1966. No. 148 **[C]**

ROAD FREIGHT TRANSPORT LICENSING

REGULATIONS, DATED 29TH JUNE, 1966, MADE BY THE MINISTRY OF DEVELOPMENT UNDER THE TRANSPORT ACT (NORTHERN IRELAND) 1966.

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The Ministry of Development (hereinafter referred to as "the Ministry"), in exercise of the powers vested in it by sections 10, 12, 17 and 28 of the Transport Act (Northern Ireland) 1966(a) (hereinafter referred to as "the Act") and all other powers enabling it in that behalf, hereby makes the following regulations:—

PART I

Citation and Commencement

1. These Regulations may be cited as the Road Freight Transport Licensing Regulations (Northern Ireland) 1966 and shall come into operation on the 1st day of July, 1966.

PART II

Form of operator's licence

2. An operator's licence granted under section 1 of the Act shall be in the Form RFL2 set out in Schedule 2, showing the name and address of the holder

(a) 1966. c. 3 (N.I.).

of the licence and the licence number allotted to his name in the register of the names and addresses of holders of operators' licences.

Application for operator's licence

3.—(1) An application for an operator's licence under section 2 of the Act shall be made to the Ministry in the Form RFL1 set out in Schedule 1.

(2) An operator's licence shall not be granted before the fee for such licence under section 3(2) of the Act has been received by the Ministry.

Notice of refusal to grant operator's licence

4. Where the Ministry decides to refuse to grant an operator's licence sought under section 2 of the Act and regulation 3 the Ministry shall serve notice in writing upon the applicant for the licence that the licence has been refused, stating the reasons for such refusal.

PART III

Form of vehicle licence

5. A vehicle licence granted under section 5 of the Act shall be in the Form RFL5 set out in Schedule 2 and, where conditions are attached to the licence under section 6 of the Act, a statement of such conditions shall be issued by the Ministry to the licensee together with the licence.

Application for vehicle licence

6.—(1) An application for a vehicle licence under section 5 of the Act shall be in the Form RFL3 where the applicant is a road freight operator, in the Form RFL3F where the applicant is a farmer and in the Form RFL3M where the applicant is a milk haulier, which forms are set out in Schedule 1.

(2) A vehicle licence shall not be granted before any fee for such licence in accordance with the provisions of the Act has been received by the Ministry.

Remission of licence fees

7.—(1) For the purpose of section 10(3) of the Act the number of vehicle licences in respect of which an existing carrier shall not be required to pay fees shall not exceed one half of the difference between—

(*a*) the average number of horses used by him to carry goods for reward at 13th August in 1959 and in each of the four succeeding years and

(*b*) the number of horses owned and used by him to carry goods for reward during the period of five years commencing on 30th June, 1966.

(2) The holder of a vehicle licence to whom this Regulation applies shall furnish to the Ministry such information as may be necessary to enable the Ministry to determine the number of vehicle licences in respect of which fees are not required.

(3) Where under the provisions of section 10(3) of the Act a vehicle licence has been issued without the payment of a fee, the holder of the licence shall notify the Ministry forthwith where he owns and uses to carry goods for reward horses in addition to the number of horses so owned and used when the vehicle licence was granted and shall surrender such vehicle licence to the Ministry where his entitlement under paragraph (1) to remission of fees thereon has ceased.

Display of vehicle licence

8. A vehicle licence so long as it is in force shall be inserted in a weatherproof container which shall be securely affixed to the vehicle specified in the licence in the following manner:—

(*a*) where the vehicle is fitted with a front windscreen extending across the vehicle to the near side the container shall be affixed on the near or left lower corner of such windscreen in a position adjacent to the certificate issued under the Goods Vehicles (Certification) Regulations (Northern Ireland) 1966(a) with the licence facing forward so as to be clearly visible from in front by daylight; and

(*b*) where the vehicle is not fitted with such windscreen the container shall be affixed to the vehicle not less than two feet nor more than six feet six inches from ground level and not more than four feet in front of the driving seat or cab and so that the licence shall be clearly visible by daylight to a person standing at the near side of the vehicle.

Amendment of conditions attached to vehicle licence

9. Where the holder of a vehicle licence to which conditions are attached desires any amendment of the conditions he shall apply in writing to the Ministry stating—

(*a*) what additional conditions, if any, he desires to be attached to the licence;

(*b*) what conditions, if any, he desires to be omitted;

(*c*) what conditions, if any, he desires to be substituted in place of other conditions to be deleted;

(*d*) the reasons for the desired amendments; and

(*e*) the date from which he desires the amendments to take effect in the event of their being granted by the Ministry.

Revocation or suspension of vehicle licence

10.—(1) (*a*) Where in any of the events set out in section 15(1) of the Act as grounds for revocation or suspension of a vehicle licence the Ministry decides to revoke or suspend any such licence the Ministry shall serve notice in writing of such decision upon the holder of the licence; such notice shall state the grounds for the revocation or suspension, the date of revocation or the dates of commencement and termination of suspension, the right of review conferred upon the licence holder by paragraph (2), and the time within which an application for such review may be made.

(*b*) Immediately upon the expiration of twenty-eight days after the issue of a notice under sub-paragraph (*a*) the vehicle licence to which the notice relates shall be revoked or suspended in accordance with the decision set out in the notice unless as a result of review under paragraph (2) the decision has been reversed or varied.

(2) (*a*) Where it appears to the holder of a vehicle licence upon whom a notice has been served under paragraph (1) that the decision to revoke or suspend the licence was taken by the Ministry without complete and accurate knowledge of any material fact or circumstance he may apply in writing to the Ministry within seven days of the date of issue of the notice giving particulars of any such fact or circumstance and requiring the decision to be reviewed by the Ministry.

(a) S.R. & O. (N.I.) 1966, No. 65.

(*b*) Within fourteen days after receiving an application under sub-paragraph (*a*) the Ministry shall consider the application and shall serve a further notice in writing upon the applicant informing him whether the decision has been confirmed or reversed or in what way the decision has been varied as a result of such review and, where the decision has been varied so as to suspend a vehicle licence, stating the dates of commencement and termination of such suspension.

(*c*) Where the decision has been varied so as to revoke or suspend a vehicle licence such licence shall accordingly be revoked or suspended immediately upon the expiration of twenty-eight days after the issue of the notice under paragraph (1)(*a*).

(3) Immediately upon revocation or suspension of a vehicle licence under this regulation the holder of a licence so revoked shall deliver such licence to the Ministry for cancellation and the holder of a licence so suspended shall lodge such licence with the Ministry for the term of the suspension.

Notice of refusal to grant vehicle licence

11. Where the Ministry decides to refuse to grant a vehicle licence sought under section 5 of the Act and regulation 6 the Ministry shall serve notice in writing upon the applicant for the licence that the licence has been refused stating the reasons for such refusal.

PART IV

Signing of applications and other documents

12. Every application or other document submitted by an applicant to the Ministry under regulations 3, 6, 9, 10 and 13 shall be signed by the applicant or, where the applicant is a corporate body or partnership firm, by a person duly authorised in that behalf by such body or a partner of such partnership firm as the case may be.

Review of refusal by the Ministry to grant a licence

13.—(1) Where it appears to an applicant for an operator's licence or a vehicle licence who has received a notice of refusal under regulation 4 or regulation 11 that the decision to refuse to grant the licence was taken either without complete and accurate knowledge of any material fact or circumstance or in consequence of any circumstance which has subsequently altered he may apply in writing to the Ministry giving particulars of any such fact or circumstance as aforesaid and requiring the decision to be reviewed by the Ministry.

(2) Upon considering such application and reviewing the decision therein sought to be reviewed the Ministry shall inform the applicant in writing whether the decision has been confirmed or reversed.

Death, bankruptcy or other incapacity of operator

14. Where owing to any of the circumstances described in section 17(2) of the Act a person to whom an operator's licence is granted (in this regulation referred to as "the grantee") ceases to be a road freight operator and his business as such is carried on by another person (in this regulation referred to as "the successor") the successor shall be deemed to be the holder of the operator's licence and of any current vehicle licences previously held by the grantee if—

(*a*) notice stating

(i) that the grantee has ceased to be a road freight operator,

(ii) the date of and the reason for his having so ceased, and

(iii) the name of his successor

is received by the Ministry within one month of the grantee having ceased to be a road freight operator; and

(*b*) within one month of the sending of such notice application for a new operator's licence is made by the successor in accordance with the procedure prescribed in regulation 4:

Provided that the period during which the successor shall be deemed to be the holder of the operator's licence shall in no case extend beyond the date on which the operator's licence is due to expire and shall terminate immediately upon the Ministry's disposal of the application, and that in the event of the application being refused the successor shall thereupon cease to be deemed to be the holder of such vehicle licences as aforesaid.

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 29th day of June, 1966.

(L.S.)

John F. Irvine,
Assistant Secretary.