

1968. No. 71

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**ROAD SERVICE LICENSING**

REGULATIONS, DATED 26TH MARCH 1968, MADE BY THE MINISTRY OF DEVELOPMENT UNDER THE TRANSPORT ACT (NORTHERN IRELAND) 1967.

## ARRANGEMENT OF REGULATIONS

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The Ministry of Development in exercise of the powers vested in it by Sections 33 and 45 of the Transport Act (Northern Ireland) 1967(a) (hereinafter referred to as "the Act") and all other powers enabling it in that behalf, hereby makes the following Regulations:—

*Citation and Commencement*

1. These Regulations may be cited as the Road Service Licensing Regulations (Northern Ireland) 1968 and shall come into operation on the 1st April 1968.

*Signing of applications and other documents*

2. Every application for a road service licence or other document submitted by an applicant to the Ministry under Section 5 of the Act or under these Regulations shall be signed by the applicant, or, where the applicant is a corporate body or partnership firm, by a person duly authorised in that behalf by such body or a partner of such partnership firm as the case may be.

*Notice of refusal to grant road service licence*

3. Where the Ministry decides to refuse to grant a road service licence the Ministry shall serve notice in writing upon the applicant for the licence stating that the licence has been refused and the reasons for such refusal.

*Review of refusal to grant road service licence*

4.—(1) Where it appears to an applicant for a road service licence who has received a notice of refusal under regulation 3 that the decision to refuse to grant the licence was taken either without complete and accurate knowledge of any material fact or circumstance or in consideration of any circumstance which has subsequently altered he may apply in writing to the Ministry giving particulars of any such fact or circumstance as aforesaid and requiring the decision to be reviewed by the Ministry.

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(a) 1967, c. 37 (N.I.).

(2) Upon considering such application and reviewing the decision therein sought to be reviewed the Ministry shall inform the applicant in writing whether the decision has been confirmed or reversed.

*Amendment of conditions attached to a road service licence*

5. Where the holder of a road service licence to which conditions are attached desires any amendment of the conditions he shall apply in writing to the Ministry stating:

- (a) what additional conditions, if any, he desires to be attached to the licence;
- (b) what conditions, if any, he desires to be omitted;
- (c) what conditions, if any, he desires to be substituted in place of other conditions to be deleted;
- (d) the reasons for the desired amendments; and
- (e) the date from which he desires the amendments to take effect in the event of their being granted by the Ministry.

*Transfer of road service licences*

6. Where owing to any of the circumstances described in Section 33(2) of the Act the person to whom a road service licence has been granted (in this regulation referred to as "the grantee") ceases to carry on business under such a licence and the business is carried on by another person (in this regulation referred to as "the successor") the successor shall be deemed to be the holder of the licence if:—

- (a) within one month of the grantee having ceased to carry on business the Ministry receives from the successor notice stating
  - (i) that the grantee has ceased to carry on business under the road service licence,
  - (ii) the date of and the reason for his having so ceased, and
  - (iii) the full name and address of the successor; and
- (b) within one month of the sending of such notice application for a new road service licence is made by the successor:

Provided that the period during which the successor shall be deemed to be the holder of the road service licence shall in no case extend beyond the date on which the road service licence is due to expire and shall terminate immediately upon the Ministry's disposal of the application.

*Surrender of road service licence on revocation or suspension*

7. Immediately upon revocation or suspension of a road service licence under Section 10 of the Act the holder of a licence so revoked shall deliver such licence to the Ministry for cancellation and the holder of a licence so suspended shall lodge such licence with the Ministry for the term of the suspension.

*Exemptions*

8. (a) The provisions of Part II of the Act shall not apply to or affect:
- (i) the use of a motor vehicle by the proprietor of an hotel to carry hotel guests and their luggage to or from the hotel from or to a railway or omnibus station, quay or aerodrome;
  - (ii) the use of a hackney carriage, that is a motor vehicle having seating capacity for not more than six persons excluding the driver which stands or plies for hire or is hired without a driver to carry persons and their luggage;

- (iii) the use of an ambulance to carry persons to or from a hospital;
  - (iv) the use of a motor vehicle by a funeral furnisher in the course of his business as such furnisher.
- (b) The provisions of Section 44 of the Act shall not apply to or affect the holder of a road service licence whose principal place of business is outside Northern Ireland.
- (c) No fee shall be payable in respect of a road service licence where
- (i) the licence is granted in respect of a service which does not originate within Northern Ireland, and
  - (ii) the licence is subject to a condition that passengers, other than those who joined the service in the country of origin, are not picked up in Northern Ireland.

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 26th day of March 1968.

(L.S.)

W. F. Stout,  
Secretary.

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#### EXPLANATORY NOTE

*(This note is not part of the Regulations but is intended to indicate their general purport.)*

These Regulations make provision for procedure in relation to applications (Regulation 2) for road service licences under the Transport Act (Northern Ireland) 1967, and for procedure in the event of refusal (Regulations 3 and 4) and of amendment (Regulation 5); they provide for the transfer of licences (Regulation 6), their surrender where revoked or suspended (Regulation 7), and make certain exemptions (Regulation 8).