STATUTORY RULES OF NORTHERN IRELAND

2012 No. 262 (C. 23)

ROAD TRAFFIC AND VEHICLES

The Goods Vehicles (Licensing of Operators) (2010 Act) (Commencement No. 2 and Transitional Provisions) Order (Northern Ireland) 2012

Made - - - - 28th June 2012

The Department of the Environment makes the following Order in exercise of the powers conferred by section 60(2) of the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010(**1**).

Citation and interpretation

1.—(1) This Order may be cited as the Goods Vehicles (Licensing of Operators) (2010 Act) (Commencement No. 2 and Transitional Provisions) Order (Northern Ireland) 2012.

(2) In this Order—

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

"the 1967 Act" means the Transport Act (Northern Ireland) 1967(**2**);

"existing operator's licence" means a licence within the meaning of section 14 of the 1967 Act which was in force immediately before the day appointed in Article 2;

"existing vehicle licence" means a licence within the meaning of section 17 of the 1967 Act which was in force immediately before the day appointed in Article 2.

Appointed day

2. The day appointed for the coming into operation of the Act, in so far as it is not already in operation, is 1st July 2012.

Transitional provision: outstanding applications under the 1967 Act

3. Where an application for an existing operator's licence has been made under the 1967 Act but not determined by the appointed day, the application shall continue to be determined under the provisions of the 1967 Act.

(**1**) 2010 c. 2 (N.I.)
(**2**) 1967 c. 37

Transitional provision: road freight operator's licences

4.—(1) An existing operator's licence which is due to expire on or after the day appointed in Article 2 shall—

(a) be regarded as a standard licence under the Act; and

(b) continue in force until the expiry date of that licence unless revoked or terminated under any provision of the Act.

(2) Any revocation or suspension of an existing operator's licence in force on the day appointed in Article 2 shall be regarded as a revocation or suspension under section 23 of the Act or a revocation under section 24 of the Act.

(3) Sections 9 and 10 of the Act shall not apply to applications under section 7 of the Act where an existing operator's licence was in force immediately prior to that application.

Transitional provision: road freight vehicle licences

5.—(1) An existing vehicle licence which is due to expire on or after the day appointed in Article 2 shall—

(a) be regarded as a motor vehicle identification disc under regulation 21 of the Goods Vehicles (Licensing of Operators) Regulations (Northern Ireland) 2012(**3**); and

(b) continue in force as long as that vehicle is specified on a licence referred to in Article 4 unless replaced, revoked or terminated under any provision of the Act.

(2) Any revocation or suspension of an existing vehicle licence in force on the day appointed in Article 2 shall be regarded as a curtailment under section 23 of the Act.

Transitional provision: temporary permits

6.—(1) Subject to paragraph (2), where an application for a restricted licence is received by the Department and the applicant—

(a) can demonstrate that they have been operating a business immediately prior to the day appointed in Article 2;

(b) agrees to certain undertakings/conditions as required by the Department; and

(c) pays the appropriate fee in accordance with regulation 2 of the Goods Vehicles (Licensing of Operators) (Fees) Regulations (Northern Ireland) 2012(**4**),

the Department may issue the applicant with a temporary permit which shall have effect as if it were a restricted licence granted under section 12 of the Act.

(2) Any temporary permit issued, unless suspended or revoked under the Act, shall cease to have effect—

(a) on the grant of the restricted licence pursuant to the outstanding application; or

(b) where no such licence is granted on the expiry of the period of 28 days commencing on the date specified in paragraph (3).

(3) The date referred to in paragraph (2)(b) is—

(a) the date of the Department's refusal given in accordance with regulation 20 of the Goods Vehicles (Licensing of Operators) Regulations (Northern Ireland) 2012 in relation to the outstanding application; or

(**3**) S.R. 2012 No. 261
(**4**) S.R. 2012 No. 260