

SCHEDULES

SCHEDULE 3

Articles 5 and 6.

LICENSING OF DRIVERS OF LARGE GOODS VEHICLES, PASSENGER-CARRYING VEHICLES AND TAXIS

PART I

PROVISIONS TO BE INSERTED AS ARTICLES 70 TO 79 OF THE PRINCIPAL ORDER

*“Special provisions relating to licensing of drivers of
large goods vehicles and passenger-carrying vehicles*

Licensing of drivers of large goods vehicles and passenger-carrying vehicles

70.—(1) Licences under Part II to drive motor vehicles of classes which include large goods vehicles or passenger-carrying vehicles or large goods vehicles or passenger-carrying vehicles of any class shall be granted by the Department in accordance with the special provisions, that is to say the provisions of this Article and Articles 71 to 79, and shall, in so far as they authorise the driving of large goods vehicles or passenger-carrying vehicles, be otherwise subject to the special provisions in addition to Part II.

(2) In the special provisions—

“large goods vehicle driver’s licence” means a licence under Part II in so far as it authorises a person to drive large goods vehicles of any class; and

“passenger-carrying vehicle driver’s licence” means a licence under Part II in so far as it authorises a person to drive passenger-carrying vehicles of any class.

Grant of licences: fitness as regards conduct

71.—(1) The Department shall not grant to an applicant a large goods vehicle driver’s licence or a passenger-carrying vehicle driver’s licence unless it is satisfied, having regard to the applicant’s conduct, that he is a fit person to hold the licence applied for.

(2) For the purposes of paragraph (1), the Department may require the applicant for the licence to furnish such information as it may require and may, by notice to the applicant, require him to attend the Department at the time and place specified by the Department to furnish the information and to answer such questions (if any) relating to his application as the Department may put to him.

(3) If the applicant fails without reasonable excuse to furnish information to or attend or answer questions properly put to him when required to do so under paragraph (2), the Department may decline to proceed further with the application and refuse to grant the licence.

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Conditions of certain licences

72.—(1) A large goods vehicle or passenger-carrying vehicle driver's licence issued as a provisional licence, or a full large goods vehicle or passenger-carrying vehicle driver's licence issued to a person under the age of 21, shall be subject to the prescribed conditions, and if the holder of the licence fails, without reasonable excuse, to comply with any of the conditions he is guilty of an offence under this Order.

(2) It is an offence for a person knowingly to cause or permit another person who is under the age of 21 to drive a large goods vehicle of any class or a passenger-carrying vehicle of any class in contravention of the prescribed conditions to which that other person's licence is subject.

Revocation or suspension of licences

73.—(1) A large goods vehicle or passenger-carrying vehicle driver's licence—

- (a) must be revoked if there come into existence, in relation to its holder, such circumstances relating to his conduct as may be prescribed;
- (b) must be revoked or suspended if his conduct is such as to make him unfit to hold such a licence;

and where the licence is suspended under sub-paragraph (b) it shall during the time of suspension be of no effect.

(2) Where it appears that the conduct of the holder of a licence falls within both sub-paragraph (a) and sub-paragraph (b) of paragraph (1), proceedings shall be taken or continued under sub-paragraph (a) and not under sub-paragraph (b) and accordingly the power to suspend the licence, rather than revoke it, shall not be available.

(3) Without prejudice to section 17 of the Interpretation Act (Northern Ireland) 1954, regulations made for the purposes of paragraph (1)(a)—

- (a) may make different provision for large goods vehicles and for passenger-carrying vehicles and for different descriptions of persons; and
- (b) shall provide for the determination of the cases in which, under Article 74, a person whose licence has been revoked is to be disqualified indefinitely or for a period and, if for a period, for the determination of the period.

(4) The Department shall determine any question arising under paragraph (1)(b) as to whether a person is, or is not, by reason of his conduct fit to hold a large goods vehicle or passenger-carrying vehicle driver's licence.

(5) Where, under paragraph (4), the Department determines that the holder of the licence is not fit to hold a large goods vehicle or passenger-carrying vehicle driver's licence, as the case may be, it shall also determine whether the conduct of the holder of the licence is such as to require the revocation of his licence or only its suspension; and, if the former, whether the holder of the licence should be disqualified under Article 74(2)(a) (and, if so, for what period) or under Article 74(2)(b).

(6) For the purposes of paragraphs (4) and (5) the Department may require the holder of the licence to furnish such information as it may require and may, by notice to the holder, require him to attend the Department at the time and place specified by the Department to furnish the information and to answer such questions (if any) relating to the subject matter of the reference as may be put to him.

(7) If the holder of the licence fails without reasonable excuse to furnish information to or to attend before or answer questions properly put to him when required to do so under

paragraph (3), the Department may, if it thinks fit, revoke the licence or suspend it for such period as it thinks fit.

(8) Where the Department determines to revoke or suspend a person's licence under paragraph (1), it shall notify the holder of the licence of its determination.

Disqualification on revocation of licence

74.—(1) Where in pursuance of sub-paragraph (a) of Article 73(1) the Department revokes a person's large goods vehicle or passenger-carrying vehicle driver's licence, it must, in accordance with the regulations made for the purposes of that sub-paragraph, order that person to be disqualified indefinitely or for the period determined in accordance with the regulations.

(2) Where in pursuance of sub-paragraph (b) of Article 73(1) the Department revokes a person's large goods vehicle or passenger-carrying vehicle driver's licence, it may—

- (a) order the holder to be disqualified indefinitely or for such period as it thinks fit, or
- (b) except where the licence is a provisional licence, if it appears to the Department that, owing to the conduct of the holder of the licence, it is expedient to require him to comply with the prescribed conditions applicable to provisional licences under Part II until he passes the prescribed test of competence to drive large goods vehicles or passenger-carrying vehicles of any class, order him to be disqualified for holding or obtaining a full licence until he passes such a test.

(3) If, while the holder of a large goods vehicle or passenger-carrying vehicle driver's licence is disqualified under paragraph (1), the circumstances prescribed for the purposes of sub-paragraph (a) of Article 73(1) cease to exist in his case, the Department must, on an application made to it for the purpose, remove the disqualification.

(4) Where the holder of a large goods vehicle or passenger-carrying vehicle driver's licence is disqualified under paragraph (2)(a), the Department may, in such circumstances as may be prescribed, remove the disqualification.

(5) Where the holder of a full licence is disqualified under paragraph (2)(b), the Department must not afterwards grant him a full licence to drive a large goods vehicle or passenger-carrying vehicle of any class unless satisfied that he has since the disqualification passed the prescribed test of competence to drive vehicles of that class, and until he passes that test any full licence obtained by him shall be of no effect.

(6) So long as the disqualification under paragraph (1) or (2)(a) of the holder of a large goods vehicle or passenger-carrying vehicle driver's licence continues in force, a large goods vehicle or passenger-carrying vehicle driver's licence must not be granted to him and any such licence obtained by him shall be of no effect.

(7) In this Article "disqualified"—

- (a) in a case of revocation on the ground of the conduct of the holder of the licence as a driver, means disqualified for holding or obtaining a licence under Part II to drive large goods vehicles of the prescribed classes and passenger-carrying vehicles of the prescribed classes; and
- (b) in a case of revocation of a passenger-carrying vehicle driver's licence on the ground of the conduct of the holder otherwise than as a driver, means disqualified for holding or obtaining a licence under Part II to drive passenger-carrying vehicles of the prescribed classes.

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Revoked or suspended licences: surrender, return and endorsement

75.—(1) Where, in pursuance of Article 73, the Department revokes or suspends a licence, it must serve notice on the holder of the licence requiring him to deliver the licence and its counterpart forthwith to the Department, and it shall be the duty of the holder of the licence to comply with the requirement.

(2) Any holder of a licence who fails without reasonable excuse to comply with his duty under paragraph (1) is guilty of an offence under this Order.

(3) On the delivery of a revoked licence and its counterpart by a person to the Department in pursuance of paragraph (1) the Department must issue to him, on payment of such fee (if any) as may be prescribed, a licence authorising the driving of the classes of vehicles which are unaffected by the revocation or suspension.

(4) On the delivery of a suspended licence and its counterpart to the Department, the Department must endorse the counterpart of the licence with particulars of the suspension and return the licence and its counterpart to the holder.

Appeals to court of summary jurisdiction

76.—(1) A person who, being the holder of, or an applicant for, a large goods vehicle or passenger-carrying vehicle driver's licence, is aggrieved by the Department's—

- (a) refusal or failure to grant such a licence in pursuance of Article 71,
- (b) suspension or revocation of such a licence in pursuance of Article 73, or
- (c) ordering of disqualification under Article 74(2),

may, after giving to the Department notice of his intention to do so, appeal to a court of summary jurisdiction acting for the petty sessions district in which the holder of or applicant for the licence resides.

(2) On any appeal under paragraph (1)(a) or (b) the Department shall be respondent.

(3) On any appeal under paragraph (1) the court may make such order as it thinks fit and the order shall be binding on the Department.

Regulations

77.—(1) Without prejudice to Article 218, the Department may make regulations generally for carrying the special provisions into effect.

(2) Regulations under this Article may in particular require applicants for tests of competence under Part II to drive large goods vehicles or passenger-carrying vehicles or for large goods vehicle or passenger-carrying vehicle driver's licences (whether full or provisional) to have such qualifications, experience and knowledge as may be prescribed and, in particular, where they are to be authorised to drive large goods vehicles or passenger-carrying vehicles of any class at an age below the normal minimum age for driving vehicles of that class, to fulfil such requirements with respect to participation in an approved training scheme for drivers as may be prescribed.

(3) In paragraph (2)—

“approved training scheme for drivers” means a training scheme for drivers (as defined in Article 17(5)) approved for the time being by the Department for the purposes of regulations under that Article; and

“normal minimum age for driving”, in relation to the driving of vehicles of any class, means the age which is in force under Article 17 (but apart from any approved training scheme for drivers) in relation to that class of vehicle.

(4) Regulations under this Article may provide that a person who contravenes or fails to comply with any specified provision of the regulations is guilty of an offence under this Order.

(5) The Department may by regulations provide that this Part shall not apply to large goods vehicles or passenger-carrying vehicles of such classes as may be prescribed either generally or in such circumstances as may be prescribed.

Interpretation

78. In this Article and Articles 70 to 77—

“conduct” means—

- (a) in relation to an applicant for or the holder of a large goods vehicle driver’s licence, his conduct as a driver of a motor vehicle, and
- (b) in relation to an applicant for or the holder of a passenger-carrying vehicle driver’s licence, his conduct both as a driver of a motor vehicle and in any other respect relevant to his holding a passenger-carrying vehicle driver’s licence,

including, in either case, such conduct in Great Britain;

“counterpart” in relation to a licence to drive under Part II has the same meaning as in that Part;

“full licence” means a large goods vehicle or passenger-carrying vehicle driver’s licence other than a provisional licence;

“large goods vehicle” means—

- (a) an articulated goods vehicle, or
- (b) a motor vehicle (not being an articulated goods vehicle) which is constructed or adapted to carry or to haul goods and the permissible maximum weight of which exceeds 7.5 tonnes;

“passenger-carrying vehicle” means—

- (a) a large passenger-carrying vehicle, that is to say, a vehicle used for carrying passengers which is constructed or adapted to carry more than 16 passengers, or
- (b) a small passenger-carrying vehicle, that is to say, a vehicle used for carrying passengers for hire or reward which is constructed or adapted to carry more than 8 but not more than 16 passengers;

“notice” means notice in writing and “notify” shall be construed accordingly;

“provisional licence” means a licence granted by virtue of Article 13(2);

“the special provisions” has the meaning given in Article 70;

and “articulated goods vehicle” and “permissible maximum weight” have the same meanings as in Part II.

Provisions as to Great Britain licences

79.—(1) In this Article “Great Britain driving licence” has the same meaning as in Part II.

(2) The Department may exercise as respects Northern Ireland the like power of revoking or suspending any Great Britain driving licence and of making an order under Article 74(2) as is conferred on it in relation to a large goods vehicle or passenger-carrying vehicle driver’s licence by Articles 73(1)(b) and 74(2), and the provisions of Articles 73(1) and (4) to (8), 74 and (with the exception of paragraph (2)) 75 shall have effect accordingly.

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(3) Where a revoked Great Britain driving licence and its counterpart are surrendered to the Department in pursuance of Article 75, the Department shall send them to the Secretary of State together with particulars of the revocation.

(4) A holder of a Great Britain driving licence who is aggrieved by the revocation or suspension of the licence or the ordering of disqualification by virtue of paragraph (2) shall have the like right of appeal as is conferred by Article 76 except that an appeal brought by virtue of this paragraph shall, if the appellant is not resident in Northern Ireland, lie to such court of summary jurisdiction as may be prescribed by magistrates' courts rules.”.

PART II

PROVISION TO BE INSERTED AS ARTICLE 79A OF THE PRINCIPAL ORDER

“Taxi drivers' licences

Licensing of drivers of taxis

79A.—(1) A person shall not drive a taxi when it is standing or plying for hire or carrying passengers for hire unless he is the holder of a taxi driver's licence; that is to say, a licence granted under paragraph (2).

(2) Subject to paragraphs (3) and (4), taxi drivers' licences may be granted to applicants by the Department on payment of such fee as may be prescribed with the approval of the Department of Finance and Personnel.

(3) The Department shall not grant a taxi driver's licence—

(a) to any applicant who has not for at least 12 months been, and is not at the date of the application for the licence, the holder of a licence under Part II to drive a vehicle of a prescribed class; and

(b) unless—

(i) the Department is satisfied that the applicant is a fit and proper person to hold the licence; and

(ii) the applicant passes such test of competence to drive a vehicle of the type for which the licence is required and meets such other requirements as may be prescribed.

(4) Taxi drivers' licences—

(a) shall be granted subject to prescribed conditions;

(b) may be revoked or suspended by the Department in prescribed circumstances;

(c) shall remain in force for such period as may be prescribed if not earlier revoked or suspended; and

(d) shall be generally dealt with in the prescribed manner.

(5) A person who is aggrieved by the Department's refusal to grant, or by the revocation or suspension of, a taxi driver's licence may, after giving notice to the Department of his intention to do so, appeal to a court of summary jurisdiction acting for the petty sessions district in which he resides.

(6) On any such appeal the court may make such order as it thinks fit and the order shall be binding on the Department.

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(7) Any person who drives a taxi in contravention of paragraph (1) shall be guilty of an offence under this Order.

(8) In this Article “taxi” means a public service vehicle seating not more than 8 passengers in addition to the driver.”.