1991 No. 257

EUROPEAN COMMUNITIES

TRANSPORT

The Road Transport (Qualifications of Operators) (Amendment) Regulations (Northern Ireland) 1991

Made	*19th June 1991*
Coming into operation . .	*22nd July 1991*

The Department of the Environment, being a department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the regulation and supervision of qualifications of persons engaged in road transport, in exercise of the powers conferred by that section, and by section 45 of the Transport Act (Northern Ireland) 1967(**c**) and of all other powers enabling it in that behalf, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Road Transport (Qualifications of Operators) (Amendment) Regulations (Northern Ireland) 1991 and shall come into operation on 22nd July 1991.

Interpretation

2.—(1) In these Regulations "the Act of 1967" means the Transport Act (Northern Ireland) 1967.

(2) The Interpretation Act (Northern Ireland) 1954(**d**) shall apply to these Regulations as it applies to a measure of the Northern Ireland Assembly.

Amendments of the Act of 1967

3.—(1) The Act of 1967 shall have effect subject to the following provisions of these Regulations.

(2) The amendments specified in these Regulations shall not affect applications for licences made before the coming into operation of these Regulations.

Amendment of Part III of the Act of 1967 (road freight operators' licences)

4. In section 15A(1)(*a*)(**e**) (conditions of operators' licences) for the words "may attach to the licence" substitute "may attach conditions to the licence and in particular".

(**a**) S.I. 1975/1707
(**b**) 1972 c. 68
(**c**) 1967 c. 37 (N.I.)
(**d**) 1954 c. 33 (N.I.)
(**e**) Section 15A was inserted by regulation 4 of S.R. 1977 No. 327 and amended by regulation 3(2) of S.R. 1981 No. 2

Amendment of Part IV of the Act of 1967 (general provisions relating to licences)

5. Section 46A(**a**) (interpretation of certain expressions) shall be amended as follows:

(1) For subsection (2) substitute—

"(2) (*a*) "conviction" means—

(i) any conviction mentioned in section 29(1) or any conviction of contravening any provision of the law of Great Britain or of a country or territory outside the United Kingdom corresponding to any such conviction, or

(ii) any other conviction of an offence which is a serious offence as defined in subsection (3B) or a road transport offence as defined in subsection (3C),

not being in either case a spent conviction within the meaning of the Rehabilitation of Offenders (Northern Ireland) Order 1978(**b**); and a reference to a person being convicted of an offence shall be construed accordingly;

(*b*) "a sentence of imprisonment" includes any form of custodial sentence or order other than one under the enactments relating to mental health and "a community service order" means an order under Article 7 of the Treatment of Offenders (Northern Ireland) Order 1976(**c**); and

(*c*) references to an offence under the law in force in any part of the United Kingdom include a reference to a civil offence within the meaning of the Army Act 1955(**d**), the Air Force Act 1955(**e**) or the Naval Discipline Act 1957(**f**).".

(2) After subsection (3) insert the following subsections—

"(3A) The Department shall determine that a person or any partner, employee or agent of the person or, in the case of a company, any officer of the company is not of good repute if he—

(*a*) has been convicted of serious offences; or

(*b*) has been repeatedly convicted of road transport offences.

(3B) For the purposes of subsection (3A)(*a*) a serious offence is—

(*a*) an offence under the law in force in any part of the United Kingdom for which a sentence of imprisonment for a term exceeding 3 months, a fine exceeding level 4 on the standard scale or a community service order for more than 60 hours was imposed; and

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(**a**) Section 46A was inserted by regulation 5 of S.R. 1977 No. 327 and amended by regulation 3 of S.R. 1981 No. 2

(**b**) S.I. 1978/1908 (N.I. 27) as amended by the Armed Forces Act 1981 c. 55 Sch. 4 and S.I. 1986/595 (N.I. 4) Sch. 5 Part II

(**c**) S.I. 1976/226 (N.I. 4)

(**d**) 1955 c. 18

(**e**) 1955 c. 19

(**f**) 1957 c. 53