STATUTORY INSTRUMENTS

1990 No. 994 (N.I. 7)

The Transport (Amendment) (Northern Ireland) Order 1990

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Title and commencement

1. This Order may be cited as the Transport (Amendment) (Northern Ireland) Order 1990 and shall come into operation on expiration of 2 months from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954[F1] shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order "the principal Act" means the Transport Act (Northern Ireland) 1967[F2].

F1 1954 c. 33 (N.I.)
F2 1967 c. 37 (N.I.)

Modification of licensing requirements in relation to motor vehicles used for certain purposes

3. After section 10 of the principal Act there shall be inserted the following sections—

"**Exemption from licensing requirements of certain motor vehicles used under permits.**

10A. Section 4(2) (requirement of road service licence) and Articles 59, 60 and 70 of the Road Traffic (Northern Ireland) Order 1981 (licensing of public service vehicles and drivers, etc. thereof) shall not apply—

(a) to the use of any motor vehicle under a permit granted under section 10B, if and so long as the requirements under subsection (2) of that section are met; or

(b) to the driving of any motor vehicle at a time when it is used as mentioned in paragraph (*a*).

Permits in relation to buses used by educational and other bodies.

10B.—(1) In this section and sections 10C and 10D—

"bus" means a motor vehicle which is adapted to carry more than eight passengers;

"large bus" means a motor vehicle which is adapted to carry more than sixteen passengers;

"small bus" means a motor vehicle which is adapted to carry more than eight but not more than sixteen passengers; and

"permit" means a permit granted under this section in relation to the use of a bus for carrying passengers for hire or reward.

(2) The requirements that must be met in relation to the use of a bus under a permit for the exemption under section 10A(*a*) to apply are that the bus—

(a) is being used by a body to whom a permit has been granted under this section;

(b) is not being used for the carriage of members of the general public nor with a view to profit nor incidentally to an activity which is itself carried on with a view to profit;

(c) is being used in every respect in accordance with any conditions attached to the permit; and

(d) is not being used in contravention of any provision of regulations made under section 10D.

(3) A permit in relation to the use of a small bus may be granted by a body designated by an order under subsection (6) either to itself or to any other body to whom, in accordance with the order, it is entitled to grant a permit.

(4) A permit in relation to the use of a large bus may be granted by the Department to any body which assists or co#ordinates the activities of bodies which appear to the Department to be concerned with—

(a) education;

(b) religion;

(c) social welfare; or

(d) other activities of benefit to the community.

(5) The Department shall not grant a permit in relation to the use of a large bus unless satisfied that there will be adequate facilities or arrangements for maintaining any bus used under the permit in a fit and serviceable condition.

(6) The Department may by order, made subject to negative resolution, designate for the purposes of this section bodies appearing to it to be eligible in accordance with subsection (7), and with respect to any body designated by it, any such order—

(a) shall specify the classes of body to whom the designated body may grant permits;

(b) may impose restrictions with respect to the grant of permits by the designated body and, in particular, may provide that no permit may be granted, either generally or in such cases as may be specified in theorder, unless there are attached to the permit such conditions as may be so specified; and

(c) may require the body to make returns with regard to the permits granted by it.

(7) A body is eligible under this subsection if it is concerned with—

(a) education;

(b) religion;

(c) social welfare;

(d) recreation; or

(e) other activities of benefit to the community.

(8) A body may hold more than one permit but may not use more than one bus at any one time under the same permit.

Further provision with respect to permits under section 10B.

10C.—(1) Subject to subsection (2), a permit shall specify the body to whom it is granted.

(2) A permit may be granted to a named individual on behalf of a body if, having regard to the nature of that body, it appears to the Department or the body granting the permit appropriate to do so.

(3) Where a permit is granted to a named individual on behalf of a body, it shall be treated for the purposes of this section and section 10B as granted to that body.

(4) In addition to any conditions attached to such a permit by virtue of section 10B(6)(*b*), the Department or the body granting such a permit may attach to it such conditions as it considers appropriate, including, in particular, conditions—

(a) limiting the passengers who may be carried in any bus used under the permit to persons falling within such classes as may be specified in the permit; and

(b) with respect to such other matters as may be prescribed.

(5) Subject to subsection (6), a permit may be varied or revoked—

(a) by the Department or other body who granted it; and

(b) in the case of a permit granted by a body designated under section 10B(6), after consultation with that body, by the Department.

(6) A permit may not be varied so as to substitute another body for the body to whom it was granted.

(7) A permit shall remain in force until—

(a) it is revoked under subsection (5); or

(b) in the case of a permit granted by a body designated under section 10B(6), that body ceases to be so designated.

Permits under section 10B: regulations.

10D. The Department may prescribe—

(a) the conditions to be fulfilled by any person driving a bus while it is being used under a permit;

(b) the form of permits; and

(c) the documents, plates and marks to be carried by any bus while it is being used under a permit and the manner and position in which they are to be carried.”

Penalties for certain offences

4.—(1) In section 57 of the principal Act, for subsection (2) there shall be substituted the following subsections—

“(2) A person who contravenes a byelaw made under this section shall be guilty of an offence and, subject to subsection (2A), shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale and, in the case of a continuing offence, a further fine not exceeding £10 for each day on which the offence continues after conviction.

(2A) Byelaws made under this section may, for offences under subsection (2) in relation to the byelaws, fix lower maximum fines than the sums mentioned in that subsection.”

(2) In section 65(1) of the principal Act, for the words from “to a fine” onwards there shall be substituted the words “ to a fine not exceeding level 3 on the standard scale ”.