



## 2010 CHAPTER 2

### *Applications for licences*

#### **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 [<sup>F1</sup>sections 12A to 12E] are not satisfied in the case of the application; or
- (b) [<sup>F2</sup>in the case of a heavy goods vehicle licence,] 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 [<sup>F3</sup>a heavy goods vehicle] 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

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*Changes to legislation: There are currently no known outstanding effects for the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010, Section 11. (See end of Document for details)*

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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 [F4sections 12A to 12E] is a reference—

- (a) in the case of an application for a standard licence, to the requirements of [F5sections 12A, 12C and 12D] ; and
- (b) in the case of an application for a restricted licence, to the requirements of [F6sections 12B, 12C and 12D] .

(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).

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### Textual Amendments

- F1** Words in s. 11(1)(a) substituted (1.7.2012) by The Goods Vehicles (Qualifications of Operators) Regulations (Northern Ireland) 2012 (S.R. 2012/257), regs. 1(1), **17(4)(a)**
- F2** Words in s. 11(1)(b) inserted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **80(1)**
- F3** Words in s. 11(4) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **80(2)**
- F4** Words in s. 11(11) substituted (1.7.2012) by The Goods Vehicles (Qualifications of Operators) Regulations (Northern Ireland) 2012 (S.R. 2012/257), regs. 1(1), **17(4)(b)(i)**
- F5** Words in s. 11(11)(a) substituted (1.7.2012) by The Goods Vehicles (Qualifications of Operators) Regulations (Northern Ireland) 2012 (S.R. 2012/257), regs. 1(1), **17(4)(b)(ii)**
- F6** Words in s. 11(11)(b) substituted (1.7.2012) by The Goods Vehicles (Qualifications of Operators) Regulations (Northern Ireland) 2012 (S.R. 2012/257), regs. 1(1), **17(4)(b)(iii)**

### Commencement Information

- I1** S. 11 in operation at 22.6.2012 for specified purposes by S.R. 2012/247, art. 2, **Sch.**
- I2** S. 11 in operation at 1.7.2012 in so far as not already in operation by S.R. 2012/262, **art. 2** (with arts. 4-6)

**Changes to legislation:**

There are currently no known outstanding effects for the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010, Section 11.