



# Transport Act (Northern Ireland) 1967

## 1967 CHAPTER 37

### PART II

#### CARRIAGE OF PASSENGERS BY ROAD

##### Annotations:

##### Modifications etc. (not altering text)

- C1** Pt. 2 (ss. 4-13) excluded (prosp.) by [Taxis Act \(Northern Ireland\) 2008 \(c. 4\)](#), **ss. 54(2)**, 59 (with s. 54(3))
- C2** Pt. II: transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 5 Pt. 2** (with art. 9(2))

#### ROAD SERVICE LICENCES

##### <sup>F1</sup>4 **Grant of road service licences.**

- <sup>F2</sup>(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 [<sup>F3</sup>“bus operator's licence”]) for the carriage of passengers and their luggage by road.
- (2) Subject to<sup>F4</sup> . . . 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 [<sup>F5</sup>“bus operator's”] 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) [<sup>F6</sup> or who contravenes a requirement of any such directly applicable Community provision as is referred to in

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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<sup>F7</sup> level 5 on the standard scale].

**Annotations:**

- F1** mod. by SR 1981/199; 1987/187,383  
**F2** mod. by SR 2005/212  
**F3** Words in s. 4(1) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\), ss. 18\(1\), 48\(2\)](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))  
**F4** 1990 NI 7  
**F5** Words in s. 4(3) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\), s. 48\(2\), Sch. 1 para. 3](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))  
**F6** SRO (NI) 1972/359  
**F7** 1984 NI 3

**5<sup>F8</sup> Particulars to be provided by applicants for road service licences.**

[<sup>F9</sup>

- (1) A person applying to the Ministry for a [<sup>F10</sup>bus operator's ] 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;
  - <sup>F11</sup>(b) .....
  - <sup>F11</sup>(c) .....
  - (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.
- <sup>F12</sup>(2) A person applying for a [<sup>F13</sup>bus operator's] 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) <sup>F14</sup>...;
  - (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) <sup>F15</sup>...;

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- (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.
  - [<sup>F16</sup>(e) particulars of a fixed penalty notice or conditional offer in respect of a serious infringement of Community rules as specified in Article 6.1(b) of the 2009 Regulation for the applicant and for any person specified in the application in pursuance of section 6A(2); and
  - (f) particulars to satisfy the Department that the applicant has an effective and stable establishment in Northern Ireland.]
- (3) Subsection (2) applies to a [<sup>F17</sup>bus operator's] 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 .
- (4) Subsection (2)( a) and ( b) shall not apply in relation to an application for a [<sup>F18</sup>bus operator's] licence by a person who satisfies the Department that he is an exempt person.]
- [<sup>F19</sup>(5) In this section “fixed penalty notice or conditional offer” means a notice or offer under Part 4 of the Road Traffic Offenders (Northern Ireland) Order 1996 or Part 3 of the Road Traffic Offenders Act 1988.]

#### Annotations:

- F8** mod. by SR 1981/199; 1987/187,383
- F9** SR 1977/327
- F10** Words in s. 5(1) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\), s. 48\(2\), Sch. 1 para. 4\(2\)](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F11** S. 5(1)(b)(c) repealed (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\), ss. 19, 48\(2\), Sch. 2](#); S.R. 2015/284, art. 2(1), Sch.
- F12** SR 1977/327
- F13** Words in s. 5(2) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\), s. 48\(2\), Sch. 1 para. 4\(3\)](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F14** Words in s. 5(2)(a) omitted (18.8.2014) by virtue of [The Road Passenger Transport \(Qualifications of Operators\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/206\), regs. 1\(1\), 9\(2\)\(a\)\(i\)](#)
- F15** Words in s. 5(2)(c) omitted (18.8.2014) by virtue of [The Road Passenger Transport \(Qualifications of Operators\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/206\), regs. 1\(1\), 9\(2\)\(a\)\(ii\)](#)
- F16** S. 5(2)(e)(f) added (18.8.2014) by [The Road Passenger Transport \(Qualifications of Operators\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/206\), regs. 1\(1\), 9\(2\)\(a\)\(iii\)](#)
- F17** Words in s. 5(3) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\), s. 48\(2\), Sch. 1 para. 4\(4\)](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F18** Words in s. 5(4) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\), s. 48\(2\), Sch. 1 para. 4\(5\)](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F19** S. 5(5) added (18.8.2014) by [The Road Passenger Transport \(Qualifications of Operators\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/206\), regs. 1\(1\), 9\(2\)\(b\)](#)

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## 6<sup>F20</sup> Functions as to grant of road service licences.

- (1) The Ministry shall, in deciding whether to grant or refuse to grant a [<sup>F21</sup>bus operator's] licence or to attach conditions to any such licence, <sup>F22</sup> ... in particular <sup>F22</sup> ... have regard (where appropriate) to the following matters:—
- <sup>F23</sup>(a) .....
- <sup>F23</sup>(b) .....
- (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 [<sup>F24</sup>bus operator's] 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 [<sup>F24</sup>bus operator's] licence to, or revocation or suspension of a [<sup>F24</sup>bus operator's] 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 [<sup>F25</sup>bus operator's] licence held at any time by that other person;
- (g) where the applicant is a body corporate, the refusal to grant a [<sup>F26</sup>bus operator's] licence to, or the revocation or suspension of any [<sup>F26</sup>bus operator's] 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);
- <sup>F27</sup>(h) .....
- <sup>F27</sup>(i) .....
- <sup>F28</sup>(2) .....
- <sup>F28</sup>(3) .....

### Annotations:

- F20** mod. by SR 1981/199; 1987/187,383
- F21** Words in s. 6(1) substituted (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), s. 48(2), **Sch. 1 para. 5(2)**; S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F22** Words in s. 6(1) repealed (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), ss. 20(a)(i), 48(2), **Sch. 2**; S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F23** S. 6(1)(a)(b) repealed (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), ss. 20(a)(ii), 48(2), **Sch. 2**; S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F24** Words in s. 6(1)(d) substituted (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), s. 48(2), **Sch. 1 para. 5(3)**; S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F25** Words in s. 6(1)(f) substituted (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), s. 48(2), **Sch. 1 para. 5(4)**; S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F26** Words in s. 6(1)(g) substituted (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), s. 48(2), **Sch. 1 para. 5(5)**; S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))

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- F27** S. 6(1)(h)(i) repealed (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), ss. 20(a)(ii), 48(2), Sch. 2; S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F28** S. 6(2)(3) repealed (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), ss. 20(b), 48(2), Sch. 2; S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))

#### **[<sup>F29</sup>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 [<sup>F30</sup>bus operator's] licence, unless, having regard to the matters specified in section 6 and to the information given to it in pursuance of section 5(2), it is satisfied that the applicant—
  - (a) has an effective and stable establishment in Northern Ireland (as determined in accordance with Article 5 of the 2009 Regulation);
  - (b) is of good repute (as determined in accordance with section 46B);
  - (c) has appropriate financial standing (as determined in accordance with section 46C); and
  - (d) has the requisite professional competence (as determined in accordance with section 46D).
- (2) The requirements of subsection (1)(b) and (d) may also be regarded as satisfied where there is designated in the application a transport manager who satisfies the requirements of subsection (1)(b) and (d) and who, in the case of a transport manager designated in accordance with Article 4.2 of the 2009 Regulation, is not designated to act as transport manager for a greater number of road passenger or road freight transport operators or in respect of a greater number of vehicles than the Department considers appropriate, having regard to the upper limits in Article 4.2(c) of the 2009 Regulation, or such smaller number as the Department considers appropriate having regard to Article 4.3 of the 2009 Regulation.
- (3) In considering whether the requirements of this section are satisfied, the Department may take into account any undertaking given by the applicant (or procured by the applicant to be given) for the purposes of the application and may assume those undertakings will be fulfilled.
- (4) Where the Department grants a [<sup>F31</sup>bus operator's ] licence, any undertaking taken into account by the Department under subsection (3) that the Department considers to be material to the granting of the licence shall be recorded on the licence issued to the applicant.
- (5) The Department shall not be required by subsection (1) to refuse to grant a road service licence on the ground mentioned in paragraph (b) or (c) of that subsection if the applicant satisfies the Department that he is an exempt person.
- (6) There shall be specified in a licence granted by the Department the person who is to be continuously and effectively responsible for the operation of the vehicles to be used under the licence and who is specified as such in the application.
- (7) Where the Department refuses to grant a road service licence, it shall serve notice on the applicant stating the reason for the decision.
- (8) An applicant for a road service licence who is aggrieved by the decision not to grant a road service licence may, within 28 days from the service of the notice under subsection (7), appeal to the county court, giving written notice of the appeal to the Department.

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- (9) On an appeal under subsection (8) the county court, if it is satisfied that the Department was not justified in deciding not to grant a road service licence, shall quash the Department's decision, stating the reasons for its decision and that decision shall be final.]

**Annotations:**

- F29** S. 6A substituted (18.8.2014) by [The Road Passenger Transport \(Qualifications of Operators\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/206\)](#), regs. 1(1), **9(3)**
- F30** Words in s. 6A(1) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\)](#), s. 48(2), **Sch. 1 para. 6(2)**; S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F31** Words in s. 6A(4) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\)](#), s. 48(2), **Sch. 1 para. 6(3)**; S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))

**7<sup>F32</sup> Conditions of road service licences.**

- (1) The Ministry may, when granting any [<sup>F33</sup>bus operator's] licence, attach conditions to that licence, including conditions for securing the safety and convenience of the public.
- <sup>F34</sup>(1A) Without prejudice to the generality of subsection (1), the Department, when granting a [<sup>F35</sup>bus operator's ] 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 [<sup>F36</sup>section 6A(6)] is convicted of any offence;
    - (ii) the holder of the licence becomes bankrupt [<sup>F37</sup>or becomes subject to a bankruptcy restrictions order][<sup>F38</sup>or he is a person in relation to whom a moratorium period under a debt relief order applies or becomes subject to a debt relief restrictions order] or goes into liquidation[<sup>F39</sup>or enters administration] 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 [<sup>F40</sup>continuously and effectively responsible] for the operation of the motor vehicles used under the licence.
- (1B) Where a [<sup>F41</sup>bus operator's] 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 [<sup>F42</sup>bus operator's] 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 [<sup>F34</sup>(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.

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<sup>F34</sup>(2A) Where the holder of a [<sup>F43</sup>bus operator's] 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 [<sup>F44</sup>bus operator's] 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 [<sup>F45</sup> level 3 on the standard scale].

**Annotations:**

- F32** mod. by SR 1981/199; 1987/187,383
- F33** Words in s. 7(1) substituted (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), s. 48(2), Sch. 1 para. 7(2); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F34** SR 1977/327
- F35** Words in s. 7(1A) substituted (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), s. 48(2), Sch. 1 para. 7(3); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F36** Words in s. 7 substituted (18.8.2014) by The Road Passenger Transport (Qualifications of Operators) Regulations (Northern Ireland) 2014 (S.R. 2014/206), regs. 1(1), 9(4)
- F37** Words in s. 7(1A)(b)(ii) inserted (21.4.2015) by The Insolvency (Northern Ireland) Order 2005 (Consequential Amendments) Order (Northern Ireland) 2015 (S.R. 2015/159), art. 1, Sch. para. 4(2)
- F38** Words in s. 7(1A)(b)(ii) inserted (7.3.2016) by The Debt Relief Act (Northern Ireland) 2010 (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/108), art. 1, Sch. para. 6(2)
- F39** Words in s. 7(1A)(b)(ii) inserted (27.3.2006) by Insolvency (Northern Ireland) Order 2005 (S.I. 2005/1455 (N.I. 10)), arts. 1(3), 3(3), Sch. 2 para. 7; S.R. 2006/21, art. 2 (subject to transitional provisions and savings in S.R. 2006/22, arts. 2 - 7)
- F40** SR 1981/2
- F41** Words in s. 7(1B) substituted (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), s. 48(2), Sch. 1 para. 7(4); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F42** Words in s. 7(2) substituted (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), s. 48(2), Sch. 1 para. 7(5); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F43** Words in s. 7(2A) substituted (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), s. 48(2), Sch. 1 para. 7(6); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F44** Words in s. 7(3) substituted (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), s. 48(2), Sch. 1 para. 7(7); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F45** 1984 NI 3

**[<sup>F46</sup>7A Conditions as to matters required to be notified**

(1) On granting a [<sup>F47</sup>bus operator's] 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 <sup>F48</sup>... transport manager of the requirements mentioned in section [<sup>F49</sup>section 6A(1)(b) or (d)] , and to do so within 28 days of the event coming to the knowledge of the holder of the licence.

<sup>F50</sup>(2) .....

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- (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.]

**Annotations:**

- F46** SR 2003/217
- F47** Words in s. 7A(1) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\), s. 48\(2\), Sch. 1 para. 8](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F48** Word in s. 7A(1)(b) omitted (18.8.2014) by virtue of [The Road Passenger Transport \(Qualifications of Operators\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/206\), regs. 1\(1\), 9\(5\)\(a\)](#)
- F49** Words in s. 7A(1)(b) substituted (18.8.2014) by [The Road Passenger Transport \(Qualifications of Operators\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/206\), regs. 1\(1\), 9\(5\)\(a\)](#)
- F50** S. 7A(2) omitted (18.8.2014) by virtue of [The Road Passenger Transport \(Qualifications of Operators\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/206\), regs. 1\(1\), 9\(5\)\(b\)](#)

**8**<sup>F51</sup> **Duration of road service licences.**

- (1) A [<sup>F52</sup>bus operator's] 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 [<sup>F53</sup> other period as may be specified therein].
- (2) If on the date of the expiration of a [<sup>F54</sup>bus operator's ] licence an application is before the Ministry for the grant of a new [<sup>F54</sup>bus operator's] licence in substitution for an existing [<sup>F54</sup>bus operator's ] licence held by the applicant, the existing [<sup>F54</sup>bus operator's ] licence shall continue in force until the application is disposed of.
- <sup>F55</sup>(2A) If on the date of the expiration of a [<sup>F56</sup>bus operator's] 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 [<sup>F56</sup>bus operator's] licence is disposed of in accordance with those regulations.]
- <sup>F57</sup>(3) . . . . .
- (4) The holder of a [<sup>F58</sup>bus operator's] licence may, subject to any conditions attached to the licence, at any time surrender the licence to the Ministry.

**Annotations:**

- F51** mod. by SR 1981/199; 1987/187,383
- F52** Words in s. 8(1) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\), s. 48\(2\), Sch. 1 para. 9\(2\)](#); S.R. 2015/284, art. 2(1), Sch.
- F53** SR 1977/327
- F54** Words in s. 8(2) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\), s. 48\(2\), Sch. 1 para. 9\(3\)](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F55** SR 1981/2
- F56** Words in s. 8(2A) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\), s. 48\(2\), Sch. 1 para. 9\(4\)](#); S.R. 2015/284, art. 2(1), Sch.
- F57** S. 8(3) repealed (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\), s. 48\(2\), Sch. 1 para. 9\(5\), Sch. 2](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F58** Words in s. 8(4) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\), s. 48\(2\), Sch. 1 para. 9\(6\)](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))



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## 9<sup>F59</sup> Fees for road service licences.

- (1) There shall be paid to the Ministry<sup>F60</sup> in respect of—
- (a) the grant of [<sup>F61</sup>bus operator's] 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<sup>F62</sup>. . . 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 [<sup>F63</sup>bus operator's] 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.

### Annotations:

**F59** mod. by SR 1981/199; 1987/187,383

**F60** 1984 NI 15

**F61** Words in s. 9(1)(a) substituted (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), s. 48(2), Sch. 1 para. 10(2); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))

**F62** Words in s. 9(1) repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 79(2)(a), 86(2), Sch. 8 Pt. I; S.R. 2007/454, art. 2, Sch.

**F63** Words in s. 9(2) substituted (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), s. 48(2), Sch. 1 para. 10(3); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))

## 10<sup>F64</sup> Revocation and suspension of road service licences.

- [<sup>F65</sup>(1) Subject to subsection (2), a [<sup>F66</sup>bus operator's] licence may be revoked or suspended by the Department on the ground that—
- (a) any condition subject to which the licence was granted has not been complied with, or
  - (b) any undertaking given pursuant to section 6A(3) has not been fulfilled.]
- (2) [<sup>F67</sup> Where the condition broken is a condition attached to the [<sup>F68</sup>bus operator's] 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 [<sup>F69</sup>bus operator's] licence has been refused or whose [<sup>F69</sup>bus operator's] 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 [<sup>F69</sup>bus operator's] licence held by that body corporate.
- [<sup>F70</sup>(3A) Subject to subsections (3D) to (3G), where at any time during the currency of a [<sup>F71</sup>bus operator's] licence, it appears to the Department that—

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- (a) the holder of the licence no longer satisfies the requirements of section 6A(1), or
- (b) the transport manager designated in accordance with subsection (2) of section 6A no longer satisfies the requirements of that subsection,

the Department shall revoke the licence as from such time as the Department shall determine .]

<sup>F72</sup>(3B) .....

<sup>F72</sup>(3C) .....

(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 [<sup>F73</sup>section 6A(6)] 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 [<sup>F74</sup>6 months] from the occurrence of the event in question, as the Department may determine, or during such further period not exceeding [<sup>F75</sup>3 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 [<sup>F76</sup>section 6A(1)(b) or (c)] if the holder of the licence satisfies the Department that he is an exempt person.]

[<sup>F77</sup>(3F) Before revoking a road service licence under subsection (3A), the Department shall serve a notice on the holder of the licence setting a time limit not exceeding 6 months for the holder to rectify the situation.

(3G) If the Department is satisfied that the holder of the licence has rectified the situation within the time limit set under subsection (3F), the Department shall not revoke the licence.]

(4) Where the Ministry decides to revoke or suspend a [<sup>F78</sup>bus operator's ] 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 [<sup>F79</sup>bus operator's] 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.

#### Annotations:

**F64** mod. by SR 1981/199; 1987/187,383

**F65** S. 10(1) substituted (18.8.2014) by [The Road Passenger Transport \(Qualifications of Operators\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/206\)](#), regs. 1(1), **9(6)(a)**

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- F66** Words in s. 10(1) substituted (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), s. 48(2), **Sch. 1 para. 11(2)**; S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F67** SR 1977/327
- F68** Words in s. 10(2) substituted (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), s. 48(2), **Sch. 1 para. 11(3)**; S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F69** Words in s. 10(3) substituted (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), s. 48(2), **Sch. 1 para. 11(4)**; S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F70** S. 10(3A) substituted (18.8.2014) by The Road Passenger Transport (Qualifications of Operators) Regulations (Northern Ireland) 2014 (S.R. 2014/206), regs. 1(1), **9(6)(b)**
- F71** Words in s. 10(3A) substituted (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), s. 48(2), **Sch. 1 para. 11(5)**; S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F72** S. 10(3B)(3C) omitted (18.8.2014) by virtue of The Road Passenger Transport (Qualifications of Operators) Regulations (Northern Ireland) 2014 (S.R. 2014/206), regs. 1(1), **9(6)(c)**
- F73** Words in s. 10(3D) substituted (18.8.2014) by The Road Passenger Transport (Qualifications of Operators) Regulations (Northern Ireland) 2014 (S.R. 2014/206), regs. 1(1), **9(6)(d)(i)**
- F74** Words in s. 10(3D) substituted (18.8.2014) by The Road Passenger Transport (Qualifications of Operators) Regulations (Northern Ireland) 2014 (S.R. 2014/206), regs. 1(1), **9(6)(d)(ii)**
- F75** Words in s. 10(3D) substituted (18.8.2014) by The Road Passenger Transport (Qualifications of Operators) Regulations (Northern Ireland) 2014 (S.R. 2014/206), regs. 1(1), **9(6)(d)(iii)**
- F76** Words in s. 10(3E) substituted (18.8.2014) by The Road Passenger Transport (Qualifications of Operators) Regulations (Northern Ireland) 2014 (S.R. 2014/206), regs. 1(1), **9(6)(e)**
- F77** S. 10(3F)(3G) inserted (18.8.2014) by The Road Passenger Transport (Qualifications of Operators) Regulations (Northern Ireland) 2014 (S.R. 2014/206), regs. 1(1), **9(6)(f)**
- F78** Words in s. 10(4) substituted (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), s. 48(2), **Sch. 1 para. 11(6)**; S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F79** Words in s. 10(5) substituted (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), s. 48(2), **Sch. 1 para. 11(7)**; S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))

## **[<sup>F80</sup>10A Exemption from licensing requirements of certain motor vehicles used under permits.**

[<sup>F81</sup>(1)] Section 4(2) (requirement of [<sup>F82</sup>bus operator's licence,] and [<sup>F83</sup> Articles 59 and 60] of the Road Traffic (Northern Ireland) Order 1981 (licensing of public service vehicles and drivers, etc. thereof) [<sup>F84</sup>and section 1(7) of the Transport Act (Northern Ireland) 2011 (requirement of service agreement or service permit) ] shall not apply<sup>F83</sup> . . . 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.

[<sup>F81</sup>(2) Where a holder of a licence under Part II of the Road Traffic (Northern Ireland) Order 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), 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

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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.]

**Annotations:**

- F80** 1990 NI 7
- F81** SR 1996/426
- F82** Words in s. 10A(1) substituted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\), s. 48\(2\), Sch. 1 para. 12\(a\)](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(3))
- F83** 1991 NI 3
- F84** Words in s. 10A(1) inserted (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\), s. 48\(2\), Sch. 1 para. 12\(b\)](#); S.R. 2015/284, art. 2(1), Sch. (with art. 2(2)(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.
- (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.

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- (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.

<p><b>Annotations:</b> F80 1990 NI 7</p>
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#### **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.
- (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—

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- (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.

**Annotations:**

**F80** [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.]

**Annotations:**

**F80** [1990 NI 7](#)

**<sup>F85</sup>11 Powers to make grants to operators of road passenger transport services.**

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**Annotations:**

**F85** [S. 11](#) repealed (22.4.2013) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\)](#), s. 48(2), [Sch. 2](#); S.R. 2013/104, art. 2(o)

*S. 12 rep. by 1984 NI 15*

*S.13 rep. by 1977 NI 10*

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 46B(7)(ca) inserted by [S.I. 2019/973 reg. 2\(4\)\(b\)](#)
- s. 46D(4A) inserted by [S.I. 2019/973 reg. 2\(5\)\(c\)](#)