1980 No. 322

ROAD TRAFFIC AND VEHICLES

Public Service Vehicles (Amendment) Regulations (Northern Ireland) 1980

Made . . . . . 29th September 1980

Coming into operation . . . 3rd November 1980

The Department of the Environment in exercise of the powers conferred by sections 55, 61, 74J and 189 of the Road Traffic Act (Northern Ireland) 1970(**a**) and now vested in it(**b**) and of every other power enabling it in that behalf and with the approval of the Department(**c**) of Finance as regards regulation 2(1) and (2) hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Public Service Vehicles (Amendment) Regulations (Northern Ireland) 1980 and shall come into operation on 3rd November 1980.

Regulations amended

2. The Public Service Vehicles Regulations (Northern Ireland) 1965(**d**) shall be amended as follows:

(1) In regulation 9 there shall be inserted—

(*a*) in line 1, after "9.", "— (1)"; and

(*b*) after sub-paragraph (*b*), the following paragraphs—

"(2) Where a licence is refused the Department shall serve written notice on the applicant stating the reasons for refusal.

(3) Where a licence is refused by virtue of paragraph (1)(*a*) and the defects mentioned in the notice are remedied an applicant may make a further application for a licence on a form issued by the Department and the Department shall carry out a further examination of the vehicle.

(4) The fee payable on such an application shall be the relevant amount prescribed by regulation 10(1)(*a*) or (*b*).

(5) Where however an application is made under paragraph (3) within 21 days from the date of service of the notice and the vehicle is presented for re-examination within 28 days from such service on a date and at a time appointed by the Department, the fee payable shall be the relevant amount prescribed by regulation 10(1)(*c*).".

(2) For regulation 10 there shall be substituted—

"*Fees and refunds*

10.—(1) The fees payable on an application for a public service vehicle licence shall be as follows:

(*a*) for a motor hackney carriage, a fee of £6.70;

(*b*) for an omnibus, a fee of £15.00;

(**a**) 1970 c. 2 (N.I.) as amended by S.I. 1973/1229 (N.I. 17) Art. 17(1) and Sch. 3 and S.I. 1978/1051 (N.I. 21) Art. 14 and Sch. 2

(**b**) S.R. & O. (N.I.) 1973 No. 504 Art. 5(*b*) (II, p. 2992)

(**c**) Formerly Ministry: *See* 1973 c. 36 Schedule 5, paragraph 8(1)

(**d**) S.R. & O. (N.I.) 1965 No. 161 (p. 560) as amended by S.R. 1976 No. 106 (I, p. 451), S.R. 1979 No. 317 and other amending instruments not relevant for the purpose.

(*c*) where a vehicle is presented for re-examination in the circumstances described in regulation 9(5)—

(i) for a motor hackney carriage, a fee of £3.35,

(ii) for an omnibus, a fee of £8.00.

(2) The fees paid in pursuance of regulation 9(4) and (5) and paragraph (1) may be repaid in the following circumstances:—

(*a*) if no appointment for an examination of the vehicle is made, or the appointment made is subsequently cancelled by the Department;

(*b*) if the person for whom the appointment is made gives to the Department, at the centre where the examination is to be held, notice cancelling the appointment of not less than 3 clear working days before the date of the appointment;

(*c*) if the person for whom the appointment is made keeps the appointment but the examination does not take place, or is not completed, for reasons attributable neither to him nor to the vehicle presented for examination;

(*d*) if the person for whom the appointment is made satisfies the Department that the vehicle cannot or, as the case may be, could not reasonably be presented for examination on the date of appointment due to exceptional circumstances occurring not more than 7 days before the said date and of which notice is given to the Department at the centre where the examination is or, as the case may be, was to be held, within 3 days of the occurrence thereof.

(3) For the purposes of paragraphs (2)(*b*) and (2)(*d*) respectively "working day" means a day on which the centre where the examination is to be held is open to the public and "exceptional circumstances" means an accident, a fire, an epidemic, severe weather, a failure in the supply of essential services or other unexpected happening (excluding a breakdown or mechanical defect in a vehicle or non-delivery of spare parts therefor).".

(3) In regulation 12 paragraph (3) shall be deleted.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 29th September 1980.

(L.S.) *E. A. Simpson*
Assistant Secretary

The Department of Finance hereby approves of regulation 2(1) and (2).

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 29th September 1980.

(L.S.) *R. McMurray*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations further amend the Public Service Vehicles Regulations (Northern Ireland) 1965 as follows:—

1. Provision is made for the re-examination of a public service vehicle where a licence has been refused because the vehicle was defective. Where an application is made within 21 days and the vehicle presented for re-examination within 28 days from the date of service of a refusal notice a reduced fee is payable. (A reduced fee is already provided for in regulation 10(*c*) of the 1965 Regulations). The full fee is payable on an application for a licence made outside the 21 days or where a vehicle is re-examined more than 28 days from the date of service of the refusal notice.
2. The fees payable on applications for licences for public service vehicles are increased as follows:—
   (*a*) for a motor hackney carriage from £4.50 to £6.70;
   (*b*) for an omnibus from £12.50 to £15.00;
   (*c*) where an application is made within 21 days from a notice of refusal, for re-examination of a vehicle within 28 days of the notice—
      (i) a motor hackney carriage from £2.25 to £3.35,
      (ii) an omnibus from £7.00 to £8.00.
3. Provision is also made for the refund of these fees in certain circumstances.