



Transport Act (Northern Ireland) 1967

1967 CHAPTER 37

PART III ^{F1}

CARRIAGE OF GOODS BY ROAD

ROAD FREIGHT VEHICLE LICENCES

18 Disqualifications for offences under s.17.

(1) Without prejudice to any other penalty, any court before which a person is convicted of contravening the provisions of section 17 may order him to be disqualified for holding a goods vehicle certificate under [^{F1} Article 54 of the Road Traffic (Northern Ireland) Order 1981] in respect of the vehicle used in the commission of the offence, for a period not exceeding—

- (a) one month, where the conviction is for a first offence;
- (b) two months, where the conviction is for a second offence;
- (c) six months, where the conviction is for a third or subsequent offence;

and where the court makes such an order the person disqualified shall forthwith, or within such period as the court may fix, deliver the goods vehicle certificate, if any, held by him to the clerk of the court and, subject to subsection (2) the clerk shall forward that certificate to the Ministry of Home Affairs^{F2}, to be kept by that Ministry until that order ceases to be in force.

(2) Where a person who is disqualified for holding a goods vehicle certificate by virtue of an order made under subsection (1) appeals against the order or the conviction in relation to which the order was made, the operation of the disqualification shall be suspended pending the appeal and—

- (a) if the certificate has been delivered to the clerk of the court, the clerk shall return the certificate to the person disqualified; or
- (b) the person disqualified shall not be required by the preceding subsection to deliver the certificate to the clerk of the court.

(3) Where, as a result of an appeal of the kind referred to in subsection (2), the operation of an order for disqualification made under subsection (1) ceases to be suspended, the

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Changes to legislation: There are currently no known outstanding effects for the Transport Act (Northern Ireland) 1967, Section 18. (See end of Document for details)

person disqualified shall forthwith, or within such period as the court which heard the appeal may fix, deliver the goods vehicle certificate granted to him to the proper officer of that court, and that officer shall forward the certificate to the Ministry of Home Affairs^{F2}, to be kept by that Ministry until the order ceases to be in force.

- (4) When an order made under subsection (1) ceases to be in force, the Ministry of Home Affairs^{F2} shall return the relevant goods vehicle certificate to the person to whom it was granted.
- (5) A person who fails to deliver a goods vehicle certificate to the clerk or proper officer of a court as required by this section shall be guilty of an offence and shall be liable on summary conviction to a fine of [^{F3} level 1 on the standard scale] for every day during the period commencing on the day on which the certificate should have been so delivered and ending on the day on which it is so delivered.
- (6) While an order made under subsection (1) is in force the person disqualified for holding the relevant goods vehicle certificate shall also be disqualified for—
 - (a) obtaining another goods vehicle certificate in respect of the vehicle used in the commission of the offence;
 - (b) holding or obtaining any more goods vehicle certificates than one less than the number of such certificates held by him immediately before the commission of the offence of which he was convicted and in relation to which the order was made (excluding from that number any goods vehicle certificate in respect of which any other order for disqualification made under subsection (1) is in force at the time of the making of the first-mentioned order).
- (7) The power of the Ministry of Home Affairs^{F2} to make regulations under [^{F1} Article 218 of the Road Traffic (Northern Ireland) Order 1981] shall include power to make provision for—
 - (a) the notification to that Ministry of the making of an order under subsection (1) of this section, of any appeal against such an order, and the result of any such appeal;
 - (b) the forwarding by the clerk or proper officer of a court, to that Ministry of a goods vehicle certificate which has been delivered to that clerk or officer pursuant to this section;
 - (c) suspending the holding, or restricting the obtaining, of goods vehicle certificates pursuant to the last preceding subsection.

F1 1981 NI 1

F2 Now D/Env., SRO (NI) 1973/504

F3 1984 NI 3

Status:

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