



## 2010 CHAPTER 2

### *Applications for licences*

#### **Application for operators' licences**

7.—(1) An application for an operator's licence shall be made to the Department.

(2) A person may not at any time hold more than one operator's licence.

(3) An application for an operator's licence shall be made in such form, and include such declarations and information, as may be prescribed.

(4) Without prejudice to subsection (3), regulations under that subsection shall require the applicant to provide prescribed particulars as to—

- (a) the motor vehicles proposed to be used under the licence;
- (b) any trailers proposed to be used under the licence;
- (c) each place which will be an operating centre of the applicant if the licence is issued.

(5) The Department may require an applicant to furnish, in such form as the Department may require, such further information as the Department may consider necessary for dealing with the application.

(6) If a person fails without reasonable excuse to furnish information when required to do so under subsection (5), the Department may decline to proceed further with the application and refuse to grant the licence.

#### **Notification of events subsequent to the making of an application**

8.—(1) A person who has made an application for an operator's licence shall notify the Department if, in the interval between the making of the application

and the date on which it is disposed of, there occurs any prescribed event affecting any information given to the Department under section 7.

(2) A person who knowingly fails to comply with subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) For the purposes of this section an application shall be taken to be disposed of—

- (a) in a case where the Department is required by virtue of regulations under section 57(2)(a), to cause a statement containing its decision on the application to be issued, on the date on which that statement is issued, and
- (b) in any other case, on the date on which the applicant receives notice from the Department of its decision on the application.

#### **Publication by Department of notice of application for licence**

**9.—**(1) The Department shall publish, in such form and in such manner as may be prescribed, notice of any application for an operator's licence made to it.

(2) The notice shall state—

- (a) the time within which, and
- (b) the manner in which,

any objection to, or representations against, the grant of the application may be made under section 11 (that is to say the time and manner prescribed under subsection (6) or (as the case may be) (7) of that section).

#### **Publication in locality affected of notice of application for licence**

**10.—**(1) Subject to subsection (3), the Department shall refuse the application without considering the merits unless it is satisfied that subsection (2) has been complied with.

(2) This subsection has been complied with in respect of a locality affected by an application if, within the period beginning 21 days before the date on which the application is made and ending 21 days after that date, notice of the application in such form and containing such information as may be prescribed has been published in one or more local newspapers circulating in the locality.

(3) The Department is not required by this section to refuse an application if—

- (a) it is satisfied as mentioned in subsection (1), except only that the form or contents of the notice of application as published in any newspaper did not comply with the prescribed requirements, and
- (b) it is satisfied that no person's interests are likely to have been prejudiced by the failure to comply with those requirements.

(4) For the purposes of this section a locality is affected by an application for an operator's licence if it contains any place that will be an operating centre of the licence-holder if the application is granted.

### **Objections to, and representations against, issue of operators' licences**

**11.—**(1) Any of the persons mentioned in subsection (2) may make an objection to the grant of an application for an operator's licence on the ground—

- (a) that any of the requirements of section 12 are not satisfied in the case of the application; or
- (b) that any place which will be an operating centre of the holder of the licence will be unsuitable on environmental grounds for use as such.

(2) The persons who may make such an objection are—

- (a) a prescribed trade union or association;
- (b) the Chief Constable;
- (c) a district council; and
- (d) a Northern Ireland department.

(3) The trade unions and associations which may be prescribed for the purposes of subsection (2)(a) are trade unions or associations whose membership consists of or includes—

- (a) persons holding operators' licences, or
- (b) employees of any such persons.

(4) Where an application for an operator's licence is made, any person who is the owner or occupier of land in the vicinity of any place which will be an operating centre of the holder of the licence may make representations against the grant of the application on the ground that that place will be unsuitable on environmental grounds for use as such.

(5) A person may not make representations under subsection (4) unless any adverse effects on environmental conditions arising from the use of the place in question as an operating centre of the holder of the licence would be capable of prejudicially affecting the use or enjoyment of the land mentioned in that subsection.

(6) Any objection under subsection (1)(a) shall be made—

- (a) within the prescribed time; and
- (b) in the prescribed manner.

(7) Any objection under subsection (1)(b) or representations under subsection (4) shall be made—

- (a) within the prescribed time after the making of the application to which they relate; and

(b) in the prescribed manner.

(8) Where the Department considers there to be exceptional circumstances that justify its doing so, it may direct that an objection or representations be treated for the purposes of this Act as duly made under this section, notwithstanding that the objection was not, or the representations were not, made within the prescribed time or in the prescribed manner.

(9) Any objection under subsection (1) shall contain—

- (a) in the case of an objection under paragraph (a), particulars of the ground on which it is made, and
- (b) in the case of an objection under paragraph (b), particulars of any matters alleged by the person making the objection to be relevant to the issue to which it relates.

(10) Any representations under subsection (4) shall contain particulars of any matters alleged by the person making the representations to be relevant to the issue to which they relate.

(11) In subsection (1)(a) the reference to the requirements of section 12 is a reference—

- (a) in the case of an application for a standard licence, to the requirements of subsections (3), (5) and (6) of that section; and
- (b) in the case of an application for a restricted licence, to the requirements of subsections (4), (5) and (6) of that section.

(12) In this section “trade union” has the same meaning as in Article 3(1) of the [Industrial Relations \(Northern Ireland\) Order 1992 \(NI 5\)](#).