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STATUTORY RULES OF NORTHERN IRELAND

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**2012 No. 261**

**The Goods Vehicles (Licensing of Operators)  
Regulations (Northern Ireland) 2012**

**PART 7**

**OTHER MATTERS**

**Continuance of licence on death, bankruptcy etc**

**29.**—(1) In this regulation, “actual holder” in relation to a licence means the person to whom the licence was issued.

(2) This regulation applies in the event—

- (a) of the death of the actual holder of a licence;
- (b) of the actual holder of a licence becoming a patient (within the meaning of Article 2(2) of the Mental Health (Northern Ireland) Order 1986) to carry on the activities covered by the licence on the ground that the holder is incapable, by reason of mental disorder, of adequately managing his property and affairs;
- (c) of the bankruptcy of the actual holder of a licence;
- (d) in the case of a company, of the actual holder of a licence going into liquidation or entering administration; or
- (e) of the appointment of a receiver or manager of the trade or business of the actual holder of a licence.

(3) After the happening of either of the events mentioned in paragraph (2)(a) or (b) the Department may direct that the licence shall not be treated as terminated when the actual holder died or became a patient (within the meaning of Article 2(2) of the Mental Health (Northern Ireland) Order 1986), but suspended until the date when a direction under paragraph (4) comes into force.

(4) After the happening of any of the events mentioned in paragraph (2) the Department may direct that a person carrying on the trade or business of the actual holder of the licence is to be treated for the purpose of the 2010 Act as if that person were the holder thereof for such purpose and to such extent as is specified in the direction for a period not exceeding—

- (a) if it appears to the Department that there are special circumstances, 18 months;
- (b) in any other case, 12 months,

from the date of the coming into force of that direction.

(5) The powers under paragraph (4) shall be exercisable in relation to a standard licence whether or not the person carrying on the trade or business of the actual holder of the licence satisfies the requirements of professional competence.

(6) Where a person is treated as if that person were the licence-holder by virtue of a direction under this regulation—

- (a) any goods vehicle which has been in the lawful possession of the actual holder of the licence shall for the purposes of the 2010 Act be treated as if it was in the lawful possession of that person; and
- (b) if the licence is a standard licence, nothing in section 24 shall oblige the Department to revoke the licence by reason only of that person not satisfying the requirement of professional competence.