



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 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 \(NI 5\)](#).