
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 261

**The Goods Vehicles (Licensing of Operators)
Regulations (Northern Ireland) 2012**

PART 7

OTHER MATTERS

Holding companies and subsidiaries

28.—(1) A holding company may apply to the Department for the issue of a licence or if it already holds a licence, for a variation of its licence by a direction under section 16(1)(a).

(2) An application by a holding company under paragraph (1) shall, unless—

(a) the subsidiary is not the licence-holder; or

(b) the licence or variation applied for by the holding company will not take effect until any licence held by the subsidiary has been surrendered or has otherwise terminated,

be accompanied by an application by the subsidiary for the variation of the licence held by the subsidiary by a direction under section 16(1)(b) for the removal therefrom of all or some of the goods vehicles authorised to be used thereunder, being the vehicles to which the application of the holding company relates.

(3) Where a holding company, on an application under paragraph (1) signifies to the Department its desire that the provisions of this regulation should have effect as respects a subsidiary of that company, then, in relation to the application and to any licence granted to the holding company, or held by the holding company and varied, on that application, and to the use of any goods vehicles authorised to be used under any such licence, the 2010 Act and these Regulations shall have effect subject to the modifications specified in Schedule 4.

(4) The provisions of this regulation shall cease to have effect as respects a holding company and its subsidiary—

(a) if the holding company gives notice to the Department that it desires that this regulation should, as from any date, cease to apply to the holding company and that subsidiary, as from that date; or

(b) as from the date on which that subsidiary ceases to be a subsidiary of that holding company.

(5) Where by virtue of the provisions of paragraphs (1) to (3) a holding company holds a licence which includes goods vehicles in the lawful possession of a subsidiary of that company, and the holding company gives notice under paragraph (4)(a), then, in relation to any application by the subsidiary for the issue of a licence in respect of all or any of those vehicles, section 9 shall have effect as if for subsection (1) there were substituted—

“(1) The Department may publish in the prescribed manner notice of any application for an operator’s licence made by a company or other body corporate in pursuance of regulations made under section 52.”.

(6) Where the provisions of this regulation cease to have effect as respects a holding company and its subsidiary by virtue of paragraph (4)(b) the company which was the holding company shall within 21 days of the event which caused the subsidiary to cease to be a subsidiary of that company—

- (a) notify the Department;
- (b) supply all material details of the event; and
- (c) return to the Department the licence and the discs relating to the motor vehicles authorised to be used thereunder, and in so far as the holding company fails to satisfy those requirements the company which was the subsidiary company shall, on being so directed by the Department, within 7 days of that direction supply the details, or return the licence and the discs, as the case may require.

(7) In a case where the applicant for, or the holder of, a standard licence is a holding company and the goods vehicles used, or to be used, under the licence belong to, or are in the possession of, a subsidiary of that holding company, the provisions of these Regulations apply as if—

- (a) the road transport undertaking and any operating centre of the subsidiary were the road transport undertaking and an operating centre of the holding company;
- (b) for the purposes of, or relating to, the reputation and financial standing of the holding company, the activities, any relevant conviction and the financial resources of the subsidiary were activities, a relevant conviction and the financial resources of the holding company; and
- (c) in relation to a transport manager, that person's employment by the subsidiary were employment by the holding company.

(8) In this regulation "relevant conviction" means a notifiable conviction within the meaning given in paragraph 4 of Schedule 1.