MOTOR VEHICLES AND ROAD TRAFFIC

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Goods Vehicles

REGULATIONS, DATED 30TH DAY OF MARCH, 1951, MADE BY THE MINISTRY OF COMMERCE UNDER THE MOTOR VEHICLES AND ROAD TRAFFIC ACTS (NORTHERN IRELAND), 1926—45.

1951. No. 53

The Ministry of Commerce for Northern Ireland in exercise of the powers vested in it by the Motor Vehicles and Road Traffic Acts (Northern Ireland) 1926—45, and of every other power in that behalf thereunto enabling it, with the approval of the Ministry of Finance for Northern Ireland in regard to the provisions contained in Regulations 8 and 21 hereof, hereby makes and prescribes the following Regulations with respect to the Licensing and Regulation of Goods Vehicles and matters incidental thereto, that is to say :—

Citation.

1. These Regulations may be cited as the Goods Vehicles Regulations (Northern Ireland), 1951, and shall come into operation on the 1st day of April, 1951.

Interpretation.

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

(*a*) " the Ministry " means the Ministry of Commerce for Northern Ireland ;

(*b*) " the Acts " means the Motor Vehicles and Road Traffic Acts (Northern Ireland) 1926-45 ;

(*c*) " Goods " and " Goods Vehicle " have the same meaning as in the Motor Vehicles and Road Traffic Act (Northern Ireland), 1934 ;

(*d*) " Inspector of Vehicles " means an Inspector of Vehicles in the Ministry of Commerce ;

(*e*) " Identification Mark " means the " Index Mark and Registration Number " assigned to the goods vehicle on registration in accordance with the provisions of the Roads Act, 1920, and any Regulations made thereunder ;

(*f*) " Unladen Weight " means the weight of the vehicle unladen as registered by a Council in pursuance of the Road Vehicles

(Registration and Licensing) (Northern Ireland) Regulations, 1947 (a) as amended.

(2) The Interpretation Act, 1889, (b) as applied to Northern Ireland by the Interpretation Act, 1921 (c) shall apply for the purposes of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament.

Revocation.

3.—(1) The Regulations specified in the Second Schedule to these Regulations are hereby revoked.

(2) Nothing in these Regulations shall :—

(*a*) affect the operation prior to the date hereof of the Regulations hereby revoked or anything done or suffered under those Regulations ; or

(*b*) affect any right, privilege, obligation or liability acquired, accrued or incurred under those Regulations ; or

(*c*) affect any fine or punishment incurred in respect of a breach of those Regulations ; or

(*d*) affect any legal proceedings or remedy in respect of any such right, privilege, obligation, liability, fine or punishment, and any legal proceedings or remedy may be instituted, continued or enforced and any such fine or punishment may be imposed as if these Regulations had not been made.

Application for Licence.

4. An applicant desirous of obtaining a licence for a goods vehicle shall make application to the Ministry. Such application shall be in the Form * No. 1, 2, 3 or 4 in the First Schedule hereto, or in a form to the like effect, and shall be made by the owner of the vehicle, or by some person duly authorised in writing by the owner in that behalf.

Applicant residing outside Northern Ireland.

5. Where an application for the licensing of a goods vehicle is made by the owner thereof being a company or body corporate whose registered or principal office is situate outside Northern Ireland or by an individual or individuals whose residence or residences is or are outside Northern Ireland it shall be a condition of the issue of such licence that the owner shall have and retain during the currency of the licence an office or place of business within Northern Ireland and shall undertake to accept service thereat of any summons or other document relating to any matter or offence arising in Northern Ireland in connection with such goods vehicle and to appear at any Court as required by such summons or other document and to admit and submit to the jurisdiction of the Court relative to the subject matter of such summons or other document. Any non-performance of such undertaking shall operate as an immediate revocation of the licence.

(a) S. R. & O. (N.I.) 1947, No. 167. (b) 52 & 53 Vic. Ch. 63.
(c) 12 Geo. 5 Ch. 4.

* A form on which to make application for a licence may be obtained at any Post Office transacting Inland Revenue business on payment of the prescribed fee.

6. The Ministry may in its discretion refuse to grant a licence :— Refusal of Licence.

(*a*) If the applicant has previously obtained a licence for a goods vehicle and the licence has been revoked or suspended.

(*b*) If the applicant —

(i) has failed to observe any of the conditions of any licence previously granted ; or

(ii) has been convicted of any offence under Part III of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1934, or any Regulations made thereunder, or of any offence under Section 18 of the Transport Act (Northern Ireland), 1948.

7. The Ministry shall not grant a licence if the applicant fails to satisfy it that the goods vehicle conforms to any Regulations made from time to time by the Ministry with regard to the construction and use or fitness of goods vehicles.

8. The prescribed fees shall be as follows :— Licensing Fee.

(1) For a Goods vehicle for which a licence is applied for within one month of being registered for the first time under the Roads Act, 1920, or under the corresponding statutory provisions obtaining elsewhere, and which before being so registered has not been used for demonstration purposes for a longer period than one month.....1*s*.

(2) For a goods vehicle not coming within the provisions of paragraph (1) hereof :—

(*a*) Where the vehicle does not exceed in weight 12 cwt. unladen.....10*s*.

(*b*) Where the vehicle exceeds in weight 12 cwt. unladen but does not exceed 2 tons.....£1.

(*c*) Where the vehicle exceeds in weight 2 tons unladen .....£2.

9. If the Ministry approves of the application, the applicant shall cause the goods vehicle to which he desires the licence shall attach to be brought to such place as an Inspector of Vehicles may direct for examination. Examination of Vehicle.

10. If the goods vehicle is found to be fit for use on public roads, the Inspector of Vehicles shall cause a plate bearing the number which is to distinguish such vehicle (hereinafter called the number plate) to be affixed thereto in his presence, together with such mark or marks as the Ministry may from time to time direct. The number plate shall be fixed in a conspicuous position on the left or near hand side of the vehicle on or close to the driver's cab and the licensee shall provide the means of attachment for the number plate. Number Plate.

Notice of refusal of Licence.

11. If the licence is refused the Ministry shall transmit to the applicant notice of such refusal in the Form No. 5 in the First Schedule hereto or in a form to the like effect.

Licence.

12. The licence shall be in the Form No. 6 in the First Schedule hereto, or in a form to the like effect.

Licensee's responsibility.

13. The licensee shall be responsible for the observance of all conditions under which the licence is granted.

Conditions of Licence.

14.—(1) The licensee :—

(*a*) Shall not permit his goods vehicle to be used in contravention of the provisions of Section 18 of the Transport Act (Northern Ireland), 1948, or for any other illegal purpose.

(*b*) Shall not deface or mutilate his licence.

(*c*) Shall at all times when required produce his licence to any police officer or constable of the Royal Ulster Constabulary or to an Inspector of Vehicles.

(*d*) Shall at all reasonable times for the purpose of inspection, examination or testing of the vehicle to which the licence relates :—

(i) produce the vehicle at a time and place to be notified ;

(ii) afford to any Inspector of Vehicles full facilities for such inspection, examination or testing, including access to his premises for that purpose.

(*e*) Shall within three days after a notice shall have been delivered to him personally or sent by registered post to the address last notified to the Ministry, deliver up his licence at such place as may be specified in the notice, together with the number plate affixed to the vehicle pursuant to Regulation 10 hereof.

(2) The licensee of any goods vehicle shall not, except as provided by these Regulations, conceal, remove, alter or obliterate, or permit or suffer any unauthorised person to conceal, remove, alter or obliterate any plate, number or mark affixed to or placed upon the vehicle in pursuance of these Regulations or by the authority of the Ministry.

(3) The licensee shall cause the goods vehicle and all its fittings to be maintained and kept in good order and repair, and shall take all practical means to secure that all parts of the mechanism, including the brakes, are free from defects and in efficient working order.

(4) The licensee, if any alteration in design or construction of the goods vehicle has been made since the licence was issued, shall immediately communicate full particulars of such alteration to the offices of the Inspector of Vehicles nearest to the place where the vehicle is ordinarily kept.

15. A licence for a goods vehicle shall not be assigned or transferred, except with the approval of the Ministry endorsed on the licence. Transfer of Licence.

16. Any licence defaced or upon which there is an erasure shall be void. Defaced Licence.

17. A licence for a goods vehicle shall be liable to revocation or suspension by the Ministry in any of the following events :— Revocation or Suspension of Licence.

(*a*) If the licence has been obtained by any misrepresentation.

(*b*) If the licensee fails to comply with any of the conditions upon which the licence issued to him has been granted.

(*c*) If the licensee has been convicted of any offence under Part III of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1934, or any Regulations made thereunder, or of any offence under Section 18 of the Transport Act (Northern Ireland), 1948.

(*d*) If in the opinion of the Ministry the goods vehicle fails to conform to any of the conditions of fitness from time to time laid down by the Ministry.

(*e*) If the conduct of the licensee is or has been during the currency of the licence such as to render it inadvisable, in the opinion of the Ministry, that the licensee should continue to hold the licence.

In the event of any such revocation or suspension the Ministry shall give or cause to be given to the licensee notice in writing of such revocation or suspension. Such notice may be served either personally or by registered post at the address of the licensee last notified to the Ministry, and the licence shall be deemed to be revoked or suspended as from the date of such service.

18. In the case of the death or lunacy of any licensee of a goods vehicle during the currency of his licence the Ministry, if it thinks fit, on application by any relative of such licensee, may by endorsement on the licence temporarily transfer the licence to such applicant pending the appointment of a legal personal representative or committee of the fortune as the case may require ; but if the deceased licensee has by will appointed an executor or executors, or when a legal personal representative or committee has been appointed the Ministry shall thereupon transfer the licence to such acting executor or executors or other legal personal representative or committee when appointed if approved by the Ministry. Such licence as from the death or lunacy of the licensee shall be deemed to have been suspended unless or until it is so transferred. Death or lunacy of Licensee.

19. The licensee shall, within three days after the expiration of the period for which the licence was granted, deliver up to the nearest Inspector of Vehicles or to any Royal Ulster Constabulary Barracks Return of Number Plate.