



## 2010 CHAPTER 2

VALID FROM 22/06/2012

### *Vehicles authorised to be used under a licence*

#### **Vehicles authorised to be used under operator's licence**

4.—(1) Subject to the following provisions of this section, the vehicles authorised to be used under an operator's licence are—

- (a) any motor vehicle in the lawful possession of the licence-holder (whether that motor vehicle is specified in the licence or not); and
- (b) any trailer in the lawful possession of the licence-holder.

(2) An operator's licence may provide—

- (a) that no motor vehicle, or no trailer, whose relevant weight exceeds a weight specified in the licence is authorised to be used under it;
- (b) that no trailers are authorised to be used under the licence; or
- (c) that no motor vehicle that is not specified in the licence is authorised to be used under it.

(3) In subsection (2) “relevant weight”, in relation to a motor vehicle or trailer of any prescribed class, means a weight of the description specified in relation to motor vehicles or trailers of that class by regulations.

(4) An operator's licence shall not authorise the use of any vehicle unless—

- (a) the place which is for the time being its operating centre is in Northern Ireland; and
- (b) the vehicle is registered under the Vehicle Excise and Registration Act 1994 (c. 22).

*Status: Point in time view as at 22/01/2010. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010, Cross Heading: Vehicles authorised to be used under a licence. (See end of Document for details)*

(5) A motor vehicle which is not specified in an operator's licence is not authorised to be used under that licence by virtue of subsection (1) after the prescribed period beginning with—

- (a) the day on which the vehicle was first in the lawful possession of the licence-holder, or
- (b) (if later) the day on which the licence came into force,

unless, during that period, the licence-holder has given to the Department a notice in such form and containing such information about the vehicle as the Department may require, and has paid to the Department a prescribed fee (if any).

(6) Where notice of a vehicle has been duly given and the prescribed fee (if any) has been duly paid under subsection (5), the Department shall vary the licence by directing that the vehicle be specified in it.

(7) A motor vehicle specified in an operator's licence shall not, while it remains so specified, be capable of being effectively specified in any other operator's licence.

(8) Where it comes to the knowledge of the Department that a vehicle specified in a licence (“the first licence”)—

- (a) has ceased to be used under the licence (otherwise than because of a fluctuation in business or because it is undergoing repair or maintenance), or
- (b) is specified in another operator's licence,

the Department may vary the first licence by directing that the vehicle be removed from it.

VALID FROM 01/07/2012

#### **Maximum numbers of vehicles**

**5.—(1)** An operator's licence—

- (a) shall specify a maximum number for motor vehicles, and
- (b) may specify a maximum number for motor vehicles whose relevant weight exceeds a weight specified in the licence.

(2) An operator's licence that does not contain a provision such as is mentioned in section 4(2)(b)—

- (a) shall specify a maximum number for trailers, and
- (b) may specify a maximum number for trailers whose relevant weight exceeds a weight specified in the licence.

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(3) The number of motor vehicles which at any one time are being used under an operator's licence while not specified in that licence may not exceed the maximum number specified in the licence under subsection (1) (a) less however many motor vehicles are specified in the licence.

(4) Where, under subsection (1)(b), an operator's licence specifies a maximum number for motor vehicles whose relevant weight exceeds a specified weight—

- (a) the number of such motor vehicles which at any one time are being used under the licence while not specified in it may not exceed that maximum number less however many motor vehicles whose relevant weight exceeds the specified weight are specified in the licence, and
- (b) the number of such motor vehicles that are specified in the licence and are being used under it at any one time may not exceed that maximum number.

(5) The number of trailers being used under an operator's licence at any one time may not exceed the maximum number specified in the licence under subsection (2)(a).

(6) Where, under subsection (2)(b), an operator's licence specifies a maximum number for trailers whose relevant weight exceeds a specified weight, the number of such trailers being used under the licence at any one time may not exceed that maximum number.

(7) The definition of “relevant weight” in section 4(3) applies for the purposes of this section as it applies for the purposes of section 4(2).

(8) If subsection (3), (4)(a) or (b), (5) or (6) is contravened, the licence-holder is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010, Cross Heading: Vehicles authorised to be used under a licence.