravention of the prescribed conditions to which that other person's licence is subject.

F23 mod. by SR 1994/365

F24 SR 1996/426

Revocation or suspension of licences

73^{F25}.—(1) A large goods vehicle or passenger-carrying vehicle driver's licence—

- (a) must be revoked if there come into existence, in relation to its holder, such circumstances relating to his conduct as may be prescribed;
- (b) must be revoked or suspended if his conduct is such as to make him unfit to hold such a licence;

and where the licence is suspended under sub-paragraph (b) it shall during the time of suspension be of no effect.

(2) Where it appears that the conduct of the holder of a licence falls within both sub-paragraph (a) and sub-paragraph (b) of paragraph (1), proceedings shall be taken or continued under sub-paragraph (a) and not under sub-paragraph (b) and accordingly the power to suspend the licence, rather than revoke it, shall not be available.

(3) Without prejudice to section 17 of the Interpretation Act (Northern Ireland) 1954, regulations made for the purposes of [^{F26} this Article or Article 74] [^{F27} or any of Articles 73A, 74 or 74A]

- (a) may make different provision for large goods vehicles and for passenger-carrying vehicles and for different descriptions of persons; and
- (b) shall provide for the determination of the cases in which,
 - [^{F27}(i) under Article 74, a person whose licence has been revoked, or

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(ii) under Article 74A, a person on whom a notice is served in pursuance of Article 73A(1)(a),]

is to be disqualified indefinitely or for a period and, if for a period, for the determination of the period.

[^{F27}(4) The Department shall determine any question arising—

- (a) under paragraph (1)(b) as to whether a person is or is not, by reason of his conduct, fit to hold a large goods vehicle or passenger-carrying vehicle driver's licence, as the case may be, or
- (b) under Article 73A(1)(b) as to whether the holder of an LGV Community licence or PCV Community licence is or is not, by reason of his conduct, fit to be authorised by virtue of Article 15A(1) to drive in Northern Ireland a large goods vehicle or passenger-carrying vehicle (as the case may be).]

(5) Where, under [^{F27} paragraph (4)(a)], the Department determines that the holder of the licence is not fit to hold a large goods vehicle or passenger-carrying vehicle driver's licence, as the case may be, it shall also determine whether the conduct of the holder of the licence is such as to require the revocation of his licence or only its suspension; and, if the former, whether the holder of the licence should be disqualified under Article 74(2)(a) (and, if so, for what period) or under Article 74(2)(b).

[^{F27}(5A) Where, under paragraph (4)(b), the Department determines that a Community licence holder is not fit to be authorised by virtue of Article 15A(1) to drive in Northern Ireland a large goods vehicle or passenger-carrying vehicle (as the case may be), it shall also determine whether the Community licence holder—

- (a) should be disqualified under Article 74A(2)(a) (and, if so, for what period) or under Article 74A(2)(b), or
- (b) should be granted, free of charge, a large goods vehicle or passenger-carrying vehicle driver's licence (and, if so, from what date it shall take effect).]

(6) For the purposes of paragraphs (4) and (5) the Department may require the holder of the licence to furnish such information as it may require and may, by notice to the holder, require him to attend the Department at the time and place specified by the Department to furnish the information and to answer such questions (if any) relating to the subject matter of the reference as may be put to him.

(7) If the holder of the licence fails without reasonable excuse to furnish information to or to attend before or answer questions properly put to him when required to do so under paragraph (3),

- [^{F27}(a) in a case where the licence in question is an LGV Community licence or a PCV Community licence, the holder shall cease to be authorised by virtue of Article 15A(1) to drive in Northern Ireland a large goods or passenger-carrying vehicle (as the case may be) from such date as is specified in a notice served on the holder by the Department; and
- (b) in any other case, the Department may revoke the licence or suspend it for such period as the Department thinks fit.]

(8) Where the Department determines to revoke or suspend a person's licence under paragraph (1), it shall notify the holder of the licence of its determination.

F25 mod. by SR 1994/365

F26 1996 NI 10

F27 SR 1996/426

[^{F28}Community licence holders: cessation of authorisation, etc.

73A.—(1) Where, in relation to a holder of an LGV Community licence or PCV Community licence who is normally resident in Northern Ireland—

- (a) there exist immediately before the relevant date, or there come into existence on or after that date, such circumstances relating to his conduct as may be prescribed; or
- (b) his conduct is such as to make him unfit to be authorised by virtue of Article 15A(1) to drive in Northern Ireland a large goods vehicle or passenger-carrying vehicle (as the case may be),

the Department must serve notice on the holder requiring him to deliver the Community licence and its counterpart (if any) immediately to the Department and it shall be the duty of the holder to comply with that requirement.

(2) Where a notice is served in pursuance of paragraph (1)(a) or (b) on the holder of an LGV Community licence or a PCV Community licence, he shall cease to be authorised by virtue of Article 15A(1) to drive in Northern Ireland a large goods vehicle or passenger-carrying vehicle (as the case may be) from such date as is specified in the notice, not being earlier than the date of service of the notice.

(3) Where it appears to the Department that the conduct of a Community licence holder falls within both sub-paragraph (a) and sub-paragraph (b) of paragraph (1), the Department must serve notice on the holder in pursuance of the former sub-paragraph only.

(4) Any Community licence holder who fails without reasonable excuse to comply with his duty under paragraph (1) is guilty of an offence.

(5) In this Article “relevant date”, in relation to a Community licence holder who is normally resident in Northern Ireland, has the same meaning as in Article 15A(8).

F28 SR 1996/426

Disqualification on revocation of licence

74 ^{F29}.—(1) Where in pursuance of sub-paragraph (a) of Article 73(1) the Department revokes a person's large goods vehicle or passenger-carrying vehicle driver's licence, it must, in accordance with the regulations made^{F30} in pursuance of Article 73(3)], order that person to be disqualified indefinitely or for the period determined in accordance with the regulations.

(2) Where in pursuance of sub-paragraph (b) of Article 73(1) the Department revokes a person's large goods vehicle or passenger-carrying vehicle driver's licence, it may—

- (a) order the holder to be disqualified indefinitely or for such period as it thinks fit, or
- (b) except where the licence is a provisional licence, if it appears to the Department that, owing to the conduct of the holder of the licence, it is expedient to require him to comply with the prescribed conditions applicable to provisional licences under Part II until he passes the prescribed test of competence to drive large goods vehicles or passenger-carrying vehicles of any class, order him to be disqualified for holding or obtaining a full licence until he passes such a test.

[^{F30}(2A) Regulations may make provision for the application of paragraphs (1) and (2), in such circumstances and with such modifications as may be prescribed, where a person's large goods vehicle or passenger-carrying vehicle driver's licence is treated as revoked by virtue of Article 42(1) of the Offenders Order (effect of disqualification by order of a court).]

Status: Point in time view as at 27/06/2007.

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(3) If, while the holder of a large goods vehicle or passenger-carrying vehicle driver's licence is disqualified under paragraph (1), the circumstances prescribed for the purposes of sub-paragraph (a) of Article 73(1) cease to exist in his case, the Department must, on an application made to it for the purpose, remove the disqualification.

(4) Where the holder of a large goods vehicle or passenger-carrying vehicle driver's licence is disqualified under paragraph (2)(a), the Department may, in such circumstances as may be prescribed, remove the disqualification.

(5) Where the holder of a full licence is disqualified under paragraph (2)(b), the Department must not afterwards grant him a full licence to drive a large goods vehicle or passenger-carrying vehicle of any class unless satisfied that he has since the disqualification passed the prescribed test of competence to drive vehicles of that class, and until he passes that test any full licence obtained by him shall be of no effect.

(6) So long as the disqualification under paragraph (1) or (2)(a) of the holder of a large goods vehicle or passenger-carrying vehicle driver's licence continues in force, a large goods vehicle or passenger-carrying vehicle driver's licence must not be granted to him and any such licence obtained by him shall be of no effect.

(7) In this Article “disqualified”

- (a) in a case of revocation on the ground of the conduct of the holder of the licence as a driver, means disqualified for holding or obtaining a licence under Part II to drive large goods vehicles of the prescribed classes and passenger-carrying vehicles of the prescribed classes; and
- (b) in a case of revocation of a passenger-carrying vehicle driver's licence on the ground of the conduct of the holder otherwise than as a driver, means disqualified for holding or obtaining a licence under Part II to drive passenger-carrying vehicles of the prescribed classes.

F28 SR 1996/426
F29 mod. by SR 1994/365
F30 1996 NI 10

Community licences: disqualification etc.

74A.—(1) Where a notice is served on a Community licence holder in pursuance of Article 73A(1)(a), the Department must, in accordance with the regulations made in pursuance of Article 73(3), order that person to be disqualified indefinitely or for the period determined in accordance with the regulations.

(2) Where a notice is served on a Community licence holder in pursuance of Article 73A(1)(b), the Department may—

- (a) order that person to be disqualified indefinitely or for such period as the Department thinks fit,
- (b) if it appears to the Department that, owing to the conduct of the Community licence holder, it is expedient to require him to comply with the prescribed conditions applicable to provisional licences under Part II until he passes the prescribed test of competence to drive large goods vehicles or passenger-carrying vehicles of any class, order him to be disqualified for holding or obtaining a full licence until he passes such a test, or
- (c) on receipt of the Community licence and its counterpart (if any), grant to the Community licence holder, free of charge, a large goods vehicle or passenger-carrying vehicle driver's licence which shall take effect from such date as the Department may determine.

[

^{F31}(3) Where in pursuance of paragraph (1) or (2), the Department orders a Community licence holder to be disqualified the Department must, on receipt of the Community licence and its counterpart (if any), grant to the Community licence holder, free of charge, a licence authorising the driving of the classes of vehicle which are unaffected by the disqualification.

(3A) The Department may require a person to provide—

- (a) evidence of his name, address, sex and date and place of birth; and
- (b) a photograph which is a current likeness of him,

before granting a licence to him under paragraph (3).]

(4) If, while the holder of an LGV Community licence or a PCV Community licence is disqualified under paragraph (1), the circumstances prescribed for the purposes of Article 73A(1)(a) cease to exist in his case, the Department must, on an application made to it for the purpose remove the disqualification.

(5) Where the holder of an LGV Community licence or a PCV Community licence is disqualified under paragraph (2)(a), the Department may, in such circumstances as may be prescribed, remove the disqualification.

(6) In this Article “disqualified”

- (a) in a case where notice is served in pursuance of Article 73A(1) on a Community licence holder on the ground of his conduct as a driver, means disqualified for holding or obtaining a licence under Part II to drive large goods vehicles of the prescribed classes and passenger-carrying vehicles of the prescribed classes; and
- (b) in a case where notice is served in pursuance of Article 73A(1) on a holder of a PCV Community licence on the ground of his conduct otherwise than as a driver, means disqualified for holding or obtaining a licence under Part II to drive passenger-carrying vehicles of the prescribed classes.

F28 SR 1996/426

F31 SR 2002/374

Revoked or suspended licences: surrender, return and endorsement

75 ^{F32}.—(1) Where, in pursuance of Article 73, the Department revokes or suspends a licence, it must serve notice on the holder of the licence requiring him to deliver the licence and its counterpart forthwith to the Department, and it shall be the duty of the holder of the licence to comply with the requirement.

(2) Any holder of a licence who fails without reasonable excuse to comply with his duty under paragraph (1) is guilty of an offence under this Order.

(3) On the delivery of a revoked licence and its counterpart by a person to the Department in pursuance of paragraph (1) the Department must issue to him, on payment of such fee (if any) as may be prescribed, a licence authorising the driving of the classes of vehicles which are unaffected by the revocation or suspension.

[^{F33}(3A) The Department may require a person to provide—

- (a) evidence of his name, address, sex and date and place of birth; and
- (b) a photograph which is a current likeness of him,

before granting a licence to him under paragraph (3).]

Status: Point in time view as at 27/06/2007.

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(4) On the delivery of a suspended licence and its counterpart to the Department, the Department must endorse the counterpart of the licence with particulars of the suspension and return the licence and its counterpart to the holder.

F32 mod. by SR 1994/365
F33 SR 2002/374

Appeals to court of summary jurisdiction

76^{F34}.—(1) A person who, being the holder of, or an applicant for, a large goods vehicle or passenger-carrying vehicle driver's licence^{F35} or the holder of an LGV Community licence or a PCV Community licence], is aggrieved by the Department's—

- (a) refusal or failure to grant such a licence in pursuance of Article 71,
- (b) suspension or revocation of such a licence in pursuance of Article 73, or
- (c) ordering of disqualification under Article 74(2)^{F35} or 74A(2)],

^{F35}or by a notice served on him in pursuance of Article 73(8) or 73A(1)] may, after giving to the Department notice of his intention to do so, appeal to a court of summary jurisdiction acting for the petty sessions district in which the holder of or applicant for the licence resides.

(2) On any appeal under^{F35} paragraph (1) (except under sub-paragraph (c) of that paragraph)] the Department shall be respondent.

(3) On any appeal under paragraph (1) the court may make such order as it thinks fit and the order shall be binding on the Department.

F28 SR 1996/426
F34 mod. by SR 1994/365
F35 SR 1996/426

Regulations

77^{F36}.—(1) Without prejudice to Article 218, the Department may make regulations generally for carrying the special provisions into effect.

(2) Regulations under this Article may in particular require applicants for tests of competence under Part II to drive large goods vehicles or passenger-carrying vehicles or for large goods vehicle or passenger-carrying vehicle driver's licences (whether full or provisional) to have such qualifications, experience and knowledge as may be prescribed and, in particular, where they are to be authorised to drive large goods vehicles or passenger-carrying vehicles of any class at an age below the normal minimum age for driving vehicles of that class, to fulfil such requirements with respect to participation in an approved training scheme for drivers as may be prescribed.

(3) In paragraph (2)—

“approved training scheme for drivers” means a training scheme for drivers (as defined in Article 17(5)) approved for the time being by the Department for the purposes of regulations under that Article; and

“normal minimum age for driving”, in relation to the driving of vehicles of any class, means the age which is in force under Article 17 (but apart from any approved training scheme for drivers) in relation to that class of vehicle.

(4) Regulations under this Article may provide that a person who contravenes or fails to comply with any specified provision of the regulations is guilty of an offence under this Order.

(5) The Department may by regulations provide that this Part shall not apply to large goods vehicles or passenger-carrying vehicles of such classes as may be prescribed either generally or in such circumstances as may be prescribed.

F28 SR 1996/426
F36 mod. by SR 1994/365

Interpretation

78^{F37}. In [^{F38}this Article, Articles 70 to 77 and Article 180A]—

[^{F39}“conduct” means—

- (a) in relation to an applicant for or the holder of a large goods vehicle driver's licence or the holder of an LGV Community licence, his conduct as a driver of a motor vehicle, and
- (b) in relation to an applicant for or the holder of a passenger-carrying vehicle driver's licence or the holder of a PCV Community licence, his conduct both as a driver of a motor vehicle and in any other respect relevant to his holding a passenger-carrying vehicle driver's licence or (as the case may be) his authorisation by virtue of Article 15A(1) to drive in Northern Ireland a passenger-carrying vehicle of any class,

including, in either case, such conduct in Great Britain;]

“counterpart” in relation to a licence to drive under Part II [^{F39} or a Community licence] has the same meaning as in that Part;

“full licence” means a large goods vehicle or passenger-carrying vehicle driver's licence other than a provisional licence;

[^{F39}“large goods vehicle” means a motor vehicle (not being a medium-sized goods vehicle within the meaning of Part II) which is constructed or adapted to carry or to haul goods and the permissible maximum weight of which exceeds 7.5 tonnes;]

“passenger-carrying vehicle” means—

- (a) a large passenger-carrying vehicle, that is to say, a vehicle used for carrying passengers which is constructed or adapted to carry more than 16 passengers, or
- (b) a small passenger-carrying vehicle, that is to say, a vehicle used for carrying passengers for hire or reward which is constructed or adapted to carry more than 8 but not more than 16 passengers [^{F39} and includes a combination of such a motor vehicle and a trailer];

“notice” means notice in writing and notify shall be construed accordingly;

“provisional licence” means a licence granted by virtue of Article 13(2);

“the special provisions” has the meaning given in Article 70;

[^{F39} and “permissible maximum weight” has the same meaning as in Part II.]

F28 SR 1996/426
F37 mod. by SR 1994/365
F38 Words in art. 78 substituted (27.6.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), 86(1), Sch. 7 para. 5; S.R. 2007/302, art. 2, Sch.
F39 SR 1996/426

Provisions as to Great Britain licences

79^{F40}.—(1) In this Article “Great Britain driving licence” has the same meaning as in Part II.

Status: Point in time view as at 27/06/2007.

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(2) The Department may exercise as respects Northern Ireland the like power of revoking or suspending any Great Britain driving licence and of making an order under Article 74(2) as is conferred on it in relation to a large goods vehicle or passenger-carrying vehicle driver's licence by Articles 73(1)(b) and 74(2), and the provisions of Articles 73(1) and (4) to (8), 74 and (with the exception of paragraph (2)) 75 shall have effect accordingly.

(3) Where a revoked Great Britain driving licence and its counterpart are surrendered to the Department in pursuance of Article 75, the Department shall send them to the Secretary of State together with particulars of the revocation.

(4) A holder of a Great Britain driving licence who is aggrieved by the revocation or suspension of the licence or the ordering of disqualification by virtue of paragraph (2) shall have the like right of appeal as is conferred by Article 76 except that an appeal brought by virtue of this paragraph shall, if the appellant is not resident in Northern Ireland, lie to such court of summary jurisdiction as may be prescribed by magistrates' courts rules.]

F28 SR 1996/426

F40 mod. by SR 1994/365

Taxi drivers' licences

Licensing of drivers of taxis

79A.—(1) A person shall not drive a taxi when it is standing or plying for hire or carrying passengers for hire unless he is the holder of a taxi driver's licence; that is to say, a licence granted under paragraph (2).

(2) Subject to paragraphs (3) and (4), taxi drivers' licences may be granted to applicants by the Department on payment of such fee as may be prescribed with the approval of the Department of Finance and Personnel.

(3) The Department shall not grant a taxi driver's licence—

[^{F41}(a) to any person who has not for at least 12 months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised; and]

(b) unless—

(i) the Department is satisfied that the applicant is a fit and proper person to hold the licence; and

(ii) the applicant^{F42} . . . meets such other requirements as may be prescribed.

[^{F41}(3A) For the purposes of paragraph (3)(a) a person is authorised to drive a motor car if—

(a) he holds a licence granted under Part II (not being a provisional licence) authorising him to drive a motor car, or

(b) he is authorised by virtue of Article 15A(1) to drive in Northern Ireland a motor car.]

(4) Taxi drivers' licences—

(a) shall be granted subject to prescribed conditions;

(b) may be revoked or suspended by the Department in prescribed circumstances;

(c) shall remain in force for such period as may be prescribed if not earlier revoked or suspended; and

(d) shall be generally dealt with in the prescribed manner.

(5) A person who is aggrieved by the Department's refusal to grant, or by the revocation or suspension of, a taxi driver's licence may, after giving notice to the Department of his intention to do so, appeal to a court of summary jurisdiction acting for the petty sessions district in which he resides.

(6) On any such appeal the court may make such order as it thinks fit and the order shall be binding on the Department.

(7) Any person who drives a taxi in contravention of paragraph (1) shall be guilty of an offence under this Order.

(8) In this Article "taxi" means a public service vehicle seating not more than 8 passengers in addition to the driver.

F41 SR 1996/426

F42 1996 NI 11

Repayment of fees]

Repayment of fees

80 ^{F43}. The Department may, with the approval of the Department of Finance, prescribe the circumstances in which any fee paid in pursuance of regulations made under^{F44} Article 66], or under any earlier enactment having like effect, may be repaid.

F43 mod. by SR 1981/199

F44 1995 NI 18

Status:

Point in time view as at 27/06/2007.

Changes to legislation:

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