



2010 CHAPTER 2

Variation of licences

Publication of notice of applications for variation [F¹of heavy goods vehicle licences] in any locality affected

17.—(1) Subject to subsection (4), [F²in relation to a heavy goods vehicle licence,] the Department shall refuse an application for any of the directions mentioned in subsection (2) without considering the merits unless it is satisfied that subsection (3) has been complied with in respect of each locality affected by the application.

(2) The directions referred to in subsection (1) are—

- (a) any direction under section 16(1)(a) that a maximum number [F³of heavy goods vehicles] specified in a [F⁴heavy goods vehicle] licence under section 5 be increased;
- (b) any direction under section 16(1)(c) or (e) [F⁵that has the effect of authorising the use of a heavy goods vehicle] ;
- (c) any direction under section 16(1)(g) that a new place be specified in a [F⁶heavy goods vehicle] licence as an operating centre of the licence-holder; and
- (d) any direction under section 16(1)(h) or (i) which might result in a material change in the use of any operating centre of the licence-holder.

(3) This subsection has been complied with in respect of a locality affected by an application [F⁷for the variation of a heavy goods vehicle licence] 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.

Changes to legislation: There are currently no known outstanding effects for the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010, Section 17. (See end of Document for details)

- (4) The Department is not required by this section to refuse an application if—
- (a) it is satisfied as mentioned in subsection (1), except 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.
- (5) For the purposes of this section a locality is affected by an application for the variation of [^{F8}a heavy goods vehicle] licence if—
- (a) it contains any place that will be an operating centre of the licence-holder if the application is granted; or
 - (b) it contains an existing operating centre of the licence-holder and—
 - (i) the granting of the application would or could result in an increase in the number of [^{F9}heavy goods] vehicles, or the number of [^{F9}heavy goods] vehicles above a certain weight, that have that centre as their operating centre; or
 - (ii) any undertaking recorded in, or condition attached to, the licence that the application seeks to have varied or removed relates to that centre.

Textual Amendments

- F1** Words in [cross-heading](#) heading inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **88(1)**
- F2** Words in s. 17(1) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **88(2)**
- F3** Words in s. 17(2)(a) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **88(3)(a)(i)**
- F4** Words in s. 17(2)(a) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **88(3)(a)(ii)**
- F5** Words in s. 17(2)(b) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **88(3)(b)**
- F6** Words in s. 17(2)(c) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **88(3)(c)**
- F7** Words in s. 17(3) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **88(4)**
- F8** Words in s. 17(5) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **88(5)(a)**
- F9** Words in s. 17(5)(b)(i) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **88(5)(b)**

Commencement Information

- I1** S. 17 in operation at 22.6.2012 for specified purposes by [S.R. 2012/247](#), art. 2, [Sch.](#)

Changes to legislation: *There are currently no known outstanding effects for the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010, Section 17. (See end of Document for details)*

- I2** S. 17 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 17.