



2010 CHAPTER 2

Revocation etc of operators' licences

Revocation, disqualification, etc: supplementary provisions

26.—(1) The Department shall not—

- (a) give a direction under section 23(1) or (2) or 24(1) in respect of any licence,
- (b) make an order under section 23(5) in respect of any vehicle, or
- (c) make an order or give a direction under section 25(1) or (3) in respect of any person,

without first giving the holder of the licence or (as the case may be) the person concerned notice that it is considering doing so and holding an inquiry if the holder of the licence or (as the case may be) the person concerned requests the Department to do so.

(2) The Department may direct that any direction or order given or made by it under—

- (a) section 23(1), (2) or (5),
- (b) section 24(1), or
- (c) section 25(1) or (3),

shall not take effect until the expiry of the time within which an appeal may be made to the Upper Tribunal against the direction or order and, if such an appeal is made, until the appeal has been disposed of.

(3) If the Department refuses to give a direction under subsection (2) the holder of the licence or, as the case may be, the person in respect of whom the direction or order was given or made may apply to the Upper Tribunal for such a direction.

(4) The Upper Tribunal shall give its decision on any application under subsection (3) within 14 days.

(5) An order under section 23(5) or 25(1) is not a statutory rule for the purpose of the [Statutory Rules \(Northern Ireland\) Order 1979 \(NI 12\)](#).