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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: Transfers in connection with the variation of licences. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 1

#### TRANSFER OF OPERATING CENTRES

##### *Transfers in connection with the variation of licences*

3.—(1) Where in the case of an application for the variation of [<sup>F1</sup>a heavy goods vehicle] licence under section 16—

- (a) the only direction applied for is one under subsection (1)(g) of that section that one or more new places be specified in the licence as an operating centre of the licence-holder,
- (b) the requirements of sub-paragraphs (2) to (5) are satisfied at the time when the application is made, and
- (c) the applicant so requests

the Department may direct that paragraph 4 is to apply in relation to the application.

(2) Each new place that is proposed to be specified in the licence must already be specified in another [<sup>F2</sup>heavy goods vehicle] licence as an operating centre of its holder.

(3) That other licence must be the same in the case of each such place, and no such place may be specified in more than the one other [<sup>F3</sup>heavy goods vehicle] licence.

(4) Where any conditions under section 20(1)(a) or (c) relating to any such place are attached to that other licence, the applicant must have consented to conditions in the same terms being attached to the licence the applicant is applying to have varied.

(5) Where any undertakings relating to any such place are recorded in that other licence, undertakings in the same terms must have been given by the applicant (or have been procured by the applicant to be given) for the purposes of the application.

(6) In determining whether to give a direction under this paragraph, the Department shall take account of whether any new adverse effects on environmental conditions are likely to arise from the use as an operating centre of the applicant of any such place, and may take account of any other matters the Department considers relevant.

(7) A place is not to be regarded for the purposes of sub-paragraph (2) as being specified in [<sup>F4</sup>a heavy goods vehicle] licence by reason only that it forms part of a place so specified; and a place that was, at the time mentioned in sub-paragraph (1)

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(b), a place specified in [<sup>F4</sup>a heavy goods vehicle] licence as mentioned in sub-paragraph (2) shall be disregarded for the purposes of sub-paragraph (2) if, at that time—

- (a) that place was so specified by virtue of an interim direction such as is mentioned in section 22; or
- (b) such conditions relating to—
  - (i) the exercise of the right of any person to appeal against a place being specified in [<sup>F5</sup>a heavy goods vehicle] licence, or
  - (ii) the review under section 34 of any decision so to specify a place, as may be prescribed were not satisfied in relation to that place.

(8) In this paragraph “[<sup>F6</sup>heavy goods vehicle] licence” does not include an interim licence issued under section 21.

#### Textual Amendments

- F1** Words in Sch. 1 para. 3(1) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **101(3)(a)**
- F2** Words in Sch. 1 para. 3(2) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **101(3)(b)**
- F3** Words in Sch. 1 para. 3(3) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **101(3)(b)**
- F4** Words in Sch. 1 para. 3(7) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **101(3)(c)(i)**
- F5** Words in Sch. 1 para. 3(7)(b)(i) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **101(3)(c)(ii)**
- F6** Words in Sch. 1 para. 3(8) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **101(3)(d)**

#### Commencement Information

- I1** Sch. 1 para. 3 in operation at 22.6.2012 for specified purposes by S.R. 2012/247, art. 2, **Sch.**
- I2** Sch. 1 para. 3 in operation at 1.7.2012 in so far as not already in operation by S.R. 2012/262, **art. 2** (with arts. 4-6)

4.—(1) The provisions of this paragraph have effect in relation to any application for the variation of [<sup>F7</sup>a heavy goods vehicle] licence in respect of which a direction has been given under paragraph 3.

- (2) Sections 16(4) and 17 shall not apply.
- (3) If the application is granted, the Department—
  - (a) shall attach to the licence as varied any conditions in respect of which the applicant has consented under paragraph 3(4); and

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- (b) shall not attach any other conditions to the licence under section 20(1)(a) or (c).
- (4) If the application is granted, the Department shall record in the licence as varied
- (a) any undertakings given or procured to be given under paragraph 3(5); and
  - (b) any other undertakings given by the applicant (or procured by the applicant to be given), whether for the purposes of the application or for the purposes of the request for the direction under paragraph 3, that the Department considers to be material to its decision to give the direction.

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**Textual Amendments**

- F7** Words in Sch. 1 para. 4(1) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **101(4)**

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**Commencement Information**

- I3** Sch. 1 para. 4 in operation at 22.6.2012 for specified purposes by [S.R. 2012/247](#), art. 2, **Sch.**
- I4** Sch. 1 para. 4 in operation at 1.7.2012 in so far as not already in operation by [S.R. 2012/262](#), **art. 2** (with arts. 4-6)

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