



## 2010 CHAPTER 2

### *Supplementary*

#### **General interpretation**

**58.**—(1) In this Act—

“the 1995 Order” means the [Road Traffic \(Northern Ireland\) Order 1995 \(NI 18\)](#);

“the 1996 Council Directive” means Community Council Directive No. [96/26/EC](#) dated 29 April 1996 on admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications intended to facilitate for these operators the right to freedom of establishment in national and international transport operations;

“articulated combination” means a combination made up of—

- (a) a motor vehicle which is so constructed that a trailer may by partial superimposition be attached to the vehicle in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, and
- (b) a trailer attached to it as described in paragraph (a);

“authorised person” means—

- (a) an examiner appointed by the Department under Article 74 of the 1995 Order; or
- (b) any person authorised in writing by the Department for the purposes of this Act;

“carriage of goods” includes haulage of goods;

“contravention”, in relation to any condition or provision, includes a failure to comply with the condition or provision;

“the Department” means the Department of the Environment;

“driver”—

- (a) where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle; and
- (b) in relation to a trailer, means the driver of the vehicle by which the trailer is drawn;

“goods” includes goods or burden of any description;

“goods vehicle” has the same meaning as in Article 2(2) of the 1995 Order;

“holding company” and “subsidiary” have the meaning given by section 1159 of the Companies Act 2006 (c. 46);

“international road haulage permit” means a licence, permit, authorisation or other document issued in pursuance of a Community instrument relating to the carriage of goods by road between member States or an international agreement to which the United Kingdom is a party and which relates to the international carriage of goods by road;

“international transport operations” and “national transport operations” have the same meaning as in the 1996 Council Directive;

“modification” includes addition, omission and alteration;

“motor vehicle” and “trailer” have the same meaning as in Article 3(1) of the 1995 Order;

“notice” means notice in writing;

“operating centre” has the meaning given in section 6(3);

“operator’s licence” has the meaning given in section 1(1);

“owner”, in relation to any land in Northern Ireland, means a person, other than a mortgagee not in possession, who, whether in that person’s own right or as trustee for any other person, is entitled to receive the rack rent of the land or, where the land is not let at a rack rent, would be so entitled if it were so let;

“plated weight”, in relation to a vehicle, means a weight required to be marked on it by means of a plate in pursuance of regulations made by virtue of Article 55 of the 1995 Order;

“prescribed” means prescribed by regulations;

“regulations” means regulations made by the Department;

“restricted licence” has the meaning given in section 2(3);

“road” has the same meaning as in Article 2(2) of the 1995 Order;

“road transport undertaking” means an undertaking which involves the use of goods vehicles—

- (a) under an operator’s licence, or

(b) in accordance with the law of Great Britain or the law of any member State other than the United Kingdom;

“standard licence” has the meaning given in section 2(2);

“statutory provision” has the same meaning as in section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33);

“Upper Tribunal” means the Upper Tribunal constituted under section 3 of the Tribunals, Courts and Enforcement Act 2007 (c. 15);

“vehicle combination” means a combination of goods vehicles made up of one or more motor vehicles and one or more trailers all of which are linked together when travelling.

(2) For the purposes of this Act, the driver of a vehicle, if it belongs to the driver or is in the driver’s possession under an agreement for hire, hire-purchase or loan, and in any other case the person whose servant or agent the driver is, shall be deemed to be the person using the vehicle.

(3) In this Act references to vehicles being authorised to be used under an operator’s licence are to be read in accordance with section 4.

(4) In its application to this Act, the Interpretation Act (Northern Ireland) 1954 (c. 33) has effect as if—

(a) in section 20 (offences by corporations), subsection (3) were omitted; and

(b) in section 24(1) (notice by post) the word “registering” were omitted.