STATUTORY RULES OF NORTHERN IRELAND

2013 No. 224

ROAD TRAFFIC AND VEHICLES

The Goods Vehicles (Community Licence) (Amendment) Regulations (Northern Ireland) 2013

Made - - - -	*19th September 2013*
Coming into operation	*28th October 2013*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**1**).

The Department of the Environment has been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the carriage of passengers and goods by road(**2**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Goods Vehicles (Community Licence) (Amendment) Regulations (Northern Ireland) 2013 and shall come into operation on 28th October 2013.

(2) The Interpretation Act (Northern Ireland) 1954(**3**) applies to these Regulations as it applies to an Act of the Assembly.

Amendment of the Goods Vehicles (Community Licence) Regulations (Northern Ireland) 2013

2.—(1) The Goods Vehicles (Community Licence) Regulations (Northern Ireland) 2013 (**4**) are amended in accordance with paragraphs (2) and (3).

(2) For regulations 7 and 8 substitute—

"**Review and appeal of decision – Community licence**

7.—(1) A person who—

(a) applies for a Community licence; and

(**1**) 1972 c.68.
(**2**) S.I. 1996/266
(**3**) 1954 c.33
(**4**) S.R. 2013 No. 115

(b) wishes to dispute a reasoned decision of the Department to refuse to issue the person with a Community licence,

may apply to the Department for a review of that reasoned decision.

(2) A person who—

(a) is the holder of a Community licence; and

(b) wishes to dispute a reasoned decision of the Department to withdraw it or any certified true copies of it,

may apply to the Department for a review of that reasoned decision.

(3) An application under paragraph (1) or (2) must be made within a period of 28 days, beginning with the day on which the aggrieved person ("the applicant") was informed of the decision of the Department to refuse to issue that person with a Community licence or to withdraw it or any certified true copies of it.

(4) The Department must—

(a) consider any written representations made and any evidence provided by the applicant; and

(b) within the period of 56 days beginning with the day on which the application was made, provide the applicant with a review decision (setting out the Department's reasons for so doing) confirming, reversing or varying the reasoned decision.

(5) A person who is aggrieved by a review decision under paragraph (4) may appeal to the Upper Tribunal against that decision.

Review and appeal of decision – driver attestation

8.—(1) A person who—

(a) applies for a driver attestation; and

(b) wishes to dispute a reasoned decision of the Department to refuse to issue the person with a driver attestation,

may apply to the Department for a review of that reasoned decision.

(2) A person who—

(a) is the holder of a driver attestation; and

(b) wishes to dispute a reasoned decision of the Department to withdraw it or any certified true copies of it,

may apply to the Department for a review of that reasoned decision.

(3) An application under paragraph (1) or (2) must be made within a period of 28 days, beginning with the day on which the aggrieved person ("the applicant") was informed of the decision of the Department to refuse to issue that person with a driver attestation or to withdraw it or any certified true copies of it.

(4) The Department must—

(a) consider any written representations made and any evidence provided by the applicant; and

(b) within the period of 56 days beginning with the day on which the application was made, provide the applicant with a review decision (setting out the Department's reasons for so doing) confirming, reversing or varying the reasoned decision.

(5) A person who is aggrieved by a review decision under paragraph (4) may appeal to a court of summary jurisdiction against that decision.".