



# Transport Act (Northern Ireland) 1967 <sup>F1</sup>

## 1967 CHAPTER 37

An Act to make further provision for the re-organisation of public transport and otherwise to amend the law relating to transport; and for purposes connected therewith. [14th December 1967]

**F1** Certain functions transf. by SR 1999/481

**Modifications etc. (not altering text)**

- C1** Act modified (13.1.2014) by [The Road Service Licensing \(Community Licences\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/287\)](#), **reg. 15(1)**
- C2** Act modified (28.3.2019) by [The Public Service Vehicles \(International Passenger Services\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/27\)](#), **reg. 4(2)(a)**

*Part I (Ss. 1#3) rep. by 1984 NI 12*

## PART II

### CARRIAGE OF PASSENGERS BY ROAD

**Modifications etc. (not altering text)**

- C3** [Pt. 2 \(ss. 4-13\) excluded \(prosp.\) by \[Taxis Act \\(Northern Ireland\\) 2008 \\(c. 4\\)\]\(#\), \*\*ss. 54\(2\)\*\*, 59 \(with s. 54\(3\)\)](#)
- C4** [Pt. II: transfer of functions \(8.5.2016\) by \[The Departments \\(Transfer of Functions\\) Order \\(Northern Ireland\\) 2016 \\(S.R. 2016/76\\)\]\(#\), art. 1\(2\), \*\*Sch. 5 Pt. 2\*\* \(with art. 9\(2\)\)](#)

---

*Changes to legislation: There are currently no known outstanding effects for the Transport Act (Northern Ireland) 1967. (See end of Document for details)*

---

## ROAD SERVICE LICENCES

### **F<sup>2</sup>4 Grant of road service licences.**

- F<sup>3</sup>**(1) The Ministry may, subject to and in accordance with the provisions of this Part and Part IV, grant to any person applying therefor a licence (in this Act referred to as a [**F<sup>4</sup>**“bus operator’s licence”]) for the carriage of passengers and their luggage by road.
- (2) Subject to **F<sup>5</sup>** . . . regulations made under section 45, no person shall use a motor vehicle, or cause or permit such a motor vehicle to be used, on a road to carry passengers and their luggage for reward except under a licence granted under subsection (1).
- (3) For the purposes of this section a motor vehicle used to carry passengers and their luggage for reward shall not be deemed to be used under a [**F<sup>6</sup>**“bus operator’s] licence unless it is used by or on behalf of the holder of the licence and in accordance with the conditions applicable to the licence.
- (4) Any person who acts in contravention of subsection (2) **F<sup>7</sup>**... shall be guilty of an offence and be liable on summary conviction to a fine not exceeding [**F<sup>8</sup>** level 5 on the standard scale].

**F2** mod. by SR 1981/199; 1987/187,383

**F3** mod. by SR 2005/212

**F4** Words in s. 4(1) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\), ss. 18\(1\), 48\(2\)](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))

**F5** 1990 NI 7

**F6** Words in s. 4(3) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\), s. 48\(2\), Sch. 1 para. 3](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))

**F7** Words in s. 4(4) omitted (31.12.2020) by virtue of [The International Road Passenger Transport \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/973\), regs. 1\(2\), 2\(2\)](#); 2020 c. 1, Sch. 5 para. 1(1)

**F8** 1984 NI 3

### **5 <sup>F9</sup> Particulars to be provided by applicants for road service licences.**

[**F<sup>10</sup>**

- (1) A person applying to the Ministry for a [**F<sup>11</sup>**“bus operator’s ] licence shall give such information as may reasonably be required to enable the Ministry to exercise the functions conferred on it by section 6, and in particular shall give (where appropriate) information as to—
- (a) the type or types of motor vehicles to be used;
  - F<sup>12</sup>**(b) .....
  - F<sup>12</sup>**(c) .....
  - (d) any previous experience of the applicant as a person providing any facilities wheresoever for the carriage of passengers for reward;
  - (e) any agreement or arrangement affecting in any material respect the provision of passenger transport facilities entered into by the applicant with any other person by whom such facilities are provided;
  - (f) any financial interest (whether past, subsisting or proposed, and whether as a partner or shareholder or as a result of a loan, guarantee or other financial

*Changes to legislation:* There are currently no known outstanding effects for the Transport Act (Northern Ireland) 1967. (See end of Document for details)

transaction) of the applicant in the provision of any facilities wheresoever for the carriage of passengers for reward, or of any such interest of any other person in any business carried on by the applicant in providing such facilities.

- <sup>F13</sup>(2) A person applying for a [<sup>F14</sup>bus operator's] licence to which this subsection applies shall in addition to the information referred to in subsection (1) give the Department such information as may reasonably be required to enable the Department to exercise the functions conferred on it by section 6A, and in particular shall give—
- (a) particulars of any convictions during the five years preceding the making of the application, and at any time thereafter until the disposal of the application, of the applicant and of any person specified in the application in pursuance of section 6A(2) <sup>F15</sup>...;
  - (b) particulars of the financial resources which are, or are likely to be, available to the applicant;
  - (c) particulars of the professional competence qualifications of the applicant and of any person specified in the application in pursuance of section 6A(2) <sup>F16</sup>...;
  - (d) a statement indicating whether or not the applicant intends to use vehicles operated under the licence to provide a service for the carriage of passengers by road elsewhere than in the United Kingdom.
- <sup>F17</sup>(e) particulars of a fixed penalty notice or conditional offer in respect of a serious infringement <sup>F18</sup>... as specified in Article 6.1(b) of the 2009 Regulation for the applicant and for any person specified in the application in pursuance of section 6A(2); and
- (f) particulars to satisfy the Department that the applicant has an effective and stable establishment in Northern Ireland.]
- (3) Subsection (2) applies to a [<sup>F19</sup>bus operator's] licence covering motor vehicles so constructed and equipped as to be suitable for carrying more than nine persons including the driver and intended for that purpose, other than—
- (a) motor vehicles constructed or adapted for the carriage of not more than 17 persons including the driver and used, or intended to be used, in the course of a business whose main object is other than that of carrying passengers; and
  - (b) motor vehicles used by an Education and Library Board in the carrying out of the functions of that Board under the Education and Libraries (Northern Ireland) Order 1972 .
- (4) Subsection (2)( a) and ( b) shall not apply in relation to an application for a [<sup>F20</sup>bus operator's] licence by a person who satisfies the Department that he is an exempt person.]
- <sup>F21</sup>(5) In this section “fixed penalty notice or conditional offer” means a notice or offer under Part 4 of the Road Traffic Offenders (Northern Ireland) Order 1996 or Part 3 of the Road Traffic Offenders Act 1988.]

**F9** mod. by SR 1981/199; 1987/187,383

**F10** SR 1977/327

**F11** Words in s. 5(1) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\)](#), s. 48(2), [Sch. 1 para. 4\(2\)](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))

**F12** S. 5(1)(b)(c) repealed (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\)](#), ss. 19, 48(2), [Sch. 2](#); S.R. 2015/284, art. 2(1), Sch.

**F13** SR 1977/327

**F14** Words in s. 5(2) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\)](#), s. 48(2), [Sch. 1 para. 4\(3\)](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))

*Changes to legislation: There are currently no known outstanding effects for the Transport Act (Northern Ireland) 1967. (See end of Document for details)*

- F15** Words in s. 5(2)(a) omitted (18.8.2014) by virtue of The Road Passenger Transport (Qualifications of Operators) Regulations (Northern Ireland) 2014 (S.R. 2014/206), regs. 1(1), **9(2)(a)(i)**
- F16** Words in s. 5(2)(c) omitted (18.8.2014) by virtue of The Road Passenger Transport (Qualifications of Operators) Regulations (Northern Ireland) 2014 (S.R. 2014/206), regs. 1(1), **9(2)(a)(ii)**
- F17** S. 5(2)(e)(f) added (18.8.2014) by The Road Passenger Transport (Qualifications of Operators) Regulations (Northern Ireland) 2014 (S.R. 2014/206), regs. 1(1), **9(2)(a)(iii)**
- F18** Words in s. 5(2)(e) omitted (31.12.2020) by virtue of The International Road Passenger Transport (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/973), regs. 1(2), **2(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F19** Words in s. 5(3) substituted (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), s. 48(2), **Sch. 1 para. 4(4)**; S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F20** Words in s. 5(4) substituted (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), s. 48(2), **Sch. 1 para. 4(5)**; S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F21** S. 5(5) added (18.8.2014) by The Road Passenger Transport (Qualifications of Operators) Regulations (Northern Ireland) 2014 (S.R. 2014/206), regs. 1(1), **9(2)(b)**

**6<sup>F22</sup> Functions as to grant of road service licences.**

- (1) The Ministry shall, in deciding whether to grant or refuse to grant a [<sup>F23</sup>bus operator's] licence or to attach conditions to any such licence, <sup>F24</sup>... in particular <sup>F24</sup>... have regard (where appropriate) to the following matters:—
- <sup>F25</sup>(a) .....
  - <sup>F25</sup>(b) .....
  - (c) any previous conduct of the applicant as a person providing facilities for the carriage of passengers for reward;
  - (d) the revocation or suspension of any [<sup>F26</sup>bus operator's] licence held at any time by the applicant or where the applicant has or had a controlling interest in a body corporate to any refusal to grant a [<sup>F26</sup>bus operator's] licence to, or revocation or suspension of a [<sup>F26</sup>bus operator's] licence held by, that body corporate;
  - (e) where the applicant is an agent or nominee of any other person, any previous conduct of that person as a person providing facilities for the carriage of passengers for reward;
  - (f) where the applicant is an agent or nominee of any other person, the revocation or suspension of any [<sup>F27</sup>bus operator's] licence held at any time by that other person;
  - (g) where the applicant is a body corporate, the refusal to grant a [<sup>F28</sup>bus operator's] licence to, or the revocation or suspension of any [<sup>F28</sup>bus operator's] licence held at any time by—
    - (i) any other body corporate having at the time of the application any controlling interest in the body corporate applying for the licence or in which the body corporate applying for the licence has any controlling interest;
    - (ii) any director of, or any shareholder having a controlling interest in, the body corporate which is applying for the licence or in such other body corporate as is mentioned in sub-paragraph (i);
  - <sup>F29</sup>(h) .....
  - <sup>F29</sup>(i) .....
- <sup>F30</sup>(2) .....

*Changes to legislation:* There are currently no known outstanding effects for the Transport Act (Northern Ireland) 1967. (See end of Document for details)

<sup>F30</sup>(3) .....

- F22** mod. by SR 1981/199; 1987/187,383
- F23** Words in s. 6(1) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\)](#), s. 48(2), [Sch. 1 para. 5\(2\)](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F24** Words in s. 6(1) repealed (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\)](#), ss. 20(a)(i), 48(2), [Sch. 2](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F25** S. 6(1)(a)(b) repealed (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\)](#), ss. 20(a)(ii), 48(2), [Sch. 2](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F26** Words in s. 6(1)(d) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\)](#), s. 48(2), [Sch. 1 para. 5\(3\)](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F27** Words in s. 6(1)(f) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\)](#), s. 48(2), [Sch. 1 para. 5\(4\)](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F28** Words in s. 6(1)(g) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\)](#), s. 48(2), [Sch. 1 para. 5\(5\)](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F29** S. 6(1)(h)(i) repealed (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\)](#), ss. 20(a)(ii), 48(2), [Sch. 2](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F30** S. 6(2)(3) repealed (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\)](#), ss. 20(b), 48(2), [Sch. 2](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))

#### <sup>F31</sup>6A Refusal of road service licence in certain cases.

- (1) Subject to the following provisions of this section, the Department shall refuse to grant to an applicant a [<sup>F32</sup>bus operator's] licence, unless, having regard to the matters specified in section 6 and to the information given to it in pursuance of section 5(2), it is satisfied that the applicant—
  - (a) has an effective and stable establishment in Northern Ireland (as determined in accordance with Article 5 of the 2009 Regulation);
  - (b) is of good repute (as determined in accordance with section 46B);
  - (c) has appropriate financial standing (as determined in accordance with section 46C); and
  - (d) has the requisite professional competence (as determined in accordance with section 46D).
- (2) The requirements of subsection (1)(b) and (d) may also be regarded as satisfied where there is designated in the application a transport manager who satisfies the requirements of subsection (1)(b) and (d) and who, in the case of a transport manager designated in accordance with Article 4.2 of the 2009 Regulation, is not designated to act as transport manager for a greater number of road passenger or road freight transport operators or in respect of a greater number of vehicles than the Department considers appropriate, having regard to the upper limits in Article 4.2(c) of the 2009 Regulation, or such smaller number as the Department considers appropriate having regard to Article 4.3 of the 2009 Regulation.
- (3) In considering whether the requirements of this section are satisfied, the Department may take into account any undertaking given by the applicant (or procured by the applicant to be given) for the purposes of the application and may assume those undertakings will be fulfilled.
- (4) Where the Department grants a [<sup>F33</sup>bus operator's ] licence, any undertaking taken into account by the Department under subsection (3) that the Department considers to be