



Transport Act (Northern Ireland) 1967

1967 CHAPTER 37

PART II

CARRIAGE OF PASSENGERS BY ROAD

ROAD SERVICE LICENCES

4^{F1} Grant of road service licences.

- ^{F2}(1) The Ministry may, subject to and in accordance with the provisions of this Part and Part IV, grant to any person applying therefor a licence (in this Act referred to as a “road service licence”) to provide such a service as may be specified therein for the carriage of passengers and their luggage by road.
- (2) Subject to^{F3} . . . regulations made under section 45, no person shall use a motor vehicle, or cause or permit such a motor vehicle to be used, on a road to carry passengers and their luggage for reward except under a licence granted under subsection (1).
- (3) For the purposes of this section a motor vehicle used to carry passengers and their luggage for reward shall not be deemed to be used under a road service licence unless it is used by or on behalf of the holder of the licence and in accordance with the conditions applicable to the licence.
- (4) Any person who acts in contravention of subsection (2) [^{F4} or who contravenes a requirement of any such directly applicable Community provision as is referred to in section 45(*j*) as to the keeping or production of any document] shall be guilty of an offence and be liable on summary conviction to a fine not exceeding^{F5} level 5 on the standard scale].

F1 mod. by SR 1981/199; 1987/187,383

F2 mod. by SR 2005/212

F3 [1990 NI 7](#)

F4 SRO (NI) 1972/359

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Changes to legislation: There are currently no known outstanding effects for the Transport Act (Northern Ireland) 1967. (See end of Document for details)

F5 1984 NI 3

5^{F6} Particulars to be provided by applicants for road service licences.

[^{F7}

(1) A person applying to the Ministry for a road service licence shall give such information as may reasonably be required to enable the Ministry to exercise the functions conferred on it by section 6, and in particular shall give (where appropriate) information as to—

- (a) the type or types of motor vehicles to be used;
- (b) the services which it is proposed to provide under the licence;
- (c) the frequency of the services, the times to be taken on the journeys included in those services and the number of vehicles to be used on those services;
- (d) any previous experience of the applicant as a person providing any facilities wheresoever for the carriage of passengers for reward;
- (e) any agreement or arrangement affecting in any material respect the provision of passenger transport facilities entered into by the applicant with any other person by whom such facilities are provided;
- (f) any financial interest (whether past, subsisting or proposed, and whether as a partner or shareholder or as a result of a loan, guarantee or other financial transaction) of the applicant in the provision of any facilities wheresoever for the carriage of passengers for reward, or of any such interest of any other person in any business carried on by the applicant in providing such facilities.

^{F8}(2) A person applying for a road service licence to which this subsection applies shall in addition to the information referred to in subsection (1) give the Department such information as may reasonably be required to enable the Department to exercise the functions conferred on it by section 6A, and in particular shall give—

- (a) particulars of any convictions during the five years preceding the making of the application, and at any time thereafter until the disposal of the application, of the applicant and of any person specified in the application in pursuance of section 6A(2) or (3);
- (b) particulars of the financial resources which are, or are likely to be, available to the applicant;
- (c) particulars of the professional competence qualifications of the applicant and of any person specified in the application in pursuance of section 6A(2) or (3);
- (d) a statement indicating whether or not the applicant intends to use vehicles operated under the licence to provide a service for the carriage of passengers by road elsewhere than in the United Kingdom.

(3) Subsection (2) applies to a road service licence covering motor vehicles so constructed and equipped as to be suitable for carrying more than nine persons including the driver and intended for that purpose, other than—

- (a) motor vehicles constructed or adapted for the carriage of not more than 17 persons including the driver and used, or intended to be used, in the course of a business whose main object is other than that of carrying passengers; and
- (b) motor vehicles used by an Education and Library Board in the carrying out of the functions of that Board under the Education and Libraries (Northern Ireland) Order 1972 .

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- (4) Subsection (2)(a) and (b) shall not apply in relation to an application for a road service licence by a person who satisfies the Department that he is an exempt person.]

F6 mod. by SR 1981/199; 1987/187,383

F7 SR 1977/327

F8 SR 1977/327

6^{F9} Functions as to grant of road service licences.

- (1) The Ministry shall, in deciding whether to grant or refuse to grant a road service licence or to attach conditions to any such licence, have regard to the interests of persons likely to use the service to be provided under the licence and those of persons holding other road service licences, and in particular shall have regard (where appropriate) to the following matters:—
- (a) the suitability of the routes on which the service may be provided under the licence;
 - (b) the extent, if any, to which the needs of persons likely to use the service to be provided are already adequately and economically served;
 - (c) any previous conduct of the applicant as a person providing facilities for the carriage of passengers for reward;
 - (d) the revocation or suspension of any road service licence held at any time by the applicant or where the applicant has or had a controlling interest in a body corporate to any refusal to grant a road service licence to, or revocation or suspension of a road service licence held by, that body corporate;
 - (e) where the applicant is an agent or nominee of any other person, any previous conduct of that person as a person providing facilities for the carriage of passengers for reward;
 - (f) where the applicant is an agent or nominee of any other person, the revocation or suspension of any road service licence held at any time by that other person;
 - (g) where the applicant is a body corporate, the refusal to grant a road service licence to, or the revocation or suspension of any road service licence held at any time by—
 - (i) any other body corporate having at the time of the application any controlling interest in the body corporate applying for the licence or in which the body corporate applying for the licence has any controlling interest;
 - (ii) any director of, or any shareholder having a controlling interest in, the body corporate which is applying for the licence or in such other body corporate as is mentioned in sub-paragraph (i);
 - (h) the general effect which the grant of the licence would be expected to have on the holders of other road service licences and on the facilities being provided under such licences for the carriage of passengers by road;
 - (i) the need for ensuring fair competition among persons providing facilities in Northern Ireland for the carriage for reward of passengers by road.
- (2) In addition to the matters specified in subsection (1) the Ministry shall take into consideration any recommendations made by^{F10} the Council], any representations which may be made by persons who are already providing facilities for the carriage of passengers for reward on any road along or near the routes the subject of the

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application or any part of those routes and any representations made by a local authority or the Northern Ireland Tourist Board.

- (3) Where the Ministry is not satisfied that an application for a road service licence should be granted the Ministry shall refer the matter to^[F10] the Council] and shall, before deciding whether or not to grant the application, take into account any recommendation made by^[F10] the Council] with respect to the application, and in making any such recommendation^[F10] the Council] shall have regard to the matters specified in subsections (1) and (2).

F9 mod. by SR 1981/199; 1987/187,383

F10 1984 NI 12

^[F11]_{F12} 6A Refusal of road service licence in certain cases.

- (1) Subject to the following provisions of this section, the Department shall refuse to grant to an applicant a road service licence to which section 5(2) applies, unless having regard, in addition to the matters specified in section 6, to the information given to it in pursuance of section 5(2), it is satisfied that the applicant is—
- (a) of good repute,
 - (b) of appropriate financial standing, and
 - (c) professionally competent.
- (2) In the case of an applicant being a body corporate the requirements of subsection (1) (a) and (c) shall be satisfied by one of the persons in the^{F13} . . . employment of the applicant who is to be ^[F14] continuously and effectively responsible] for the operation of the motor vehicles to be used under the licence and who is specified in the application.
- (3) In the case of an applicant not being a body corporate, the requirements of subsection (1)(c) may also be regarded as satisfied where there is specified in the application a person in the^{F13} . . . employment of the applicant who is to be ^[F14] continuously and effectively responsible] for the operation of the motor vehicles to be used under the licence and who, the Department is satisfied, is of good repute and professionally competent.
- (4) The Department shall not be required by subsection (1) to refuse to grant a road service licence on a ground mentioned in subsection (1)(a) or (b) if the applicant satisfies the Department that he is an exempt person.
- (5) There shall be specified in a licence granted by the Department in pursuance of an application to which either subsection (2) or (3) applies, the person who is to be ^[F14] continuously and effectively responsible] for the operation of the motor vehicles to be used under the licence and who is specified in the application.]

F11 SR 1977/327

F12 mod. by SR 1981/199; 1987/187,383

F13 SR 2003/217

F14 SR 1981/2

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Changes to legislation: There are currently no known outstanding effects for the Transport Act (Northern Ireland) 1967. (See end of Document for details)

7^{F15} Conditions of road service licences.

(1) The Ministry may, when granting any road service licence, attach conditions to that licence, including conditions for securing the safety and convenience of the public.

^{F16}(1A) Without prejudice to the generality of subsection (1), the Department, when granting a road service licence to which section 5(2) applies—

- (a) may attach to the licence a condition prohibiting the holder from using vehicles operated under the licence for providing a service for the carriage of passengers by road elsewhere than in the United Kingdom; and
- (b) shall attach to the licence conditions for requiring the holder of the licence to inform the Department, in writing within 28 days, if during the currency of the licence—
 - (i) the holder of the licence or the person, if any, specified in the licence in pursuance of section 6A(5) is convicted of any offence;
 - (ii) the holder of the licence becomes bankrupt or goes into liquidation^{F17} or an order of seizure is made against his property or a receiver or manager is appointed in relation to his trade or business; or
 - (iii) the person, if any, specified in the licence in pursuance of section 6A(5) ceases for whatever reason to be [^{F18} continuously and effectively responsible] for the operation of the motor vehicles used under the licence.

(1B) Where a road service licence to which section 5(2) applies is granted by the Department to a person who satisfies the Department that he is an exempt person, paragraph (b) of subsection (1A) shall not require the Department to attach to the licence the conditions specified in sub-paragraphs (i) and (ii) of that paragraph.]

(2) On the application or with the consent of the holder of a road service licence, the Ministry may at any time while the licence is in force amend (whether by addition, omission or variation) the conditions attached to the licence [^{F16} (other than a condition attached under subsection (1A)(b))], and upon such amendment the licence shall have effect subject to the conditions as so amended.

^{F16}(2A) Where the holder of a road service licence to which is attached the condition referred to in subsection (1A)(a) applies for the omission of that condition, he shall include in his application such particulars as to his professional competence or that of the person, if any, specified in the licence in pursuance of section 6A(5), as the Department may require.]

(3) Where the holder of a road service licence, or any person acting with his knowledge or consent, fails to comply with a condition of that licence, the holder of the licence shall be guilty of an offence and be liable on summary conviction to a fine not exceeding [^{F19} level 3 on the standard scale].

F15 mod. by SR 1981/199; 1987/187,383

F16 SR 1977/327

F17 prosp. (until 27/03/06) insertion by 2005 NI 10

F18 SR 1981/2

F19 1984 NI 3

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[^{F20}7A Conditions as to matters required to be notified

- (1) On granting a road service licence, the Department shall attach to it the following conditions, namely#
 - (a) a condition requiring the holder of the licence to inform the Department of any event which could affect the fulfilment by the holder of the licence of any of the requirements of section 6A, and to do so within 28 days of the event; and
 - (b) a condition requiring the holder of the licence to inform the Department of any event which could affect the fulfilment by a relevant transport manager of the requirements mentioned in section 6A(1)(a) or (c), and to do so within 28 days of the event coming to the knowledge of the holder of the licence.
- (2) In subsection (1)(b) the reference to a “relevant transport manager” is a reference to the person employed by the holder of the licence who is relied on by the holder of the licence to fulfil the requirements of section 6A(1)(c).
- (3) Any person who contravenes any conditions attached under this section to a licence of which he is the holder is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.]

F20 SR 2003/217

8 ^{F21} Duration of road service licences.

- (1) A road service licence shall, unless previously revoked, continue in force for a period of three years from the date on which it is expressed to take effect or such [^{F22} other period as may be specified therein].
- (2) If on the date of the expiration of a road service licence an application is before the Ministry for the grant of a new road service licence in substitution for an existing road service licence held by the applicant, the existing road service licence shall continue in force until the application is disposed of.
- ^{F23}(2A) If on the date of the expiration of a road service licence the licence is, by virtue of regulations made under section 33, held by a person other than the person to whom the licence was granted, the licence shall continue in force until the application by that other person for a new road service licence is disposed of in accordance with those regulations.]
- (3) Nothing in this section shall prevent the attachment to a road service licence of a condition that the service shall be limited to one or more than one particular period or occasion.
- (4) The holder of a road service licence may, subject to any conditions attached to the licence, at any time surrender the licence to the Ministry.

F21 mod. by SR 1981/199; 1987/187,383

F22 SR 1977/327

F23 SR 1981/2

9 ^{F24} Fees for road service licences.

- (1) There shall be paid to the Ministry [^{F25} in respect of—

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- (a) the grant of road service licences;
- (b) applications for documents required in relation to public service vehicles—
 - (i) registered in Northern Ireland while making journeys to or from places outside Northern Ireland, or
 - (ii) registered outside Northern Ireland; and
- (c) the issuing by the Department of the documents referred to in subparagraph (b),]

such fees as may be prescribed, with the approval of the Ministry of Finance, by regulations made by the Ministry subject to affirmative resolution.

- (2) Regulations under subsection (1) may provide that on the surrender, revocation or suspension of a road service licence the holder shall be entitled to be repaid by the Ministry by way of rebate such proportion of the fee paid on the grant of the licence as may be specified in the regulations.

F24 mod. by SR 1981/199; 1987/187,383

F25 1984 NI 15

10^{F26} Revocation and suspension of road service licences.

- (1) Subject to subsection (2), a road service licence may be revoked or suspended by the Ministry on the ground that any condition subject to which the licence was granted has not been complied with.
- (2) [^{F27} Where the condition broken is a condition attached to the road service licence otherwise than under section 7(1A) the Department shall not revoke or suspend the licence under subsection (1)] unless, owing to the frequency of the breach of conditions on the part of the holder of the licence, or to the breach having been committed wilfully, or to the danger to the public involved in the breach, the Ministry is satisfied that the licence should be revoked or suspended.
- (3) Where a person to whom the grant of a road service licence has been refused or whose road service licence has at any time been revoked or suspended becomes a director of a body corporate or acquires a controlling interest in that body corporate, the Ministry may revoke or suspend any road service licence held by that body corporate.

^{F28}(3A) Subject to subsections (3B) to (3E) where at any time during the currency of a road service licence to which section 5(2) applies, it appears to the Department that the holder of the licence is not—

- (a) of good repute,
- (b) of appropriate financial standing,
- (c) professionally competent,

the Department shall revoke the licence [^{F29} as from such time as the Department may determine].

(3B) In the case of the holder of a licence being a body corporate, subsection (3A) shall apply as if in relation to paragraphs (a) and (c), it referred to the person who is [^{F30} continuously and effectively responsible] for the operation of the motor vehicles used under the licence and who is specified in the licence in pursuance of section 6A(5).

(3C) In the case of the holder of a licence not being a body corporate, where there is specified in the licence in pursuance of section 6A(5) a person who is [^{F30} continuously

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and effectively responsible] for the operation of the motor vehicles used under the licence, subsection (3A) shall apply as if in relation to paragraph (a) it referred to that person as well as the holder of the licence and as if in relation to paragraph (c) it referred to that person.

- (3D) In the event of the death or physical or mental incapacity of the holder of a licence or of a person specified in the licence in pursuance of section 6A(5) or in the event of the person so specified ceasing for some other reason to be employed by the holder of the licence, subsection (3A) shall not require the Department to revoke the licence during such period, not exceeding one year from the occurrence of the event in question, as the Department may determine, or during such further period not exceeding 6 months, as the Department may, in exceptional circumstances, determine.
- (3E) The Department shall not be required by subsection (3A) to revoke a licence on a ground mentioned in paragraph (a) or (b) of that subsection if the holder of the licence satisfies the Department that he is an exempt person.]
- (4) Where the Ministry decides to revoke or suspend a road service licence under this section, the Ministry shall serve a notice to that effect on the holder of the licence stating the reasons for the decision, and the revocation or suspension shall not take effect—
- (a) until the expiration of the period of twenty-eight days from the service of the notice; or
 - (b) where the holder of the licence appeals to the county court under subsection (5), until the appeal is finally determined or abandoned.
- (5) The holder of a road service licence who is aggrieved by the decision to revoke or suspend the licence under this section may, within twenty-eight days from the service of the notice under subsection (4), appeal to the county court, giving notice of the appeal to the Ministry.
- (6) On an appeal under subsection (5) the county court, if it is satisfied that the Ministry was not justified in deciding to revoke or suspend the licence under this section, shall declare that the revocation or suspension shall be of no effect, stating the reasons for its decision, and that decision shall be final.

F26 mod. by SR 1981/199; 1987/187,383

F27 SR 1977/327

F28 SR 1977/327

F29 SR 1981/2

F30 SR 1981/2

[^{F31}10A Exemption from licensing requirements of certain motor vehicles used under permits.

[Section 4(2) (requirement of road service licence) and^{F33} Articles 59 and 60] of the ^{F32}(1) Road Traffic (Northern Ireland) Order 1981 (licensing of public service vehicles and drivers, etc. thereof) shall not apply^{F33} . . . to the use of any motor vehicle under a permit granted under section 10B, if and so long as the requirements under subsection (2) of that section are met.

[Where a holder of a licence under Part II of the Road Traffic (Northern Ireland) Order ^{F32}(2) 1981 was first granted a licence under that Part before 1st January 1997, he may drive any small bus at a time when it is being used as mentioned in subsection (1),

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notwithstanding that his licence under that Part does not authorise him to drive a small bus when it is being so used.

(3) Where—

- (a) a holder of a licence under Part II of the Road Traffic (Northern Ireland) Order 1981 was first granted a licence under that Part on or after 1st January 1997, or
- (b) a Community Licence holder is authorised by virtue of Article 15A(1) of that Order to drive in Northern Ireland a motor vehicle of any class,

he may drive any small bus to which subsection (4) applies at a time when it is being used as mentioned in subsection (1), notwithstanding that he is not authorised by his licence under that Part or by virtue of that Article (as the case may be) to drive such a bus.

(4) This subsection applies to any small bus which, when laden with the heaviest load which it is constructed to carry, weighs—

- (a) not more than 3.5 tonnes, excluding any part of that weight which is attributable to specialised equipment intended for the carriage of disabled passengers, and
- (b) not more than 4.25 tonnes otherwise.

(5) In this section—

“Community licence” has the same meaning as in Part II of the Road Traffic (Northern Ireland) Order 1981, and

“small bus” has the same meaning as in sections 10B to 10D.]

F31 1990 NI 7
F32 SR 1996/426
F33 1991 NI 3

10B Permits in relation to buses used by educational and other bodies.

(1) In this section and sections 10C and 10D—

“bus” means a motor vehicle which is adapted to carry more than eight passengers;

“large bus” means a motor vehicle which is adapted to carry more than sixteen passengers;

“small bus” means a motor vehicle which is adapted to carry more than eight but not more than sixteen passengers; and

“permit” means a permit granted under this section in relation to the use of a bus for carrying passengers for hire or reward.

(2) The requirements that must be met in relation to the use of a bus under a permit for the exemption under section 10A(a) to apply are that the bus—

- (a) is being used by a body to whom a permit has been granted under this section;
- (b) is not being used for the carriage of members of the general public nor with a view to profit nor incidentally to an activity which is itself carried on with a view to profit;
- (c) is being used in every respect in accordance with any conditions attached to the permit; and
- (d) is not being used in contravention of any provision of regulations made under section 10D.

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- (3) A permit in relation to the use of a small bus may be granted by a body designated by an order under subsection (6) either to itself or to any other body to whom, in accordance with the order, it is entitled to grant a permit.
- (4) A permit in relation to the use of a large bus may be granted by the Department to any body which assists or co#ordinates the activities of bodies which appear to the Department to be concerned with—
 - (a) education;
 - (b) religion;
 - (c) social welfare; or
 - (d) other activities of benefit to the community.
- (5) The Department shall not grant a permit in relation to the use of a large bus unless satisfied that there will be adequate facilities or arrangements for maintaining any bus used under the permit in a fit and serviceable condition.
- (6) The Department may by order, made subject to negative resolution, designate for the purposes of this section bodies appearing to it to be eligible in accordance with subsection (7), and with respect to any body designated by it, any such order—
 - (a) shall specify the classes of body to whom the designated body may grant permits;
 - (b) may impose restrictions with respect to the grant of permits by the designated body and, in particular, may provide that no permit may be granted, either generally or in such cases as may be specified in the order, unless there are attached to the permit such conditions as may be so specified; and
 - (c) may require the body to make returns with regard to the permits granted by it.
- (7) A body is eligible under this subsection if it is concerned with—
 - (a) education;
 - (b) religion;
 - (c) social welfare;
 - (d) recreation; or
 - (e) other activities of benefit to the community.
- (8) A body may hold more than one permit but may not use more than one bus at any one time under the same permit.

F31 1990 NI 7

10C Further provision with respect to permits under section 10B.

- (1) Subject to subsection (2), a permit shall specify the body to whom it is granted.
- (2) A permit may be granted to a named individual on behalf of a body if, having regard to the nature of that body, it appears to the Department or the body granting the permit appropriate to do so.
- (3) Where a permit is granted to a named individual on behalf of a body, it shall be treated for the purposes of this section and section 10B as granted to that body.

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- (4) In addition to any conditions attached to such a permit by virtue of section 10B(6)(b), the Department or the body granting such a permit may attach to it such conditions as it considers appropriate, including, in particular, conditions—
- (a) limiting the passengers who may be carried in any bus used under the permit to persons falling within such classes as may be specified in the permit; and
 - (b) with respect to such other matters as may be prescribed.
- (5) Subject to subsection (6), a permit may be varied or revoked—
- (a) by the Department or other body who granted it; and
 - (b) in the case of a permit granted by a body designated under section 10B(6), after consultation with that body, by the Department.
- (6) A permit may not be varied so as to substitute another body for the body to whom it was granted.
- (7) A permit shall remain in force until—
- (a) it is revoked under subsection (5); or
 - (b) in the case of a permit granted by a body designated under section 10B(6), that body ceases to be so designated.

F31 1990 NI 7

10D Permits under section 10B: regulations.

The Department may prescribe—

- (a) the conditions to be fulfilled by any person driving a bus while it is being used under a permit;
- (b) the form of permits; and
- (c) the documents, plates and marks to be carried by any bus while it is being used under a permit and the manner and position in which they are to be carried.]

F31 1990 NI 7

11^{F34} Powers to make grants to operators of road passenger transport services.

^{F35}(1) For the purpose of securing the provision in any area of a service for the carriage for reward of passengers by road, the Ministry with the approval of the Ministry of Finance may, subject to subsection (2), make grants, out of moneys provided by Parliament, to any person providing, or proposing to provide, such a service in that area, where the Ministry is satisfied—

- (a) that the service is necessary to meet the reasonable needs of persons in that area;
- (b) that the service being provided or proposed to be provided will be carried on efficiently and economically; and
- (c) that the person providing or proposing to provide the service will, if grants are not made under this section, be unable or unwilling to carry on, or provide, the service in an efficient and economic manner.

(2) A grant shall not be made under this section to any person unless he is the holder of a road service licence issued under this Part.

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F34 mod. by SR 1981/199; 1987/187,383

F35 functions transf. by SR 2001/229

S. 12 rep. by 1984 NI 15

S.13 rep. by 1977 NI 10

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