1968. No. 69 **[C]**

ROAD FREIGHT TRANSPORT LICENSING

REGULATIONS, DATED 25TH MARCH 1968, MADE BY THE MINISTRY OF DEVELOPMENT UNDER THE TRANSPORT ACT (NORTHERN IRELAND) 1967.

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SCHEDULE

The Ministry of Development in exercise of the powers vested in it by sections 24, 26, 33 and 45 of the Transport Act (Northern Ireland) 1967(a) (hereinafter referred to as "the Act") and all other powers enabling it in that behalf hereby makes the following Regulations:—

PART I

PART I—INTRODUCTORY

Citation and commencement

1. These Regulations may be cited as the Road Freight Transport Licensing Regulations (Northern Ireland) 1968 and shall come into operation on the 1st April, 1968.

(a) 1967, c. 37 (N.I.).

Revocation of previous regulations

2. The Road Freight Transport Licensing Regulations (Northern Ireland) 1966(b) are hereby revoked.

PART II—ROAD FREIGHT OPERATORS' LICENCES

Form of operator's licence

3. An operator's licence granted under section 14 of the Act shall be in the form RFL2 set out in the Schedule.

PART III—ROAD FREIGHT VEHICLE LICENCES

Form of vehicle licence

4. A vehicle licence granted under section 17 of the Act shall be in the form RFL5 set out in the Schedule and, where conditions are attached to the licence under section 20 of the Act, a statement of such conditions shall be issued by the Ministry to the licensee together with the licence.

Display of vehicle licence

5. 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 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(c) 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

6. 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.

Remission of vehicle licence fees

7. (1) For the purpose of section 24(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—

(b) S.R. & O. (N.I.) 1966, No. 148. (c) S.R. & O. (N.I.) 1966, No. 65.

(*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 immediately before 1st July 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 24(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 the vehicle licence to the Ministry where his entitlement under paragraph (1) to remission of fees thereon has ceased.

Suspension or revocation of vehicle licence

8. (1) (*a*) Where in any of the events set out in section 29(1) of the Act as grounds for suspension or revocation of a vehicle licence the Ministry decides to suspend or revoke the licence the Ministry shall serve notice in writing of such decision upon the holder of the licence; the notice shall state the grounds for the suspension or revocation, the dates of commencement and termination of suspension or the date of revocation, 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 suspended or revoked 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 suspend or revoke 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.

(*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 or revoke a vehicle licence, stating the dates of commencement and termination of such suspension or revocation.

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

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

PART IV—MISCELLANEOUS

Signing of applications and other documents

9. Every application or other document submitted by an applicant to the Ministry under the Act or under these Regulations shall be signed by the applicant or by a person authorised by the applicant to sign on his behalf 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.

Payment of fees before grant of licences

10. (1) An operator's licence shall not be granted before the fee for such licence under section 16(2) of the Act has been received by the Ministry.

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

Notice of refusal to grant a licence

11. Where the Ministry decides to refuse to grant an operator's licence sought under section 15 of the Act or a vehicle licence sought under section 19 of the Act 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.

Review of refusal to grant a licence

12. (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 11 that the decison to refuse to grant the licence was taken either without complete and accurate knowledge of any material fact or circumstance or in consideration of any circumstance which has subsequently altered he may apply in writing to the Ministry giving particulars of any such fact or circumstance 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.

Transfer of licences

13. Where owing to any of the circumstances described in section 33(2) of the Act a person to whom a licence has been granted under Part III of the Act (in this regulation referred to as "the grantee") ceases to carry on business under such a licence and the business 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 licence if:

(*a*) within one month of the grantee having ceased to carry on business the Ministry receives from the successor notice stating
  (i) that the grantee has ceased to carry on business under such a licence,
  (ii) the date of and the reason for his having so ceased, and
  (iii) the full name and address of the successor; and

(*b*) within one month of the sending of such notice application for a new operator's licence, or milk haulier's or farmer's vehicle licence as the case may be, is made by the successor;

Provided that:

(i) in the event of the application being refused the successor shall immediately upon the Ministry's disposal of the application cease to be deemed to be the holder of any licence previously held by the grantee;

(ii) in the event of the application being granted the successor shall thereupon cease to be deemed to be the holder of any licence (other than a vehicle licence granted under section 17(1)(*a*) of the Act) previously held by the grantee; and

(iii) in no case shall the period during which the successor is deemed to be the holder of any licence previously held by the grantee extend beyond the date on which the licence is due to expire.

Exemption of certain operators from provisions as to remuneration and conditions of employment

14. The provisions of section 44 of the Act shall not apply to or affect the holder of an operator's licence in connection with his use of a vehicle under a vehicle licence subject to a condition requiring that the vehicle shall not be used to carry for reward goods which are both loaded and unloaded in Northern Ireland.

Exemption from requirement for road freight vehicle licence

15. (1) The provisions of section 17(2) and (3) of the Act shall not apply to or affect—

(*a*) the use of a motor vehicle to carry the luggage of passengers carried for reward;

(*b*) the use of a motor vehicle by a funeral furnisher in the course of his business as such furnisher;

(*c*) the carriage of goods in a motor vehicle which is—

(i) constructed for the carriage of more than six passengers, exclusive of the driver, and their luggage, and

(ii) used under the authority of a road service licence, or any statutory exemption from such authority, to carry passengers for reward;

(*d*) the carriage of goods by means of a motor vehicle constructed solely for the carriage of not more than eight persons, including the driver, and their luggage;

(*e*) the use by any person of a motor vehicle for the collection or delivery of goods which—

(i) have been sold, used or let on hire or hire-purchase in the course of a trade or business carried on by that person; or

(ii) have been, or are to be, subjected to a process or treatment in the course of a trade or business carried on by that person;

(*f*) the carriage of goods in a motor vehicle while the vehicle is being used under, and in accordance with the regulations applicable to, a trade licence taken out by a manufacturer, repairer or dealer under section 10 of the Vehicles (Excise) Act (Northern Ireland) 1954(**d**);

(*g*) the use of a motor vehicle for—

(i) the carrying out of a contract with a local authority for road cleansing, road watering, or the collection or disposal of refuse, night-soil or the contents of cesspools; or

(**d**) 1954. c. 17 (N.I.).

(ii) police, fire service or ambulance purposes; or
(iii) the towing of a disabled motor vehicle; or
(iv) the removing of goods from a disabled vehicle to a place of safety;

(*h*) the carriage of goods by means of a tractor kept by a farmer primarily for the purpose of the agricultural operations in which he is engaged;

(*i*) the use of a motor vehicle—

(1) by a holding company to carry for reward the goods of any subsidiary company of that holding company, if and so long as the carriage of such goods is not the main activity of that holding company;

(2) by a subsidiary company to carry for reward the goods of—
(i) the holding company of that subsidiary company; or
(ii) any other subsidiary company of that holding company;
if and so long as the carriage of such goods is not the main activity of that subsidiary company.

(2) For the purpose of this Regulation:

(*a*) "holding company" means a company which is the beneficial owner of not less than one half of the issued share capital of another company;

(*b*) "subsidiary company" in relation to a holding company means a company of which not less than one half of the issued share capital is in the beneficial ownership of the holding company;

(*c*) Where a subsidiary company is the beneficial owner of any shares of another company those shares shall be treated for the purposes of the foregoing definitions as if they were in the beneficial ownership of the holding company;

(*d*) "farmer" has the same meaning as in section 25 of the Act.

Exemption from payment of fees

16. No fee shall be payable in respect of the grant of a vehicle licence subject to a condition requiring that the vehicle for which the licence is granted shall not be used to carry for reward goods which are both loaded and unloaded in Northern Ireland.

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 25th day of March 1968.

(L.S.) *W. F. Stout,*
Secretary.

SCHEDULE

RFL2

TRANSPORT ACT (NORTHERN IRELAND) 1967

Road Freight Operator's Licence

Licence No. ..... Date.....

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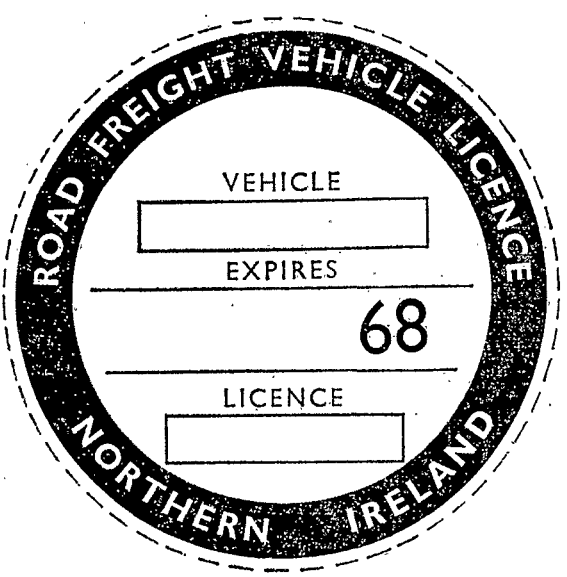
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has/have been granted a road freight operator's licence under section 14 of the Transport Act (Northern Ireland) 1967 and is/are authorised to use vehicles in his/their possession for which valid road freight vehicle licences are held by him/them for the carriage of goods for reward in Northern Ireland.

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Ministry of Development

Road Freight Vehicle Licence RFL5



EXPLANATORY NOTE

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

These Regulations supersede the Road Freight Transport Licensing Regulations (Northern Ireland) 1966 and make provision for procedure in relation to the grant (Regulations 6, 9 and 10) and refusal (Regulations 11 and 12) of road freight operators' and vehicle licences under the Transport Act (Northern Ireland) 1967; they provide for the form of licences (Regulations 3 and 4 and the Schedule), the display (Regulation 5), suspension and revocation (Regulation 8) of vehicle licences, the transfer of licences (Regulation 13) and remission of fees (Regulation 7) in special circumstances, and certain exemptions from the provisions of the Act as to the remuneration and conditions of employment of persons employed in connection with the use of vehicles to carry goods for reward (Regulation 14), from the provisions prohibiting the use of a vehicle to carry goods for reward except under a vehicle licence (Regulation 15), and from payment of fees for certain vehicle licences (Regulation 16).