

## SCHEDULE 1

Regulation 3(3)

### INFORMATION ABOUT, AND CONVICTIONS OF, APPLICANTS FOR AND HOLDERS OF OPERATORS' LICENCES

#### Information to be given under regulation 3

1. The information referred to in regulation 3(3) is—
  - (a) particulars with respect to the purpose for which the vehicles referred to in the statement under regulation 3(2) are proposed to be used;
  - (b) particulars of the arrangements for securing that —
    - (i) the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland)(1); and
    - (ii) the applicable Community rules, within the meaning of those Regulations, will be complied with in the case of those vehicles;
  - (c) particulars of the arrangements for securing that those vehicles will not be overloaded;
  - (d) particulars of the facilities and arrangements for securing that those vehicles will be maintained in a fit and serviceable condition;
  - (e) particulars of any relevant activities carried on, at any time before the making of the application, by any relevant person;
  - (f) particulars of any notifiable conviction incurred during the 5 years preceding the making of the application;
  - (g) particulars of the financial resources which are or are likely to be available to the applicant;
  - (h) where the applicant is a company, the names of the directors and officers of—
    - (i) the company; and
    - (ii) any company of which that company is a subsidiary; and
  - (i) where the vehicles referred to in the statement under regulation 3(2) are proposed to be operated by the applicant in partnership with other persons, the names of those other persons.

#### Commencement Information

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

#### Relevant person

2. In this Schedule “relevant person” means any of the following persons—
  - (a) the applicant;
  - (b) any company of which the applicant is or has been a director;
  - (c) where the applicant is a company, any person who is a director of the company;
  - (d) where the applicant proposes to operate the vehicles referred to in the statement under regulation 3(2) in partnership with other persons, any of those other persons;
  - (e) any company of which any such person as is mentioned in sub-paragraph (c) or (d) is or has been a director; or

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(1) [S.R. 1996 No. 145](#)

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- (f) where the applicant is a company, any company of which the applicant is a subsidiary.

**Commencement Information**

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

**Relevant activities**

3. In paragraph 1(e) “relevant activities” means any of the following—
- (a) activities in carrying on any trade or business in the course of which vehicles of any description are operated;
  - (b) activities as a person employed for the purposes of any such trade or business; or
  - (c) activities as a director of a company carrying on any such trade or business.

**Commencement Information**

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

**Notifiable conviction**

4.—(1) For the purposes of regulation 3(4) and paragraph 1(f) a “notifiable conviction” means any conviction or penalty incurred by a relevant person pursuant to an offence committed under the law of any part of the United Kingdom or any corresponding offence under the law of any country or territory outside the United Kingdom;

- (2) For the purposes of sub-paragraph (1)—
- (a) any conviction or penalty incurred by a relevant person includes any conviction or penalty incurred by a partner, transport manager, employee or agent of that person; and
  - (b) any conviction which is spent for the purposes of the Rehabilitation of Offenders (Northern Ireland) Order 1978(2) shall be disregarded.

**Commencement Information**

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

SCHEDULE 2

Regulation 6(2)

[<sup>F1</sup>NOTICE OF APPLICATION FOR HEAVY GOODS VEHICLE LICENCE OR VARIATION OF HEAVY GOODS VEHICLE LICENCE]

**Textual Amendments**

**F1** Sch. 2 heading substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **131(1)**

(2) [S.I. 1978/1908 \(N.I. 27\)](#)

1. The information to be given in the notice of application is—
  - (a) name of applicant;
  - (b) trading name, if any;
  - (c) address for receipt of correspondence;
  - (d) whether the application is in respect of a new licence, or the variation of a licence;
  - (e) the place or places proposed to be used as an operating centre or centres (including, if available, the postal address or addresses);
  - (f) the number of [<sup>F2</sup>heavy goods vehicles] proposed to be kept at each operating centre or centres;
  - (g) the number of [<sup>F3</sup>heavy goods vehicles] now kept, if different; and
  - (h) in respect of an existing licence, details of any proposed changes to or removal of existing conditions or undertakings affecting an operating centre.

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**Textual Amendments**

**F2** Words in Sch. 2 para. 1(f) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **131(2)**

**F3** Words in Sch. 2 para. 1(g) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **131(2)**

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**Commencement Information**

**I5** Sch. 2 para. 1 in operation at 1.7.2012, see [reg. 1](#)

2. Every notice shall contain the following wording—

“Owners or occupiers of land (including buildings) near the operating centre(s) who believe that their use or enjoyment of that land would be affected, should make written representations to the Department stating their reasons, within 21 days of this notice. Representors must at the same time send a copy of their representations to the applicant at the address given at the top of this notice. A Guide to making representations is available from the Department”.

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**Commencement Information**

**I6** Sch. 2 para. 2 in operation at 1.7.2012, see [reg. 1](#)

SCHEDULE 3

Regulation 18

INQUIRIES

**Notification of an inquiry**

1.—(1) The Department shall send to every person entitled to appear in accordance with paragraph 3 at an inquiry written notice of the date, time and place fixed for the holding of the inquiry. Such notice shall be sent at least 21 days before the date so fixed.

(2) The Department may vary the date, time or place for the holding of the inquiry; and when it varies the date it shall send to every person so entitled to appear at the inquiry, written notice of

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the date, time and place of the holding of the inquiry as varied. Such notice shall be sent at least 21 days before the date as varied.

(3) The period of 21 days referred to in sub-paragraph (1) and (2) may be abridged with the consent of every person so entitled to appear at the inquiry.

(4) Where the Department varies the time or place for the holding of an inquiry without varying the date, it shall give such notice of the variation as appears to be reasonable.

(5) Nothing in this paragraph shall authorise the Department to hold an inquiry before the date published in Applications and Decisions pursuant to regulation 19.

- (6) The foregoing provisions of this paragraph shall apply to an adjourned inquiry save that —
- (a) if the date, time and place of the adjourned inquiry are announced at the inquiry before the adjournment, no further notice of that date, time and place shall be required; and
  - (b) sub-paragraphs (1) and (2) shall have effect in relation to an adjourned inquiry as if for “21 days” there were substituted “7 days”.

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**Commencement Information**

**I7** Sch. 3 para. 1 in operation at 1.7.2012, see [reg. 1](#)

**Admission to an inquiry**

2.—(1) Subject to sub-paragraphs (2) to (4), an inquiry shall be held in public.

(2) The Department may direct that the whole or any part of an inquiry be held in private if it is satisfied that by reason of—

- (a) the likelihood of disclosure of intimate personal or financial circumstances;
- (b) the likelihood of disclosure of commercially sensitive information or information obtained in confidence; or
- (c) exceptional circumstances not falling within head (a) or (b),

that it is just and reasonable for to do.

(3) Where the hearing is in private the Department may admit such persons as it considers appropriate.

(4) Without prejudice to sub-paragraph (2), where any question relating to the appropriate financial resources of any person is to be or is being considered during an inquiry, the Department may exclude such persons as it thinks fit from the part of the inquiry during which that question is considered.

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**Commencement Information**

**I8** Sch. 3 para. 2 in operation at 1.7.2012, see [reg. 1](#)

**Appearances at an inquiry**

3.—(1) The following persons shall be entitled to appear at an inquiry relating to an application namely—

- (a) the applicant;
- (b) a person who has duly made an objection to the application; and
- (c) a person who has duly made representations in respect of the application.

(2) Where the Department holds an inquiry with a view to exercising its powers under section 23 or 27, in respect of a licence, the licence-holder shall be entitled to appear at the inquiry.

(3) Without prejudice to sub-paragraph (2), where a person has requested an inquiry under section 26(1), that person shall be entitled to appear at any inquiry held at their request.

(4) If, in relation to any proceedings,

(a) a transport manager has been given notice under regulation [F414] of the Qualification of Operators Regulations that an issue in the proceedings is whether that person is of good repute or professionally competent;

(b) the transport manager has duly made a representation under that regulation; and

(c) the issue is to be considered at an inquiry,

the transport manager shall be entitled to appear at the inquiry.

(5) Any person may appear at an inquiry at the discretion of the Department.

(6) Any person entitled or permitted to appear at an inquiry may do so on his own behalf or be represented by counsel, solicitor or, at the discretion of the Department, by any other person.

#### Textual Amendments

**F4** Word in Sch. 3 para. 3(4)(a) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **132**

#### Commencement Information

**I9** Sch. 3 para. 3 in operation at 1.7.2012, see [reg. 1](#)

### Procedure at inquiry

4.—(1) Except as otherwise provided in this Schedule, the Department shall determine the procedure at an inquiry.

(2) Subject to sub-paragraph (5), a person entitled to appear at an inquiry in accordance with paragraph 3 shall be entitled to give evidence, call witnesses, to cross examine witnesses and to address the Department both on the evidence and generally on the subject matter of the proceedings.

(3) The giving of evidence, the calling of witnesses, the cross examination of witnesses and the making of such addresses by other persons appearing at an inquiry shall be at the Department's discretion.

(4) Subject to sub-paragraph (5), any person present at an inquiry may submit any written evidence or other matter in writing before the close of the inquiry.

(5) Without prejudice to sub-paragraph (3), the Department may refuse to permit—

(a) the giving or calling of evidence;

(b) cross examination of persons giving evidence; or

(c) the presentation of any other matter,

which it considers to be irrelevant, repetitious, frivolous or vexatious.

(6) The Department may require any person appearing or present at an inquiry who, in its opinion, is behaving in a disruptive manner to leave and may refuse to permit that person to return.

(7) The Department may proceed with an inquiry in the absence of any person entitled to appear, but if it was required to give such a person notice of the inquiry under paragraph 1 it shall not so proceed in the person's absence unless—

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- (a) it is satisfied that such notice had been duly given; or
  - (b) it decides to proceed with the inquiry under paragraph 6 on the basis that no injustice would be caused to the person as a result of such notice not having been duly given.
- (8) The Department shall not take into account any written evidence or other matter in writing received from any person before an inquiry opens or during any inquiry unless it discloses it at the inquiry.
- (9) The Department may from time to time adjourn an inquiry.

**Commencement Information**

**I10** Sch. 3 para. 4 in operation at 1.7.2012, see [reg. 1](#)

**Giving of notice**

5.—(1) A notice required or authorised to be sent to a person under this Schedule may be effected by—

- (a) delivering it to the person at an address which is their proper address;
  - (b) sending it to the person by post to an address which is their proper address; or
  - (c) transmitting to the person a facsimile copy of it by means of electronic signals.
- (2) Any such document may—
- (a) in the case of a body corporate, be sent to the secretary or clerk of that body;
  - (b) in the case of a partnership, be sent to any partner; or
  - (c) in the case of an unincorporated association other than a partnership, be sent to any member of the governing body of the association.
- (3) For the purposes of this paragraph and section 24 of the Interpretation Act (Northern Ireland) 1954<sup>(3)</sup> the proper address of any person is their last known address (whether the person’s residence or a place where that person carries on business or is employed) and also any address applicable to that person under the following provisions—
- (a) in the case of a body corporate, its secretary or its clerk, the address of its registered or principal office in the United Kingdom;
  - (b) in the case of an unincorporated association (other than a partnership) or member of its governing body, its principal office in the United Kingdom.

(4) Where a person has in the licence-holder’s application notified the Department of an address, or, subsequently notified a new address under regulation 23, at which documents may be given for the purposes of correspondence that address shall also be the person’s proper address for service for the purposes mentioned in sub-paragraph (3) or, as the case may be, the person’s proper address for those purposes in substitution for that previously notified.

**Commencement Information**

**I11** Sch. 3 para. 5 in operation at 1.7.2012, see [reg. 1](#)

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(3) 1954 c.33 (N.I.)

### Irregularities in the giving of notices

6. Where a notice of the date, time and place for the holding of an inquiry is not given in accordance with this Schedule, the Department may nevertheless proceed with the inquiry as if notice had been duly given provided it is satisfied that no injustice or in convenience would be caused.

#### Commencement Information

**I12** Sch. 3 para. 6 in operation at 1.7.2012, see [reg. 1](#)

### Interpretation

7. In this Schedule “inquiry” means an inquiry held for the purposes of the 2010 Act.

#### Commencement Information

**I13** Sch. 3 para. 7 in operation at 1.7.2012, see [reg. 1](#)

## SCHEDULE 4

Regulation 28(3)

### MODIFICATIONS IN RELATION TO HOLDING COMPANIES AND SUBSIDIARIES

1. The 2010 Act and these Regulations have effect as if any reference (except in this Schedule) to a provision which is modified by this Schedule were a reference to that provision as so modified.

#### Commencement Information

**I14** Sch. 4 para. 1 in operation at 1.7.2012, see [reg. 1](#)

2. The 2010 Act has effect as if—
- (a) goods vehicles in the lawful possession of the subsidiary were in the lawful possession of the holding company;
  - (b) where a goods vehicle is used in circumstances in which, but for the provisions of regulation 28 the subsidiary would be deemed to be the user, the holding company were the user;
  - (c) a trade or business carried on by the subsidiary were carried on by the holding company;
  - (d) the subsidiary were an applicant for the grant or variation of the licence;
  - (e) any operating centre of the subsidiary were an operating centre of the holding company;
  - (f) any person who is a director of the subsidiary were a director of the holding company;
  - (g) any person who is an employee of the subsidiary were an employee of the holding company;
  - (h) in section 7(4)(c) the reference to an operating centre of the applicant included a reference to an operating centre of the subsidiary;
  - (i) for section 9(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”;

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- (j) in section 16(4) for the words “Except in the cases mentioned in subsection (5), the Department shall publish” there were substituted “In the case of an application for a direction under subsection (1)(a) made by a company or other body corporate in pursuance of regulations made under section 52, the Department may publish”;
- (k) in section 23(1) the references in paragraphs (a), (b), (d), (f) and (g) to the licence-holder included references to the subsidiary;
- (l) in section 25—
  - (i) in subsection (1) the reference to the holder of the licence included a reference to the subsidiary;
  - (ii) in subsection (3)(a) after sub-paragraph (ii) there were inserted—
    - “(iii) a company which is a subsidiary of such a company; or”;
  - (iii) in subsection (4) for paragraph (a) there were substituted—
    - “(a) where that person is a company or other body corporate which is the licence-holder in respect of a subsidiary of that company or other body corporate in pursuance of regulations made under section 52, in relation to any director of that company or other body corporate or of that subsidiary.”.

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**Commencement Information**

**I15** Sch. 4 para. 2 in operation at 1.7.2012, see [reg. 1](#)

3. These Regulations shall have effect as if in regulation 24 the reference to the licence-holder included a reference to the subsidiary.

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**Commencement Information**

**I16** Sch. 4 para. 3 in operation at 1.7.2012, see [reg. 1](#)



**Changes to legislation:**

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