
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 261

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

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)(1); and

- (b) the time within which such a fee falls due is determined in accordance with regulation 4 of those Regulations.

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.

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.

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.

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.

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.

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;
- (b) the firm satisfies the requirement of appropriate financial standing; and
- (c) either—
 - (i) if one of the firm's partners manage the road transport business carried on by the firm, that person, or if more than one each of them, is professionally competent; or
 - (ii) the firm employs a transport manager or transport managers who, or if more than one each of whom, is of good repute and professionally competent.

(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;
- (b) the firm ceases to satisfy the requirement to be of appropriate financial standing; or
- (c) when the requirement as to professional competence is satisfied by one or more of the firm's partners who manage the road transport business carried on by the firm, that person,

or if more than one each of them, ceases to do so, or when the firm employs a transport manager or transport managers such manager, or if more than one any of them, ceases to be of good repute, or when the firm relies upon the employment of a single transport manager to satisfy the requirement as to professional competence, that transport manager ceases to be employed by the firm.

(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(2)) 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; and
- (b) the provision in regulation 10(3) of those Regulations that a company satisfies the requirement as to professional competence if, and so long as, it has a transport manager or transport managers of its road transport business, who, if more than one of whom, is of good repute and professionally competent shall apply in the case of a firm so that the firm satisfies the said requirement if, and so long as, each of its partners is of good repute and either—
 - (i) if one or more of the firm's partners manage the road transport business carried on by the firm, the partner, or if more than one each of them, is professionally competent; or
 - (ii) the firm employs a transport manager or transport managers of its road transport business who, or if more than one each of whom, is of good repute and professionally competent.

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.

(8) In this regulation "relevant conviction" means a notifiable conviction within the meaning given in paragraph 4 of Schedule 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.

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).

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.

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(3).

(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.

(3) 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)