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STATUTORY RULES OF NORTHERN IRELAND

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**2012 No. 261**

**The Goods Vehicles (Licensing of Operators)  
Regulations (Northern Ireland) 2012**

**PART 1  
GENERAL**

**Citation and commencement**

1. These Regulations may be cited as the Goods Vehicles (Licensing of Operators) Regulations (Northern Ireland) 2012 and shall come into operation on 1<sup>st</sup> July 2012.

**Commencement Information**

**II** Reg. 1 in operation at 1.7.2012, see [reg. 1](#)

**Interpretation**

2.—(1) In these Regulations—

“the 2010 Act” means the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010;

“application for a licence” means an application for an operator’s licence for which publication is required by section 9(1);

“application for the variation of a licence” means an application for the variation of an operator’s licence for which publication is required by section 16(4) and, “application” when used otherwise than as part of those expressions means—

- (a) an application for a licence; or
- (b) an application for the variation of a licence;

“Applications and Decisions” means a statement published by the Department under regulation 19;

“company” shall be construed as provided in section 1 of the Companies Act 2006(1);

“disc” means a disc issued in accordance with regulation 21(1) and (2) or 25(2);

“firm” has the same meaning as in section 4 of the Partnership Act 1890(2);

[<sup>F1</sup>“heavy goods vehicle” has the meaning given in section 58(1);]

“keeper”, in relation to a goods vehicle, is the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994<sup>(3)</sup>;

“interim licence” means a licence issued under section 21(3);

“interim direction” means a direction given by the Department pursuant to section 22;

“licence” means an operator’s licence as defined in section 1(1) and, where the context so requires, includes the documentation which evidences the grant of an application;

“licence-holder”, and “holder” in relation to a licence, means the person to whom the licence was issued;

“maintenance” in relation to a goods vehicle includes inspection, repair and fuelling;

“the Qualification of Operators Regulations” means the Goods Vehicles (Qualification of Operators) Regulations (Northern Ireland) 2012<sup>(4)</sup>.

[<sup>F2</sup>“transport manager” has the meaning given in section 12A(5);]

(2) In these Regulations unless the context otherwise requires, any reference to a numbered section is a reference to the section of the 2010 Act bearing that number.

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#### Textual Amendments

**F1** Words in [reg. 2\(1\)](#) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), [regs. 2\(1\), 125\(a\)](#)

**F2** Words in [reg. 2\(1\)](#) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), [regs. 2\(1\), 125\(b\)](#)

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#### Commencement Information

**I2** Reg. 2 in operation at 1.7.2012, see [reg. 1](#)

## PART 2

### APPLICATIONS FOR OPERATORS’ LICENCES

#### Manner of making applications

3.—(1) Every application shall—

- (a) be made on a form supplied by the Department and contain the information required by that form;
- (b) be signed—
  - (i) if made by an individual, by that person;
  - (ii) if made by a firm, by all of the partners of that firm or by one of them with the authority of the others; and
  - (iii) if made by any other body or group of persons, by one or more individual persons authorised for that purpose by the body or group;
- (c) if made for the issue of a licence, state whether it relates to a standard licence or to a restricted licence and, if it relates to a standard licence, state whether the licence is to cover—

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(3) 1994 c.22

(4) S.R. 2012 No. 257

- (i) both national and international transport operations; or
  - (ii) national transport operations only.
- (2) A person applying for an operator's licence shall give to the Department a statement—
- (a) containing details of the motor vehicles required to be used under the licence and stating the number, type and registration mark of any vehicles and trailers proposed to be used under the licence; and
  - (b) [<sup>F3</sup>In the case of a heavy goods vehicle licence,] containing the name and address of the operating centre of the applicant if the licence is issued.
- (3) A person applying for an operator's licence shall, if required by the Department to do so, give any of the information specified in paragraph 1 of Schedule 1.
- (4) For the purposes of section 8(1) a prescribed event required to be notified to the Department is the occurrence and particulars of a notifiable conviction within the meaning given in paragraph 4 of Schedule 1.
- (5) Without prejudice to paragraph (3), a person applying for an operator's licence shall also, if required by the Department to do so, give such particulars as may be required with respect to the use which the applicant proposes to make, for vehicles used under the licence, of any referred to in the statement under paragraph (2)(a).

**Textual Amendments**

**F3** Words in [reg. 3\(2\)\(b\)](#) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **126**

**Commencement Information**

**I3** Reg. 3 in operation at 1.7.2012, see [reg. 1](#)

**Time of applications**

4. Every application shall be sent to the Department so as to reach it not less than 9 weeks before the time at which the applicant desires the licence or variation applied for to take effect.

**Commencement Information**

**I4** Reg. 4 in operation at 1.7.2012, see [reg. 1](#)

**Dispensations as to applications**

5. The Department may consider an application notwithstanding that the requirement specified in regulation 4 has not been complied with.

**Commencement Information**

**I5** Reg. 5 in operation at 1.7.2012, see [reg. 1](#)

**Notice of applications**

6.—(1) The manner in which a notice of any application for a licence as mentioned in section 9 or for a variation as mentioned in section 16 is published by the Department is that a summary of

the application which adequately specifies the subject matter of the application shall be published in Applications and Decisions as mentioned in regulation 19.

(2) The notice of an application to be published in accordance with section 10 or 17 shall give the information specified in Schedule 2.

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**Commencement Information**

**I6** Reg. 6 in operation at 1.7.2012, see [reg. 1](#)

**Restrictions on applications**

7.—(1) The Department may decline to proceed with an application for a licence if it appears to it that the grant of that application would lead to a contravention of section 7(2).

(2) The Department may decline to proceed with an application if and so long as it appears to it that the application relates to any motor vehicle which is specified in an existing licence, and the grant of that application would lead to a contravention of section 4(7).

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**Commencement Information**

**I7** Reg. 7 in operation at 1.7.2012, see [reg. 1](#)

**Inspection of applications**

8.—(1) The Department shall, until an application has been determined, make available for inspection—

- (a) to any person authorised to make the inspection by a District Council, a Northern Ireland Department, the Chief Constable or a trade union or association specified in regulation 9, such part of the application (or the whole of it) as any such person in writing requests to see; and
- (b) to any person who is, by virtue of section 11(4) or 18(2)(b) entitled to make representations in respect of the application, or a person authorised by such a person to make the inspection on their behalf, such part of the application as is, in the opinion of the Department, relevant to the representation.

(2) The Department shall, during the currency of a licence, make a copy of it available for inspection by any person who appears to the Department to have reasonable grounds for making such an inspection.

(3) The Department shall satisfy its obligation under paragraph (1)—

- (a) by making the application or, as the case may be, part of it, available for inspection at an office specified by the Department; or
- (b) on prior receipt of its expenses in that behalf, by posting a copy of the application or, as the case may be, part of it, to the address given for that purpose by the person wanting to make the inspection.

(4) The Department shall satisfy its obligation under paragraph (2)—

- (a) by making a copy of the licence or, as the case may require, part of it, available for inspection at an office specified by the Department; or
- (b) on prior receipt of its expenses in that behalf, by posting a copy of the licence or, as the case may require, part of it, to the address given for that purpose by the person requesting to make the inspection.

**Commencement Information**

**18** Reg. 8 in operation at 1.7.2012, see [reg. 1](#)

## PART 3

### OBJECTIONS AND REPRESENTATIONS

#### Prescribed trade unions and associations

**9.**—(1) The trade unions and associations specified in paragraph (2), being trade unions or associations whose members consist of or include persons holding licences or employees of any such persons, are prescribed as persons who may object as provided in section 11(2)(a), either as applied by section 18(2) or not.

(2) The trade unions and associations are—

- (a) The British Association of Removers;
- (b) The Freight Transport Association;
- (c) The General and Municipal Workers' Union;
- (d) The National Union of Rail, Maritime and Transport Workers;
- (e) The Road Haulage Association;
- (f) The Transport and General Workers' Union;
- (g) The Union of Shop, Distributive and Allied Workers; and
- (h) The United Road Transport Union.

**Commencement Information**

**19** Reg. 9 in operation at 1.7.2012, see [reg. 1](#)

#### Manner of making objections and representations

**10.**—(1) For the purposes of sections 11(6)(b) and (7)(b) and 18(10), the manner of making an objection to, or representation against, an application is by delivering a document to the Department—

- (a) setting out the objection or representation as the case may be; and
- (b) signed—
  - (i) if made by an individual, by that person;
  - (ii) if made by a firm, by all the partners of that firm or by one of them with the authority of the others; or
  - (iii) if made by any other body or group of persons, by one or more individual persons authorised for that purpose by the body or group, or, in any of the above cases, by a solicitor acting on behalf of (as the case may be) the person, firm, body or group.

(2) A copy of the document delivered under paragraph (1) shall be sent by the objector, or the person making the representation, to the applicant on the same day as, or the next working day after, the delivery to the Department.

**Commencement Information**

**I10** Reg. 10 in operation at 1.7.2012, see [reg. 1](#)

**Time of making objections and representations**

**11.**—(1) The time within which an objection under section 11(1)(a) or (b) to an application for a licence must be made is the period commencing immediately after notice of the application is published under section 10(2) and ending 21 days after the date on which notice of the application is published in Applications and Decisions.

(2) The time within which a representation under section 11(4) in respect of an application for a licence must be made is the period of 21 days beginning with and including the date on which notice of the application is published under section 10(2).

(3) The time within which an objection under section 11(1)(a) as applied by section 16(6) or section 18(2) to or in respect of an application for a variation of a licence must be made is the period commencing immediately after notice of the application is published under section 17(3) (or, if none, the making of the application to which the objection relates) and ending 21 days after the date on which the notice of the application is published in Applications and Decisions.

(4) The time within which a representation under section 18(2) in respect of an application for a variation of a licence must be made is the period of 21 days beginning with and including the date on which the notice of the application is published under section 17(3).

**Commencement Information**

**I11** Reg. 11 in operation at 1.7.2012, see [reg. 1](#)

**Consideration of objections and representations**

**12.** The Department shall consider every objection and representation duly made in considering whether or not to hold an inquiry as provided in section 32.

**Commencement Information**

**I12** Reg. 12 in operation at 1.7.2012, see [reg. 1](#)

## PART 4 OPERATING CENTRES

**Conditions which may be attached to a licence**

**13.** The conditions which may be attached under section 20 to a licence are conditions regulating—

- (a) the number, type and size of authorised [<sup>F4</sup>heavy goods vehicles] which may at any one time be at any operating centre of the licence-holder for the purposes of maintenance and parking;

- (b) the parking arrangements to be provided for authorised [<sup>F5</sup>heavy goods vehicles] at or in the vicinity of every such operating centre;
- (c) the times between which there may be carried out at every such operating centre any maintenance or movement of any authorised [<sup>F6</sup>heavy goods vehicle] and the times at which any equipment may be used for any such maintenance or movement; and
- (d) the means of ingress to and egress from every such operating centre for any authorised [<sup>F7</sup>heavy goods vehicle] .

#### Textual Amendments

- F4** Words in reg. 13(a) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **127(a)**
- F5** Words in reg. 13(b) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **127(a)**
- F6** Words in reg. 13(c) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **127(b)**
- F7** Words in reg. 13(d) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **127(b)**

#### Commencement Information

- I13** Reg. 13 in operation at 1.7.2012, see [reg. 1](#)

#### Considerations relevant to determinations [<sup>F8</sup>as to environmental matters]

14.—(1) The considerations prescribed as relevant to any determination of a kind specified in section 31(2) are—

- (a) the nature and the use of any other land in the vicinity of the land used or proposed to be used as an operating centre, and any effect which the use of the land as an operating centre has, or would be likely to have, on the environment of that vicinity;
- (b) in a case where the land proposed to be used as an operating centre is, or has previously been used as an operating centre, the extent to which the grant of the application would result in any material change as regards that operating centre, or its use, which would adversely affect the environment of the vicinity of that land;
- (c) in the case of an application which, if granted, would result in land which has not previously been used as an operating centre being used as one, any information known to the Department about any planning permission or application for planning permission relating to the land or any other land in the vicinity of that land;
- (d) the number, type and size of [<sup>F9</sup>heavy goods vehicles] ;
- (e) the arrangements for the parking of [<sup>F10</sup>heavy goods vehicles] or the proposed or likely arrangements for such parking;
- (f) the nature and the times of the use of the land for the purpose of an operating centre or the proposed nature and times of the use of the land proposed to be used for that purpose;
- (g) the nature and the times of the use of any equipment installed on the land used as an operating centre for the purpose of the use of that land as an operating centre or of any equipment proposed or likely to be installed on the land proposed to be used as an operating centre for that purpose; and

- (h) the means and frequency of [<sup>F11</sup>heavy goods vehicle] ingress to, and egress from, the land used as an operating centre or the proposed means and frequency of such ingress to, and egress from, the land proposed to be used as an operating centre.

(2) In this regulation—

“operating centre” includes part of an operating centre and the place which would be the operating centre if the application were granted and has the same meaning as in section 6(3); and

“planning permission” has the same meaning as in Part IV of the Planning (Northern Ireland) Order 1991(5).

#### Textual Amendments

- F8** Words in [reg. 14](#) heading inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **128(1)**
- F9** Words in [reg. 14\(1\)\(d\)](#) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **128(2)(a)**
- F10** Words in [reg. 14\(1\)\(e\)](#) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **128(2)(a)**
- F11** Words in [reg. 14\(1\)\(h\)](#) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **128(2)(b)**

#### Commencement Information

- I14** [Reg. 14](#) in operation at 1.7.2012, see [reg. 1](#)

#### Conditions to be satisfied in relation to specified operating centres

**15.** The conditions under sections 13(5)(c), 18(9)(c) and paragraphs 1(7)(b) and 3(7)(b) of Schedule 1 to the 2010 Act are that either—

- (a) proceedings on any appeal (including any proceedings on or in consequence of an appeal) have been determined and any time for appealing or further appealing has expired; or
- (b) any review under section 34 has been determined or the time for giving notice of intention to review under section 34(2) has expired and no such notice of review has been served,

and if any appeal or notice of intention is withdrawn or abandoned the date of such withdrawal or abandonment shall be taken to be the time of expiry.

#### Commencement Information

- I15** [Reg. 15](#) in operation at 1.7.2012, see [reg. 1](#)

#### Period for service of notice on review of an operating centre

**16.** The period prescribed for the purpose of section 27(1) is 2 months.

#### Commencement Information

- I16** [Reg. 16](#) in operation at 1.7.2012, see [reg. 1](#)



### **Manner of making representations in relation to a review**

17. Without prejudice to section 28(5), the manner of making representations in relation to a review is by delivering a document to an office specified by the Department—

- (a) setting out the representations;
- (b) clearly identifying—
  - (i) the person making the representations;
  - (ii) the place specified in the operator’s licence to which the representations relate; and
  - (iii) the land or property in the vicinity which is owned or occupied by the person making the representations; and
- (c) signed—
  - (i) if made by an individual, by that person;
  - (ii) if made by a firm, by all the partners of that firm or by one of them with the authority of the others;
  - (iii) if made by any other body or group of persons, by one or more individual persons authorised for that purpose by the body or group; or

in any of the above cases, by a solicitor acting on behalf of (as the case may be) the person, firm, body or group.

#### **Commencement Information**

**I17** Reg. 17 in operation at 1.7.2012, see [reg. 1](#)

## **PART 5 INQUIRIES**

### **Provisions about inquiries**

18. Schedule 3 shall have effect in relation to any inquiry held by the Department.

#### **Commencement Information**

**I18** Reg. 18 in operation at 1.7.2012, see [reg. 1](#)

## **PART 6 APPLICATIONS AND DECISIONS**

### **Statement to be issued by the Department**

19.—(1) The Department shall publish as occasion may require a statement known as “Applications and Decisions” which shall contain (unless previously notified)—

- (a) as regards the applications—
  - (i) notices of the applications;

- (ii) the dates on which and the places at which it proposes to hold inquiries and the applications which it proposes to consider at those inquiries; and
- (iii) the Department's decisions on applications, other than its decisions to issue an interim licence under section 21, or to make an interim direction under section 22;
- (b) any direction to revoke, suspend or curtail a licence given under section 23 or 24;
- (c) the dates on which and the places at which it proposes to hold any inquiries other than those mentioned in sub-paragraph (a)(ii); and
- (d) any decision following a review under section 27.

(2) The publication of the date of any inquiry in Applications and Decisions shall not prevent the Department from adjourning, cancelling or postponing the consideration of any application and in particular any inquiry held or proposed to be held in connection with the application.

(3) Copies of Applications and Decisions may be inspected at an office specified by the Department and copies of the whole or the relevant parts thereof shall be supplied to any person requiring them on payment of such sum as the Department may require to cover the cost of supplying the copy.

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**Commencement Information**

**I19** Reg. 19 in operation at 1.7.2012, see [reg. 1](#)

**Notification of decisions**

**20.**—(1) Subject to paragraph (2), where the Department grants or refuses an application, it shall send a written statement of its reason to —

- (a) the applicant;
- (b) every objector; and
- (c) every person who has made representation in accordance with section 11(4) or 18(2) or (4) and asked the Department for such a statement.

(2) Paragraph (1) does not apply where—

- (a) the Department grants an application in the terms applied for; and
- (b) no objection or representation has been made in accordance with section 11(1) or (4) or 18(2) or (4).

(3) Where the Department makes a direction under section 28 or 29, it shall send a written statement of its reasons to the licence-holder.

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**Commencement Information**

**I20** Reg. 20 in operation at 1.7.2012, see [reg. 1](#)

## PART 7

### OTHER MATTERS

#### Identification of motor vehicles

**21.**—(1) The Department shall, when any motor vehicle to be used under a licence is specified in the licence, issue to the licence-holder a disc in respect of the vehicle.

(2) The disc shall clearly indicate (by colour or other means)—

- (a) whether a vehicle is being used under a standard licence or under a restricted licence;
- (b) in the case of a vehicle being used under a standard licence, whether the vehicle covers both international and national transport operations or national transport operations only;
- (c) where applicable, that the vehicle is being used under an interim licence, or pursuant to an interim direction, and in such a case, the date the interim licence was issued or the interim direction was given; and
- (d) subject to paragraph (6), the date on which the disc expires under paragraph (5).

(3) The licence-holder shall, during such time as any motor vehicle is specified in the licence and whether or not for the time being the vehicle is being used for the purpose for which a licence is required, cause a disc appropriate to the vehicle to be fixed to, and exhibited in a legible condition on, that vehicle in a waterproof container—

- (a) in the case of a vehicle fitted with a front windscreen, on the near side and near the lower edge of the windscreen with the obverse side facing forwards; or
- (b) in the case of a vehicle not fitted with a front windscreen, in a conspicuous position on the front or near side of the vehicle.

(4) At no time shall any person except the Department, or a person authorised to do so on its behalf, write on or make any other alteration to a disc.

(5) Subject to paragraph (6) and without prejudice to regulation 26, a disc shall expire at the end of the last day of the month in which the continuation fee for a licence falls due.

(6) Neither paragraph (5) nor paragraph (2)(d) apply where a disc is issued under an interim licence or pursuant to an interim direction.

(7) For the purposes of paragraph (5)—

- (a) “continuation fee” means the fee numbered 3 as specified in the Table in regulation 2 of Goods Vehicles (Licensing of Operators) (Fees) Regulations (Northern Ireland)(6); and
- (b) the time within which such a fee falls due is determined in accordance with regulation 4 of those Regulations.

#### Commencement Information

**I21** Reg. 21 in operation at 1.7.2012, see [reg. 1](#)

#### Temporary addition of a motor vehicle

**22.** Where—

- (a) a motor vehicle specified in an operator’s licence (“the specified vehicle”) has been rendered unfit for service, or withdrawn from service for overhaul or repair, and the

licence-holder informs the Department of their desire to have a variation of the licence specifying another motor vehicle in its place (“the additional vehicle”); or

- (b) the specified vehicle has been rendered fit for service again, and the licence-holder informs the Department of their desire to have a variation of the licence whereby the additional vehicle will cease to be specified on the licence,

the provisions of regulations 3 and 4 shall not apply.

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**Commencement Information**

**I22** Reg. 22 in operation at 1.7.2012, see [reg. 1](#)

**Notification of change of address**

**23.** If during the currency of a licence the address for correspondence as notified in the licence-holder’s application or as subsequently notified under this regulation ceases to be an effective address for correspondence, the licence-holder shall within 28 days from and including the date of such event notify the Department of an effective address for correspondence.

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**Commencement Information**

**I23** Reg. 23 in operation at 1.7.2012, see [reg. 1](#)

**Production of licence for examination**

**24.—**(1) The licence-holder shall produce the licence for inspection by an officer or a police constable on being required by such a person to do so, and the licence-holder may do so at any operating centre covered by the licence or, if the requirement is made by a police constable, at a police station chosen by the licence-holder.

(2) The licence-holder shall comply with any requirements mentioned in paragraph (1) within 14 days of the day on which the requirement is made.

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**Commencement Information**

**I24** Reg. 24 in operation at 1.7.2012, see [reg. 1](#)

**Issue of copies of licences and discs**

**25.—**(1) If a licence or disc has been lost, destroyed or defaced, the person to whom it was issued shall forthwith notify the Department in writing.

(2) If—

- (a) the Department is satisfied that a licence or disc has been lost, destroyed or defaced; and  
 (b) in the case of a licence or disc which has been defaced, it is surrendered to the Department,

the Department shall issue a copy (so marked) which shall have effect as the original licence or disc.

(3) Where a licence or disc has been lost and after a copy has been issued the lost licence or disc is found by or comes into the possession of the licence-holder the original licence or disc shall be returned to the Department.

### Commencement Information

**I25** Reg. 25 in operation at 1.7.2012, see [reg. 1](#)

### Return of licences and discs

**26.**—(1) If the licence-holder ceases to use under the licence any motor vehicle specified in the licence the licence-holder shall within 21 days beginning with the date of ceasing to use the vehicle or vehicles notify the Department, and return to the Department the licence for variation and the disc relating to the vehicle.

(2) If a licence is varied under section 16, 28, 29 or 34 the licence-holder shall, when required by the Department, return to the Department—

- (a) the licence; and
- (b) if the number of motor vehicles specified in the licence has been reduced, the disc relating to any vehicle no longer specified in the licence.

(3) If a licence is revoked, surrendered, suspended, curtailed or terminated for any other reason, or if the Department has given direction in respect of a licence under section 23(2), the licence-holder shall on or before the date specified in a notice to that effect, send or deliver to the Department—

- (a) the licence; and
- (b) the disc relating to any motor vehicle which the Department may specify,

for cancellation, retention during the time of suspension, or alteration as the case may be.

(4) The notice referred to in paragraph (3) shall be delivered personally to the licence-holder or sent to that person by recorded delivery service at the address shown in that person's application or last notified in accordance with regulation 23.

### Commencement Information

**I26** Reg. 26 in operation at 1.7.2012, see [reg. 1](#)

### Partnerships

**27.**—(1) The provision in section 7(2) that a person shall not at the same time hold more than one operator's licence, shall apply so that a firm shall be treated as a person separate from any partner of that firm or an individual in any other partnership.

(2) For the purposes of authorising goods vehicles to be used under section 4(1) when the licence-holder is a firm, any vehicle in the lawful possession of any partner of a firm shall be regarded as in the lawful possession of the firm.

(3) The provisions of section 12A shall apply in any case where an applicant for a standard licence is a firm so that the Department is required to be satisfied that—

- (a) every one of the partners of that firm is of good repute;
- [<sup>F12</sup>(b) the firm has—
  - (i) an effective and stable establishment in Northern Ireland; and
  - (ii) appropriate financial standing; and]
  - [<sup>F13</sup>(c) the firm has designated—

- (i) a suitable number of individuals, including one or more of the firm's partners, who satisfy the requirements set out in regulation 13A(1) and (2) of the Qualification of Operators Regulations; or
- (ii) if none of the firm's partners satisfy the requirements referred to in paragraph (i), a suitable number of individuals who satisfy the requirements set out in regulation 13A(1) and (3) of the Qualification of Operators Regulations.]

(4) The provisions of section 12B(a) or (b) shall apply in any case where an applicant for a restricted licence is a firm so that the Department is required to be satisfied that every one of the partners of that firm is not unfit to hold an operator's licence by reason of any matters or events covered by section 12B(a) and (b).

(5) The provisions of section 12D shall apply in any case where an applicant is a firm and in such case the financial resources referred to in that section shall be those of the firm.

(6) The provisions of section 23 shall apply in any case where the licence-holder is a firm and in such a case a partner of that firm shall be treated in all respects as the firm.

(7) The provisions of section 24(1) shall apply in any case where the licence-holder is a firm if—

- (a) any one or more of the partners of that firm cease to satisfy the requirement to be of good repute;

[<sup>F14</sup>(b) the firm ceases to satisfy the Department it has—

- (i) an effective and stable establishment in Northern Ireland; or
- (ii) appropriate financial standing; or]

[<sup>F15</sup>(c) a transport manager for the firm ceases to satisfy the requirements set out in regulation 13A(1) and (2), or (1) and (3), of the Qualification of Operators Regulations.]

(8) The provisions of section 25 shall apply to the revocation of an operator's licence held by a firm and in such a case the powers conferred by subsections (1) and (3) of that section shall be exercisable in respect of each and every partner of that firm.

(9) Except in a case falling within paragraph (10) any requirement, obligation or prohibition (however expressed) placed on a person making an application or on a licence-holder by, or in pursuance of, a provision in the 2010 Act or these Regulations, shall apply where the applicant or licence-holder is a firm and the duty to meet the requirement or obligation or to comply with the prohibition, shall apply to the partners of that firm severally as well as jointly.

(10) Where a person making an application or the licence-holder is a firm any requirement or obligation, placed on the applicant or licence-holder by virtue of section 7(5), 8(1) or 16(2) to inform the Department of any change to the information given to it under regulation 3(3) by virtue of paragraph 1(e) or (f) of Schedule 1, shall apply in relation to any change to the information given by each partner of that firm, and the duty to meet the requirement shall apply to the person who has incurred a notifiable conviction or penalty within the meaning of paragraph 4 of Schedule 1.

(11) The provisions in section 15(5) as to the events on which an operator's licence held by an individual terminates apply in a case where such a licence is held by a firm, if—

- (a) the partnership is dissolved; or
- (b) one or more of the persons dies or becomes a patient (within the meaning of Article 2(2) of the Mental Health (Northern Ireland) Order 1986(7)) to carry on the activities covered by the licence with the result that only one other of such persons who is not such a patient or so incapable remains in the partnership.

(12) In the Qualification of Operators Regulations—

- (a) the provisions in regulation 5 of those Regulations as regards determining whether an individual is of good repute apply, in a case of a firm in respect of each of the partners of that firm as they apply to an individual <sup>F16</sup> ... ;
- (b) <sup>F16</sup> ...

#### Textual Amendments

- F12** Reg. 27(3)(b) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **129(1)(a)**
- F13** Reg. 27(3)(c) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **129(1)(b)**
- F14** Reg. 27(7)(b) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **129(2)(a)**
- F15** Reg. 27(7)(c) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **129(2)(b)**
- F16** Reg. 27(12)(b) and word omitted (17.3.2022) by virtue of The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **129(3)**

#### Commencement Information

- I27** Reg. 27 in operation at 1.7.2012, see **reg. 1**

### Holding companies and subsidiaries

**28.**—(1) A holding company may apply to the Department for the issue of a licence or if it already holds a licence, for a variation of its licence by a direction under section 16(1)(a).

(2) An application by a holding company under paragraph (1) shall, unless—

- (a) the subsidiary is not the licence-holder; or
- (b) the licence or variation applied for by the holding company will not take effect until any licence held by the subsidiary has been surrendered or has otherwise terminated,

be accompanied by an application by the subsidiary for the variation of the licence held by the subsidiary by a direction under section 16(1)(b) for the removal therefrom of all or some of the goods vehicles authorised to be used thereunder, being the vehicles to which the application of the holding company relates.

(3) Where a holding company, on an application under paragraph (1) signifies to the Department its desire that the provisions of this regulation should have effect as respects a subsidiary of that company, then, in relation to the application and to any licence granted to the holding company, or held by the holding company and varied, on that application, and to the use of any goods vehicles authorised to be used under any such licence, the 2010 Act and these Regulations shall have effect subject to the modifications specified in Schedule 4.

(4) The provisions of this regulation shall cease to have effect as respects a holding company and its subsidiary—

- (a) if the holding company gives notice to the Department that it desires that this regulation should, as from any date, cease to apply to the holding company and that subsidiary, as from that date; or
- (b) as from the date on which that subsidiary ceases to be a subsidiary of that holding company.

(5) Where by virtue of the provisions of paragraphs (1) to (3) a holding company holds a licence which includes goods vehicles in the lawful possession of a subsidiary of that company, and the holding company gives notice under paragraph (4)(a), then, in relation to any application by the

subsidiary for the issue of a licence in respect of all or any of those vehicles, section 9 shall have effect as if for subsection (1) there were substituted—

“(1) The Department may publish in the prescribed manner notice of any application for an operator’s licence made by a company or other body corporate in pursuance of regulations made under section 52.”.

(6) Where the provisions of this regulation cease to have effect as respects a holding company and its subsidiary by virtue of paragraph (4)(b) the company which was the holding company shall within 21 days of the event which caused the subsidiary to cease to be a subsidiary of that company—

- (a) notify the Department;
- (b) supply all material details of the event; and
- (c) return to the Department the licence and the discs relating to the motor vehicles authorised to be used thereunder, and in so far as the holding company fails to satisfy those requirements the company which was the subsidiary company shall, on being so directed by the Department, within 7 days of that direction supply the details, or return the licence and the discs, as the case may require.

(7) In a case where the applicant for, or the holder of, a standard licence is a holding company and the goods vehicles used, or to be used, under the licence belong to, or are in the possession of, a subsidiary of that holding company, the provisions of these Regulations apply as if—

- (a) the road transport undertaking and any operating centre of the subsidiary were the road transport undertaking and an operating centre of the holding company;
- (b) for the purposes of, or relating to, the reputation and financial standing of the holding company, the activities, any relevant conviction and the financial resources of the subsidiary were activities, a relevant conviction and the financial resources of the holding company; and
- (c) in relation to a transport manager, that person’s employment by the subsidiary were employment by the holding company.

[<sup>F17</sup>(8) In this regulation—

“relevant conviction” means a notifiable conviction within the meaning given in paragraph 4 of Schedule 1;

“road transport undertaking” means an undertaking that involves the use of a goods vehicle authorised to be used under an operator’s licence.]

#### Textual Amendments

**F17** Reg. 28(8) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **130**

#### Commencement Information

**I28** Reg. 28 in operation at 1.7.2012, see [reg. 1](#)

### Continuance of licence on death, bankruptcy etc

**29.**—(1) In this regulation, “actual holder” in relation to a licence means the person to whom the licence was issued.

(2) This regulation applies in the event—

- (a) of the death of the actual holder of a licence;



- (b) of the actual holder of a licence becoming a patient (within the meaning of Article 2(2) of the Mental Health (Northern Ireland) Order 1986) to carry on the activities covered by the licence on the ground that the holder is incapable, by reason of mental disorder, of adequately managing his property and affairs;
- (c) of the bankruptcy of the actual holder of a licence;
- (d) in the case of a company, of the actual holder of a licence going into liquidation or entering administration; or
- (e) of the appointment of a receiver or manager of the trade or business of the actual holder of a licence.

(3) After the happening of either of the events mentioned in paragraph (2)(a) or (b) the Department may direct that the licence shall not be treated as terminated when the actual holder died or became a patient (within the meaning of Article 2(2) of the Mental Health (Northern Ireland) Order 1986), but suspended until the date when a direction under paragraph (4) comes into force.

(4) After the happening of any of the events mentioned in paragraph (2) the Department may direct that a person carrying on the trade or business of the actual holder of the licence is to be treated for the purpose of the 2010 Act as if that person were the holder thereof for such purpose and to such extent as is specified in the direction for a period not exceeding—

- (a) if it appears to the Department that there are special circumstances, 18 months;
- (b) in any other case, 12 months,

from the date of the coming into force of that direction.

(5) The powers under paragraph (4) shall be exercisable in relation to a standard licence whether or not the person carrying on the trade or business of the actual holder of the licence satisfies the requirements of professional competence.

(6) Where a person is treated as if that person were the licence-holder by virtue of a direction under this regulation—

- (a) any goods vehicle which has been in the lawful possession of the actual holder of the licence shall for the purposes of the 2010 Act be treated as if it was in the lawful possession of that person; and
- (b) if the licence is a standard licence, nothing in section 24 shall oblige the Department to revoke the licence by reason only of that person not satisfying the requirement of professional competence.

**Commencement Information**

**I29** Reg. 29 in operation at 1.7.2012, see [reg. 1](#)

**Offences**

**30.** Any contravention of, or failure to comply with, a provision in regulations 21(3) and (4), 23, 24, 25(1) and (3), 26(1), (2) and (3) or 28(6) is an offence for the purposes of section 57(8).

**Commencement Information**

**I30** Reg. 30 in operation at 1.7.2012, see [reg. 1](#)

### Period for service of notice of review on ground of procedural irregularity

31. The period prescribed for the purposes of section 34(2)(a) is 2 months.

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#### Commencement Information

**I31** Reg. 31 in operation at 1.7.2012, see [reg. 1](#)

### Meaning of relevant weight

32.—(1) A motor vehicle or trailer of any prescribed class referred to in section 4(3) means any vehicle described in section 1(1) as needing an operator’s licence, and the relevant weight of such a vehicle is its revenue weight.

(2) For the purposes of this regulation “revenue weight” shall have the meaning given in section 60A of the Vehicle Excise and Registration Act 1994<sup>(8)</sup>.

(3) In its application to this regulation, section 60A of that Act shall have effect as if—

- (a) subsection (6) of that section were omitted; and
- (b) no provision had been made under section 61A(2) of that Act.

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#### Commencement Information

**I32** Reg. 32 in operation at 1.7.2012, see [reg. 1](#)

Sealed with the Official Seal of the Department of the Environment on 28<sup>th</sup> June 2012



*Iain Greenway*  
A senior officer of the  
Department of the Environment

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<sup>(8)</sup> 1994 c.22; section 60A was inserted by paragraph 26 of Schedule 4 to the Finance Act 1995 (c.4) and section 61A was inserted by paragraph 28 of Schedule 4 to the Finance Act 1995 (c.4)

**Changes to legislation:**

There are currently no known outstanding effects for the The Goods Vehicles (Licensing of Operators) Regulations (Northern Ireland) 2012.