



2010 CHAPTER 2

Supplementary

Regulations

57.—(1) The Department may make regulations for any purpose for which regulations may be made under this Act, and for prescribing anything which may be prescribed under this Act, and generally for carrying this Act into effect.

(2) In particular, but without prejudice to the generality of subsection (1), the Department may make regulations with respect to the following matters—

- (a) the procedure on applications for, and the determination of questions in connection with, the issuing and variation of operators' licences and the procedure under, and the determination of questions for the purposes of, sections 23 to 29 and 34;
- (b) the issue of operators' licences and the issue on payment of the prescribed fee of copies of such licences in the case of licences lost or defaced;
- (c) the forms which operators' licences are to take in order to show a distinction—
 - (i) between a standard licence and a restricted licence; and
 - (ii) between a licence covering both international and national transport operations and a licence covering national transport operations only;
- (d) the means by which vehicles may be identified, whether by plates, marks or otherwise, as being used or authorised to be used under an operator's licence;
- (e) the custody, production, return and cancellation of operators' licences and of documents, plates and any other means of identification prescribed under paragraph (d);

- (f) the payment of a prescribed fee in respect of any document, plate or other means of identification so prescribed that has been lost, defaced or broken;
 - (g) the notification to the Department of vehicles which have ceased to be used under an operator's licence;
 - (h) the circumstances in which goods are to be treated for the purposes of this Act as carried for hire or reward and the circumstances in which goods are to be treated for those purposes as carried by any person for or in connection with a trade or business carried on by that person.
- (3) The power under subsection (2)(a) shall include power to require a person applying for an operator's licence to state in the application—
- (a) whether the application is for a standard licence or a restricted licence, and
 - (b) (if the application is for a standard licence) whether the application is for a licence to cover both international and national transport operations or for one to cover national transport operations only.
- (4) The power under subsection (2)(d) shall include power to require that any means of identification prescribed for a vehicle shall be carried notwithstanding that for the time being the vehicle is not being used for a purpose for which an operator's licence is required.
- (5) The power under subsection (2)(d) shall also include power to make provision with respect to the means by which—
- (a) any vehicle may be identified as being used under a standard licence or, as the case may be, a restricted licence; and
 - (b) any vehicle which is being used under a standard licence may be identified as being used under a licence that permits it to be used—
 - (i) for both international and national transport operations, or
 - (ii) for national transport operations only.
- (6) The Department may make regulations for providing that any provision of this Act shall, in relation to vehicles brought temporarily into Northern Ireland, have effect subject to such modifications as may be prescribed.
- (7) A definition or description of a class of vehicles for the purposes of any regulation under this Act may be framed by reference to any characteristic of the vehicles or to any other circumstances whatever.
- (8) Any person who contravenes a provision of regulations under this section, a contravention of which is declared by the regulations to be an offence, is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (9) No regulations shall be made under section 1(2)(d), 12(12) or 27(3) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(10) Any other regulations under this Act shall be subject to negative resolution.

(11) Before making any regulations under this Act the Department shall consult with such representative organisations as the Department thinks fit.

(12) Regulations under this Act may contain such incidental, supplementary, consequential, transitory or saving provisions as the Department considers necessary or expedient.