

*These notes refer to the Transport Act (Northern Ireland)  
2011 (c.11) which received Royal Assent on 16 March 2011*

# Transport Act (Northern Ireland) 2011

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

Section 1 imposes a duty on the Department to secure the provision of public transport services in Northern Ireland and provides mechanisms for the Department to do so through service agreements and service permits for public transport services, and agreements for services ancillary to the provision of public transport services. It also allows the Department to determine the general level and structure of fares for these services, to provide vehicles, ticketing machines and systems, and to exploit any commercial opportunities which the Department considers appropriate. Most public passenger transport services will be awarded directly to the Northern Ireland Transport Holding Company and its subsidiaries, as the publicly-owned internal operator, under a service agreement in compliance with EC Regulation 1370/2007. This section also creates an offence to operate unregulated services.

Section 2 deals with service agreements in more detail. It provides the Department with the power to make regulations as to the content of service agreements. It also provides that service agreements can include the award of “public service contracts” in accordance with EC Regulation 1370/2007 and allows the Department to make provision for the review of decisions made in respect of the award of service agreements, as required by the Regulation.

Sections 3 to 12 deal with the process for granting service permits. These sections provide for the information that an applicant will have to furnish in the application, the matters to be taken into account by the Department when considering an application, the attachment of conditions to a permit, disqualification of operators from being able to hold a permit, and the revocation, suspension and curtailment of permits for any reasonable cause and other specified grounds as outlined.

Sections 13 deals with the payment of fees for permit applications and issuing of permits.

Section 14 provides that permits are neither transferable nor assignable. However, it also allows the Department to make directions for permits to be treated as held by another person in circumstances where the permit-holder dies or becomes a patient under the Mental Health (Northern Ireland) Order 1986.

Section 15 allows the Department to make regulations to provide that service agreements with and service permits held by a company or other body corporate also applies to services provided by any of its subsidiaries.

Under section 16, it is an offence to forge, alter or use a permit with intent to deceive. It is also an offence under section 17 to knowingly make a false statement or produce false or misleading material in relation to an application for a service permit.

Sections 18 to 21 deal with the separation of bus operator and bus service licensing. Sections 18, 19 and 20 amend the function and name of the “Road Service Licence” in the Transport Act (Northern Ireland) 1967. Section 21 deals with amendments to the Taxis Act (Northern Ireland) 2008 as a result of the changes to the current “Road Service Licence”.

Section 22 amends the duty of Northern Ireland Railways under section 55 of the Transport Act (Northern Ireland) 1967 to reflect that this duty is to be exercised in accordance with any agreement entered into under this Act.

Sections 23 and 24 provide arrangements for the production by the Consumer Council of a forward work programme in relation to its transport functions and for the production of a memorandum by the Department and the Consumer Council detailing arrangements for co-operation and consistent treatment of matters in relation to the Consumer Council’s transport functions.

Sections 25 to 31 set out the provisions on the enforcement of the provision of public transport services. The Department has the power to enter into and inspect certain premises that are being used in connection with the carriage of passengers and their luggage by road and to seize certain documents and obtain certain information. It is an offence to obstruct an authorised officer in the exercise of functions under the Act. Section 31 provides for prosecutions for offences under this Act.

Sections 32 to 37 deal with the payment of grants by the Department in relation to the provision of public transport services, provision of advice, information or training relating to public transport services and capital expenditure for the purchase of vehicles.

Sections 38 to 40 provide for the acquisition and disposal of land, including powers for the Department to obtain information as to ownership of land and to enter onto land.

Section 41 applies section 18(2) of the Interpretation Act (Northern Ireland) 1954 to appointments to the Northern Ireland Transport Holding Company made under section 47 of the Transport Act (Northern Ireland) 1967 to include power to remove or suspend persons from appointments under that section.

Section 42 provides the Department with the power to make regulations in respect of the conduct of persons at bus stations.

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Section 43 gives the Department the power to issue directions in respect of the shared use of facilities used for the provision of services under a service agreement.

Sections 45 to 49 contain a number of miscellaneous and supplementary provisions, including powers to make regulations.