

1974. No. 210

[C]

ROAD FREIGHT TRANSPORT LICENSING**Exemption**

REGULATIONS, DATED 21ST AUGUST 1974, MADE BY THE DEPARTMENT OF THE ENVIRONMENT FOR NORTHERN IRELAND UNDER SECTION 45(i) OF THE TRANSPORT ACT (NORTHERN IRELAND) 1967.

The Department of the Environment for Northern Ireland in exercise of the powers conferred on it by section 45(i) of the Transport Act (Northern Ireland) 1967(a) and paragraph 2(1) and (2) of Schedule 1 to the Northern Ireland Act 1974(b) and of every other power enabling it in that behalf hereby makes the following regulations:

Citation

1. These regulations may be cited as the Road Freight Transport Licensing (Exemption) Regulations (Northern Ireland) 1974.

Revocation

2. The Road Freight Transport Licensing (Exemption) Regulations (Northern Ireland) 1972(c) are hereby revoked.

Interpretation

3. In these regulations—

“Community obligation” has the same meaning as in Part II of Schedule 1 to the European Communities Act 1972(d).

Exemption from licensing requirements

4. The provisions of section 17(2) of the Transport Act (Northern Ireland) 1967 (which prohibits the use of a motor vehicle on a road to carry goods for reward except under a road freight vehicle licence) shall not apply to or effect a motor vehicle authorised for such use elsewhere than in the United Kingdom—

- (i) which if it were used in Great Britain for purposes and in circumstances corresponding to those for which it is being used in Northern Ireland, would by virtue of regulations made for the purpose of implementing any Community obligation or any agreement relating to the international carriage of goods by road which has been applied to Northern Ireland, be exempt from the requirement for the user to hold an Operator's Licence under section 60 of the Transport Act 1968(e); or
- (ii) which carries a permit valid for the journey on which the goods are being carried issued with the authority of the Secretary of State for the Department of the Environment such as, if the vehicle were used in Great Britain for purposes and in circumstances corresponding to those for which it is being used in Northern Ireland, would satisfy

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

(b) 1974. c. 28.

(c) S.R. & O. (N.I.) 1972, No. 134.

(d) 1972. c. 68.

(e) 1968. c. 73.

the requirements of section 60 of the Transport Act 1968, as amended by regulations made for the purpose of implementing any Community obligation or any agreement relating to the international carriage of goods by road which has been applied to Northern Ireland.

5. A motor vehicle which—

- (a) is authorised under section 60 of the Transport Act 1968 to carry goods for hire or reward in Great Britain; and
- (b) is being used in Northern Ireland to carry goods which are not picked up or set down in Northern Ireland; and
- (c) is being used pursuant to and in accordance with the requirements of any Community obligation or any agreement relating to the international carriage of goods by road which has been applied to Northern Ireland;

shall be exempt from the provisions of section 17(2) of the Transport Act (Northern Ireland) 1967.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland this 21st day of August 1974.

(L.S.)

B. D. Palmer,
Assistant Secretary.

EXPLANATORY NOTE

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

These regulations exempt from the requirement to hold road freight vehicle licences operators using vehicles brought temporarily into Northern Ireland for the carriage of goods for reward—

- (a) to and from foreign countries, and
- (b) in the case of Great Britain vehicles the carriage of goods in transit through Northern Ireland on international journeys.

The regulations supersede the Road Freight Transport Licensing (Exemption) Regulations (Northern Ireland) 1972 and give effect in Northern Ireland to any Community obligations or any agreements which have been made between the Government of the United Kingdom of Great Britain and Northern Ireland and the Governments of other countries and which are applied to Northern Ireland.