



## 2011 CHAPTER 11

### PART 6

#### MISCELLANEOUS AND SUPPLEMENTARY

##### **Acquisition of land by agreement or compulsorily**

**38.**—(1) The Department may, for any purpose in connection with its functions under this Act, acquire by agreement or compulsorily any land.

(2) Article 113 of the [Roads \(Northern Ireland\) Order 1993 \(NI 15\)](#) (vesting orders) shall apply for the purposes of subsection (1) as it applies for the purposes of Article 110 of that Order.

##### **Disposal of land acquired under section 38**

**39.**—(1) The Department may dispose of any land acquired under section 38 (acquisition of land by agreement or compulsorily).

(2) Section 5 of the Stormont Regulation and Government Property Act (Northern Ireland) 1933 ([c. 6](#)) shall not affect the disposal of land acquired under section 38.

##### **Powers to obtain information and enter on land**

**40.**—(1) Article 118 of the [Roads \(Northern Ireland\) Order 1993 \(NI 15\)](#) (power to obtain information as to ownership of land) shall apply in relation to this Act as it applies in relation to that Order.

(2) Articles 119 and 120 of that Order (powers to enter on land) shall apply for the purposes of this Act but as if references in Article 119 to that Order were references to this Act.

### **Appointment of directors of N.I. Transport Holding Company**

**41.** In section 47 of the 1967 Act (establishment of the Northern Ireland Transport Holding Company), after subsection (3) there shall be inserted the following subsection—

“(3A) Section 18(2) of the Interpretation Act (Northern Ireland) 1954 (c. 33) shall apply to appointments under this section.”.

### **Conduct of persons at bus stations**

**42.—(1)** The Department may make regulations—

- (a) for the purpose of regulating the conduct of persons at or near bus stations; and
- (b) conferring powers on authorised persons for the purpose of the enforcement of regulations made under this section.

**(2)** In this section—

“authorised persons”, in relation to a bus station, means any persons authorised in writing by a designated operator for the purpose of regulations made under this section or any constables;

“bus station” means any place used by a designated operator in connection with the provision of services under a service agreement or a service permit to the extent that the public has access to it, excluding any area to which byelaws under section 57 of the 1967 Act (power of railway undertaking to make byelaws) apply;

“designated” means designated by the Department in relation to any premises;

“operator” means a person providing services under a service agreement or a service permit.

**(3)** Regulations under this section may provide that a person who contravenes a specified provision of regulations under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **Shared transport facilities**

**43.—(1)** In this section—

“direction” means a direction under regulations;

“P” means a person with whom the Department has entered into a service agreement;

“regulations” means regulations under this section;

“specified” means specified in a direction.

(2) Regulations may make provision enabling the Department to direct that any place used by P for the provision of services under a service agreement shall be made available in accordance with the direction for the provision of specified services by another person.

(3) Regulations may make provision as to matters which may or must be dealt with in a direction.

### **Application of Act to partnerships**

44. Regulations may provide for this Act to apply in relation to partnerships with such modifications as may be prescribed.

### **Regulations - general**

45.—(1) The Department may make regulations for any purpose for which regulations may be made under this Act, and for prescribing anything which may be prescribed under this Act, and generally for carrying this Act into effect.

(2) In particular, but without prejudice to the generality of subsection (1), the Department may make regulations with respect to the following matters—

- (a) the procedure on applications for, and the determination of questions in connection with, the issuing and variation of service permits;
- (b) the issue of service permits and the issue on payment of the prescribed fee of copies of service permits in the case of permits lost or defaced;
- (c) the notification to the Department of routes on which a service under a service permit has ceased to be provided;
- (d) the means by which vehicles may be identified, whether by plates, marks or otherwise, as providing a service under a service agreement or a service permit;
- (e) the custody, production, return and cancellation of service permits and of documents, plates and any other means of identification prescribed under paragraph (d);
- (f) ticketing machines and systems.

(3) No regulations to which this subsection applies shall be made unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.

(4) Subsection (3) applies to regulations under this Act if they include—

- (a) regulations under section 42(3) or 43(2); or
- (b) regulations under this section which make the declaration mentioned in subsection (6).

(5) Any other regulations under this Act shall be subject to negative resolution.

(6) Any person who contravenes a provision of regulations under this section, a contravention of which is declared by the regulations to be an offence, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) Regulations under this Act may contain such incidental, supplementary, consequential, transitory or saving provisions as the Department considers necessary or expedient.

### **Interpretation**

**46.—**(1) In this Act—

“the 1967 Act” means the Transport Act (Northern Ireland) 1967 (c. 37);

“the 1995 Order” means the Road Traffic (Northern Ireland) Order 1995 (NI 18);

“authorised person”, except in section 42, means—

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

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

“the Consumer Council” means the General Consumer Council for Northern Ireland;

“the Department” means the Department for Regional Development;

“modification” includes addition, omission and alteration;

“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;

“passenger transport”, except in the expression “public passenger transport services”, means—

- (a) public passenger transport services excluding, except in sections 23(7) and 25(2), rail services; and
- (b) the use of a vehicle under a permit under section 10B of the 1967 Act;

“prescribed” means prescribed by regulations;

“public passenger transport services” has the meaning given in section 1(4);

“public service contracts” has the same meaning as in Article 2 of Regulation (EC) No. 1370/2007 as amended from time to time;

“Regulation (EC) No. 1370/2007” means Regulation (EC) No. 1370/2007 of the European Parliament and of the Council of 23rd October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos. 1191/69 and 1107/70;

“regulations” means regulations made by the Department;

“reward” has the meaning given in section 46(a) of the 1967 Act;

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

“service agreement” and “service permit” have the meanings given in section 1(4);

“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).

(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 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.

### **Amendments and repeals**

47.—(1) Schedule 1 (which contains amendments) shall have effect.

(2) The statutory provisions set out in the first column of Schedule 2 are hereby repealed to the extent specified in the second column of that Schedule.

(3) Part 5 of the [Belfast Corporation Act \(Northern Ireland\) 1924 \(c. iv\)](#) (omnibuses) is hereby repealed.

(4) The Department may by order subject to negative resolution—

- (a) repeal any local or private Act in so far as it appears to the Department to be inconsistent with any provision of this Act;
- (b) amend any such Act so as to render it consistent with the provisions of this Act.

### **Commencement**

48.—(1) The following provisions of this Act shall come into operation on Royal Assent—

- (a) sections 35, 37, 41 and 46;

(b) this section; and

(c) section 49.

(2) The other provisions of this Act come into operation on such day or days as the Department may by order appoint.

(3) An order under subsection (2) may contain—

(a) such transitional provisions and savings;

(b) such supplementary, incidental or consequential provisions (including any provision amending this Act),

as the Department considers necessary or expedient in connection with the coming into operation of any of the provisions of this Act.

**Short title**

**49.** This Act may be cited as the Transport Act (Northern Ireland) 2011.