
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 261

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

PART 7

OTHER MATTERS

Partnerships

27.—(1) The provision in section 7(2) that a person shall not at the same time hold more than one operator's licence, shall apply so that a firm shall be treated as a person separate from any partner of that firm or an individual in any other partnership.

(2) For the purposes of authorising goods vehicles to be used under section 4(1) when the licence-holder is a firm, any vehicle in the lawful possession of any partner of a firm shall be regarded as in the lawful possession of the firm.

(3) The provisions of section 12A shall apply in any case where an applicant for a standard licence is a firm so that the Department is required to be satisfied that—

(a) every one of the partners of that firm is of good repute;

[^{F1}(b) the firm has—

(i) an effective and stable establishment in Northern Ireland; and

(ii) appropriate financial standing; and]

[^{F2}(c) the firm has designated—

(i) a suitable number of individuals, including one or more of the firm's partners, who satisfy the requirements set out in regulation 13A(1) and (2) of the Qualification of Operators Regulations; or

(ii) if none of the firm's partners satisfy the requirements referred to in paragraph (i), a suitable number of individuals who satisfy the requirements set out in regulation 13A(1) and (3) of the Qualification of Operators Regulations.]

(4) The provisions of section 12B(a) or (b) shall apply in any case where an applicant for a restricted licence is a firm so that the Department is required to be satisfied that every one of the partners of that firm is not unfit to hold an operator's licence by reason of any matters or events covered by section 12B(a) and (b).

(5) The provisions of section 12D shall apply in any case where an applicant is a firm and in such case the financial resources referred to in that section shall be those of the firm.

(6) The provisions of section 23 shall apply in any case where the licence-holder is a firm and in such a case a partner of that firm shall be treated in all respects as the firm.

(7) The provisions of section 24(1) shall apply in any case where the licence-holder is a firm if—

(a) any one or more of the partners of that firm cease to satisfy the requirement to be of good repute;

[^{F3}(b) the firm ceases to satisfy the Department it has—

- (i) an effective and stable establishment in Northern Ireland; or
- (ii) appropriate financial standing; or]

[^{F4}(c) a transport manager for the firm ceases to satisfy the requirements set out in regulation 13A(1) and (2), or (1) and (3), of the Qualification of Operators Regulations.]

(8) The provisions of section 25 shall apply to the revocation of an operator's licence held by a firm and in such a case the powers conferred by subsections (1) and (3) of that section shall be exercisable in respect of each and every partner of that firm.

(9) Except in a case falling within paragraph (10) any requirement, obligation or prohibition (however expressed) placed on a person making an application or on a licence-holder by, or in pursuance of, a provision in the 2010 Act or these Regulations, shall apply where the applicant or licence-holder is a firm and the duty to meet the requirement or obligation or to comply with the prohibition, shall apply to the partners of that firm severally as well as jointly.

(10) Where a person making an application or the licence-holder is a firm any requirement or obligation, placed on the applicant or licence-holder by virtue of section 7(5), 8(1) or 16(2) to inform the Department of any change to the information given to it under regulation 3(3) by virtue of paragraph 1(e) or (f) of Schedule 1, shall apply in relation to any change to the information given by each partner of that firm, and the duty to meet the requirement shall apply to the person who has incurred a notifiable conviction or penalty within the meaning of paragraph 4 of Schedule 1.

(11) The provisions in section 15(5) as to the events on which an operator's licence held by an individual terminates apply in a case where such a licence is held by a firm, if—

- (a) the partnership is dissolved; or
- (b) one or more of the persons dies or becomes a patient (within the meaning of Article 2(2) of the Mental Health (Northern Ireland) Order 1986(1)) to carry on the activities covered by the licence with the result that only one other of such persons who is not such a patient or so incapable remains in the partnership.

(12) In the Qualification of Operators Regulations—

- (a) the provisions in regulation 5 of those Regulations as regards determining whether an individual is of good repute apply, in a case of a firm in respect of each of the partners of that firm as they apply to an individual ^{F5}... ;
- (b) ^{F5}...

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| F1 | Reg. 27(3)(b) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), 129(1)(a) |
| F2 | Reg. 27(3)(c) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), 129(1)(b) |
| F3 | Reg. 27(7)(b) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), 129(2)(a) |
| F4 | Reg. 27(7)(c) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), 129(2)(b) |
| F5 | Reg. 27(12)(b) and word omitted (17.3.2022) by virtue of The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), 129(3) |

Commencement Information

- I1** Reg. 27 in operation at 1.7.2012, see **reg. 1**

Changes to legislation: *There are currently no known outstanding effects for the The Goods Vehicles (Licensing of Operators) Regulations (Northern Ireland) 2012, Section 27. (See end of Document for details)*

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