**1969. No. 350** **[C]**

# ROAD VEHICLES

## Registration and Licensing

REGULATIONS, DATED 30TH DECEMBER 1969, MADE BY THE MINISTRY OF DEVELOPMENT UNDER THE VEHICLES (EXCISE) ACT (NORTHERN IRELAND) 1954.

The Ministry of Development for Northern Ireland in exercise of the powers conferred upon it by the Vehicles (Excise) Act (Northern Ireland) 1954(a), and every other power thereunto enabling it hereby makes the following Regulations:—

**1.** These Regulations may be cited as the Road Vehicles (Registration and Licensing) (Amendment) Regulations (Northern Ireland) 1969, and shall come into operation on the 1st January 1970.

**2.** The Road Vehicles (Registration and Licensing) (Northern Ireland) Regulations 1947(b) shall be amended as follows:—

(1) In regulation 1(3) the following definition shall be substituted for the definitions of "General Trade Licence" and "Limited Trade Licence":—

"The expression "trade licence" means a licence to which section 10 of the Vehicles (Excise) Act (Northern Ireland) 1954 relates."

and the said Regulations shall have effect as though the expression "trade licence" was substituted for "General Trade Licence" and "Limited Trade Licence" wherever they occur.

(2) for Part II (regulations 29 and 30) there shall be substituted the following Part:—

"PART II

TRADE LICENCES

**29A.** For the purposes of section 10 of the Vehicles (Excise) Act (Northern Ireland) 1954 the prescribed manner for—

(*a*) a motor trader to make an application to take out a trade licence for all mechanically propelled vehicles which are from time to time temporarily in his possession in the course of his business as a motor trader and all recovery vehicles kept by him for the purpose of dealing with disabled vehicles in the course of that business, or

(*b*) a vehicle tester to make an application to take out a trade licence for all mechanically propelled vehicles which are from time to time submitted to him for testing in the course of his business as a vehicle tester,

shall be to furnish the particulars and to make the declaration on form RF.(7) to the Council of the county in which his business premises are situated.

(a) 1954. c. 17. (b) S.R. & O. (N.I.) 1947, No. 167.

*Form of Trade Licences*

**29B.** Each trade licence issued by a Council shall contain the following particulars:—

(*a*) the name and business address of the person to whom the licence is issued;

(*b*) the general registration mark assigned to that person;

(*c*) the date of expiry of the licence;

(*d*) the amount of duty paid;

(*e*) the serial number of the licence;

(*f*) the date stamp of the office of issue.

*Notification of change of address etc.*

**29C.** If the holder of a trade licence changes the name of his business or his business address he shall notify this fact and the new name or address forthwith to the Council by which the licence was issued and shall at the same time send to that Council the licence for any necessary amendment.

*Issue of trade plates and replacements therefor*

**29D.**—(1) A Council shall issue to every holder of a trade licence in respect of that licence two plates (in these Regulations referred to as "trade plates") appropriate to the class of vehicles on which they will be used showing the general registration mark assigned to the holder of the licence, and one of the plates so issued shall contain means whereby the licence may be fixed thereto:

Provided that where the holder of a trade licence satisfies the Council by which it was issued that the vehicles which he will use by virtue of the licence include vehicles which would otherwise be liable to duty under Schedule 1 to the Vehicles (Excise) Act (Northern Ireland) 1954 and other vehicles he shall be entitled to be issued free of charge with two additional trade plates in respect of the vehicles first mentioned in this proviso.

(2) Each trade plate shall remain the property of the Council by which it was issued, and shall be returned forthwith to the Council if the person to whom it was issued no longer holds a trade licence which is in force or if that person ceases to be a motor trader or a vehicle tester.

(3) If a trade plate issued by a Council to the holder of a trade licence is lost, destroyed, mutilated or defaced or the figures and particulars thereon have become illegible or the colour of the plate has become altered by fading or otherwise, the holder shall apply to the Council by which the plate was issued for the issue to him of a replacement for that plate, and the Council upon being satisfied as to such loss, destruction, mutilation, defacement, illegibility or alteration as aforesaid and, upon the receipt of the plate except where the plate has been lost or destroyed, shall issue a replacement for the plate on payment of a fee of eighteen shillings if the plate was issued in respect of vehicles otherwise liable to duty under Schedule 1 to the Vehicles (Excise) Act (Northern Ireland) 1954 or a fee of twenty-seven shillings in any other case; and the replacement so issued shall have the same effect as the plate which it replaces:

Provided that where the Council are satisfied that the figures or particulars have become illegible or the colour of the plate has become altered by fading or otherwise without any act or neglect on the part of the holder of the trade licence they shall issue a replacement free of charge.

(4) In the case of the loss of any trade plate, if at any time after the issue of a replacement the original plate is found, the holder of the trade licence, if the plate is in his possession, shall forthwith return it to the Council which issued the replacement therefor, or if it is not in his possession but he becomes aware that it is found, shall take all reasonable steps to obtain possession of it and if successful shall forthwith return it to the said Council so, however, that if possession is not obtained, such fact shall be notified to the Council by the holder of the licence, without delay.

*Alteration of trade plates and similar offences*

**29E.**—(1) No person shall alter, deface, mutilate or add anything to any trade plate or exhibit upon any mechanically propelled vehicle any trade plate which has been altered, defaced, mutilated or added to as aforesaid or upon which the figures or particulars have become illegible or the colour has become altered by fading or otherwise.

(2) No person shall exhibit on any mechanically propelled vehicle anything which could be mistaken for a trade plate.

*Exhibition of trade plates and licences*

**29F.** No person shall use a vehicle on a public road by virtue of a trade licence except in accordance with the following provisions:—

(*a*) there shall be fixed to and displayed on the vehicle the trade plates issued by the Council which issued the trade licence in such a manner that, if the trade plates contained a registration mark assigned to the vehicle, the provisions of regulation 26 would be complied with, notwithstanding the vehicle may not have been first registered on or after 1st January 1948;

(*b*) where in accordance with the provisions of the preceding paragraph a trade plate is required to be fixed to the front of a vehicle, the trade plate so fixed shall be that containing means for fixing the licence thereto, and the trade licence shall be fixed to the vehicle by means of that plate and exhibited on that plate so as to be at all times clearly visible by daylight.

*Restriction on use of trade plates and licences*

**29G.** No person, not being the holder of a trade licence, shall use on a public road a vehicle on which there is displayed a trade plate or a trade licence, so however, that nothing in the regulation shall apply so as to prevent a person with the consent of the holder of the trade licence from driving a vehicle when the vehicle is being used on a public road by virtue of a trade licence and by the holder thereof.

*Purposes for which a vehicle may be used*

**29H.**—(1) In this regulation, "business purpose", in relation to a motor trader means—

(*a*) a purpose connected with his business as a manufacturer or repairer of or dealer in mechanically propelled vehicles, or

(*b*) a purpose connected with his business as a manufacturer or repairer of or dealer in trailers carried on in conjunction with his business as a motor trader.

(2) For the purposes of sub-paragraphs (*a*) to (*k*) of paragraph (4) of this regulation, where a mechanically propelled vehicle is used on a public road by virtue of a trade licence and that vehicle is drawing a trailer, the vehicle and trailer shall be deemed to constitute a single vehicle.

(3) No person, being a motor trader and the holder of a trade licence, shall use any mechinically propelled vehicle on a public road by virtue of that licence unless it is a vehicle which is temporarily in his possession in the course of his business as a motor trader or a recovery vehicle kept by him for the purpose of dealing with disabled vehicles in the course of that business.

(4) Without derogation from the provisions of the last preceding paragraph of this regulation, no person, being a motor trader and the holder of a trade licence, shall use any mechanically propelled vehicle on a public road by virtue of that licence for a purpose other than a business purpose and other than one of the following purposes:—

(*a*) for its test or trial or the test or trial of its accessories or equipment in the ordinary course of construction or repair or immediately after completion in either such case;

(*b*) for proceeding to or from a public weighbridge for ascertaining its unladen weight or to or from any place for its registration or inspection by a Council;

(*c*) for its test or trial for the benefit of a prospective purchaser, for proceeding at the instance of a prospective purchaser to any place for the purpose of such test or trial, or for returning after such test or trial;

(*d*) for its test or trial for the benefit of a person interested in promoting publicity in regard to it, for proceeding at the instance of such a person to any place for the purpose of such test or trial, or for returning after such test or trial;

(*e*) for delivering it to the place where the purchaser intends to keep it;

(*f*) for demonstrating its operation or the operation of its accessories or equipment when being handed over to the purchaser;

(*g*) for delivering it from one part of his premises to another part of his premises, or for delivering it from his premises to the premises of, or between parts of premises of, another manufacturer or repairer of or dealer in mechanically propelled vehicles or removing it from the premises of another manufacturer or repairer of or dealer in mechanically propelled vehicles direct to his own premises;

(*h*) for proceeding to or returning from a workshop in which a body or a special type of equipment or accessory is to be or has been fitted to it or in which it is to be or has been painted or repaired;

(*i*) for proceeding from the premises of a manufacturer or repairer of or dealer in mechanically propelled vehicles to a place from which it is to be transported by train, ship or aircraft or for proceeding to the premises of such a manufacturer, repairer or dealer from a place to which it has been so transported;

(*j*) for proceeding to or returning from any garage, auction room or other place at which vehicles are usually stored or usually or periodically offered for sale and at which the vehicle is to be or has been stored or is to be or has been offered for sale as the case may be;

(*k*) for proceeding to or returning from a place where it is to be or has been tested, or for proceeding to a place where it is to be broken up or otherwise dismantled; or

(*l*) in the case of a recovery vehicle—

(i) for proceeding to or returning from a place where assistance is to be, or has been rendered, to a disabled vehicle; or

(ii) for carrying a disabled vehicle, or for towing such a vehicle (whether with the assistance of a trailer or not), from the place where it has broken down or from such other place where it is subsequently for the time being situated to a place for repair or storage or breaking up.

**29I.** No person, being a vehicle tester and the holder of a trade licence, shall use any mechanically propelled vehicle on a public road by virtue of that licence for any purpose other than testing it or any trailer drawn thereby or any of the accessories or equipment on such vehicle or trailer in the course of his business as a vehicle tester.

*Conveyance of goods or burden*

**29J.**—(1) No person, being a motor trader and the holder of a trade licence, shall use a mechanically propelled vehicle on a public road by virtue of that licence for the conveyance of goods or burden of any description other than—

(*a*) a load which is carried by a vehicle being used for a relevant purpose and is carried solely for the purpose of testing or demonstrating the vehicle or any of its accessories or equipment and which is returned to the place of loading without having been removed from the vehicle except for such last mentioned purpose or in the case of accident:

In this sub-paragraph "relevant purpose" means a purpose mentioned in regulation 29H(4)(*a*), (*c*), (*d*) and (*f*) of these Regulations; or

(*b*) in the case of a recovery vehicle, being used for a relevant purpose, any such load as is referred to in the definition of such a vehicle contained in section 10(9) of the Vehicles (Excise) Act (Northern Ireland) 1954 or a load consisting of a disabled vehicle:

In this sub-paragraph "relevant purpose" means a purpose mentioned in regulation 29H(4)(*l*) of these Regulations; or

(*c*) any load built in as part of the vehicle or permanently attached thereto; or

(*d*) a load consisting of parts, accessories or equipment designed to be fitted to the vehicle and of tools for so fitting them, the vehicle being used for a relevant purpose:

In this sub-paragraph "relevant purpose" means a purpose mentioned in regulation 29H(4)(*g*) or (*h*) of these Regulations; or

(*e*) a load consisting of a trailer, the vehicle carrying the trailer being used for a relevant purpose:

In this sub-paragraph "relevant purpose" means a purpose mentioned in regulation 29H(4)(*e*), (*h*) or (*i*) of these Regulations.

(2) For the purposes of this regulation and the next succeeding regulation, where a vehicle is so constructed that a trailer may by partial superimposition be attached to the vehicle in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, the vehicle and the trailer shall be deemed to constitute a single vehicle.

**29K.** No person, being a vehicle tester and the holder of a trade licence, shall use a mechanically propelled vehicle on a public road by virtue of that licence for the conveyance of goods or burden of any description other than—

(*a*) a load which is carried solely for the purpose of testing or demonstrating the vehicle or any of its accessories or equipment and which is returned to the place of loading without having been removed from the vehicle except for such purpose or in the case of accident;

(*b*) any load built in as part of the vehicle or permanently attached thereto.

*Carriage of passengers*

**29L.**—(1) No person, being the holder of a trade licence, shall use a mechanically propelled vehicle on a public road by virtue of that licence for carrying any person on the vehicle or on any trailer drawn thereby other than—

(*a*) the driver of the vehicle, being the holder of the licence, an employee of the holder, or any other person driving with the consent of the holder while (except in the case of a vehicle which is constructed to carry only one person) accompanied by the holder or an employee of his;

(*b*) any person required to be on the vehicle or trailer by virtue of Regulation made under section 4 of the Road Traffic Act (Northern Ireland) 1955(**c**);

(*c*) any person carried for the purpose of fulfilling his statutory duties in connection with an inspection of the vehicle or trailer;

(*d*) any person in a disabled vehicle being towed;

(*e*) the holder of the trade licence or an employee of his, if in either case his presence is necessary for the purpose for which the vehicle is being used;

(*f*) an employee of the holder of the trade licence proceeding to a place for the purpose of driving vehicles on behalf of the holder of the trade licence in the course of his business as a motor trader;

(*g*) a prospective purchaser or his servant or agent or any person requested to accompany the said prospective purchaser, or in the case of a vehicle being used for the purpose mentioned in regulation 29H(4)(*f*) of these Regulations, the purchaser or his servant or agent or any person requested to accompany the said purchaser;

(*h*) a person mentioned in regulation 29H(4)(*d*) of these Regulations.

(2) Where a person coming within sub-paragraph (*g*) or (*h*) of the preceding paragraph is carried he shall be accompanied (except in the case of a vehicle which is constructed to carry only one person) by the holder of the trade licence or an employee of his."

Sealed with the Official Seal of the Ministry of Development this 30th day of December 1969.

(L.S.) *John F. Irvine,*
Senior Assistant Secretary.

(**c**) 1955. c. 27.

## EXPLANATORY NOTE

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

These Regulations further amend the Road Vehicles (Registration and Licensing) Regulations 1947. The principal change is to introduce into the 1947 Regulations regulations, namely, Regulations 29A to 29L containing new provisions relating to trade licences issued to motor traders and vehicle testers. These new provisions are consequent upon the amendments made as from 1st January 1970 in the Vehicles (Excise) Act (Northern Ireland) 1954 by section 9 of the Finance Act (Northern Ireland) 1969, which amendments were designed, inter alia, to restrict the vehicles which may be used under a trade licence and the purposes for which they may be used, and to substitute for general trade licences and limited trade licences a single type of trade licence. The main changes made by the new regulations are as follows:—

1. Regulation 29A deals with applications for trade licences by virtue of which motor traders may use, inter alia, "recovery vehicles" a term defined in paragraph 1 in Part II of Schedule 2 to the Finance Act (Northern Ireland) 1969.

2. Regulation 29G makes it an offence for a person other than the holder of a trade licence to use on roads a vehicle on which there is displayed a trade plate or trade licence.

3. Regulations 29H and 29I make more stringent provision restricting the purposes for which vehicles may be used by virtue of a trade licence.

4. Regulations 29J and 29K prohibit the conveyance of goods on vehicles used by virtue of a trade licence, subject to specified exceptions.

5. Regulation 29L contains changes as respects persons who may be carried on vehicles when used under trade licences.