STATUTORY RULES OF NORTHERN IRELAND

2012 No. 261

ROAD TRAFFIC AND VEHICLES

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

Made - - - -	*28th June 2012*
Coming into operation	*1st July 2012*

The Department of the Environment makes the following Regulations, in exercise of the powers conferred by sections 4(3), 7(3) and (4), 8(1), 9(1), 10(2), 11(3), (6) and (7), 13(5)(c), 16(2), 17(3), 18(9)(c) and (10), 20(1)(d), 27(1), 28(5)(a), 31(1), 32(3), 34(2)(a), 48(2), (3) and (4), 52, 53, 57 and paragraphs 1(7)(b) and 3(7)(b) of Schedule 1 to the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010(**1**).

In accordance with section 57(11) of that Act the Department has consulted with such representative organisations as it sees fit.

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 1st July 2012.

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);

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

"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(**2**);

"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(**3**);

"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(**4**);

"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(**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.

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;

(**2**) 2006 c.46
(**3**) 1890 c.39
(**4**) 1994 c.22
(**5**) S.R. 2012 No. 257

(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—

(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) 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).

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.

Dispensations as to applications

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

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.

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).

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.

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.

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.

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).

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.