



THE ROAD TRANSPORT ACT 2001

**THE ROAD TRANSPORT LICENSING COMMITTEE REGULATIONS 2002**

*Approved by Tynwald*

*19th February 2002*

*Coming into Operation*

*1<sup>st</sup> April 2002*

In exercise of the powers conferred on the Department of Transport by sections 2(1), 24, 47 and 62(1) of the Road Transport Act 2001<sup>1</sup>, and of all other enabling powers, and after consultation with the Road Transport Licensing Committee and such representative bodies as the Department thinks fit, the following Regulations are hereby made: —

**1. Citation, commencement and interpretation**

(1) These Regulations may be cited as the Road Transport Licensing Committee Regulations 2002 and, subject to section 62(6) of the Act, shall come into operation on the 1<sup>st</sup> April 2002.

(2) In these Regulations, —

“the Act” means the Road Transport Act 2001;

“the circular” means the circular required by regulation 2 to be published;

“the Committee” means the Road Transport Licensing Committee; and

“the Department” means the Department of Transport.

(3) Any reference in these Regulations to a section by number is to the section so numbered of the Act.

**2. Notice of proceedings and decisions**

(1) The Committee shall publish, in such a manner and at such intervals as it thinks fit, a circular containing notice of the following matters —

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<sup>1</sup> 2001 c.27

- (a) every application for registration or an operator's licence, or for variation of a registration or an operator's licence;
  - (b) every application for an exemption certificate;
  - (c) every application for a service licence under section 25 (regular services) or for variation of such a licence;
  - (d) every decision of the Committee on any such application;
  - (e) every decision of the Committee on an application for a service licence under section 29 (plying-for-hire) or of variation of such a licence;
  - (f) every action taken by the Committee under —
    - (i) section 6(3) (variation etc. of exemption certificate),
    - (ii) section 18 (revocation, suspension etc. of a registration or operator's licence),
    - (iii) section 19 (disqualification), or
    - (iv) section 33 (revocation, suspension etc., of service licence);
  - (g) every meeting of the Committee, proceedings at which are to be held in public;
  - (h) every decision by the High Bailiff on an appeal under the Act and any action taken by the Committee to give effect to the decision.
- (2) The Committee may also publish in the circular —
- (a) notice of an application for a service licence under section 29 (plying-for-hire) or for variation of such a licence; and
  - (b) any general notices issued by it.
- (3) Notice under paragraph (1) or (2) of any application referred to in paragraph (1)(a), (b) or 2(a) shall —
- (a) contain sufficient particulars of the application to identify the applicant, the licence or other matter applied for, and any operating centre referred to in the application;
  - (b) specify the time and place of the meeting at which the application is to be considered;
  - (c) be published in the circular not less than 21 days before the date of that meeting; and

(d) state that, within the period of 21 days from the date of publication, any person may by notice in writing to the Committee (a copy of which must be served by him on the applicant) make objections or representations with respect to the application.

(4) The Committee shall from time to time publish in the circular a list specifying

(a) the name and address of every representative body in accordance with sections 11 and 26; and

(a) the class or classes of operators which each body appears to the Committee to represent.

(5) The Committee shall send a copy of each issue of the circular to —

(a) the Department;

(b) the Chief Constable;

(c) the Department of Local Government and the Environment;

(d) every local authority; and

(e) every representative body;

and may send a copy to any other person.

(6) The Committee shall —

(a) make the circular available for purchase by any person either as a single issue or on subscription at such reasonable price as the Department may determine;

(b) make available for inspection by any person free of charge all issues of the circular published in the previous 6 months at its office and at the reception counter of the Department's head office at the Sea Terminal Building.

### **3. Objections and representations with respect to applications**

(1) Objections or representations with respect to an application referred to in regulation 2(1)(a), (b) or (c) or (2)(a) must be made by notice in writing given to the Committee before the expiration of the period referred to in regulation 2(3)(d).

(2) Such a notice shall specify —

(a) the name and address of the person by whom it is given; and

(b) particulars of the grounds on which the objection or representation is made.

(3) A person giving such a notice shall serve a copy of it on the applicant at the same time.

(4) The Committee may in its discretion treat an objection or representation as duly made even though the requirements of paragraphs (1), (2) and (3) were not complied with.

#### **4. Proceedings of Committee**

(1) The Committee shall hold meetings for the transaction of business at such times as may be necessary for the proper exercise of its functions.

(2) Meetings of the Committee shall be held at any time —

(a) at the request of the chairman; or

(b) at the written request of 2 members of the Committee addressed to the secretary of the Committee.

(3) Any proceedings of the Committee in which an application for, or for variation of, registration, an operator's licence or a service licence under section 25 is considered, other than proceedings on any matter mentioned in regulation 7(1), shall be held in public.

(4) Any other proceedings of the Committee may be held in public.

(5) The Committee may make standing orders with respect to the summoning, notice, place, management and adjournment of its meetings, and generally with respect to the transaction and management of its business.

(6) No business shall be transacted at any meeting unless a quorum of members is present.

(7) Three members of the Committee, of whom one must be the chairman or vice-chairman, shall constitute a quorum.

(8) The chairman or, in the absence of the chairman or at his request, the vice-chairman shall preside at every meeting of the Committee.

(9) The names of the members present shall be recorded.

(10) Every question at a meeting shall be decided by a majority of the votes of the members present and voting on that question, and in the case of an equality of votes the person presiding at the meeting shall have a second or casting vote.

(11) A member shall be entitled to have his vote on any question recorded in the minutes.

(12) Minutes of the proceedings of a meeting of the Committee shall be signed at the same or next following meeting of the Committee by the person presiding at it.

## **5. Evidence**

(1) This regulation applies to any proceedings of the Committee relating to —

- (a) an application for, or for variation of, registration, an operator's licence, an exemption certificate or a service licence; or
- (b) any action or intended action under section 6(3), 18, 19 or 33.

(2) The Committee may require any oral evidence tendered by or on behalf of —

- (a) an applicant,
- (b) a licensed operator or registered operator, or
- (c) any person who has made an objection or representation to the Committee with respect to the subject matter of the proceedings,

to be given on oath, and for that purpose the chairman or vice-chairman of the Committee may administer an oath.

## **6. Inspection of premises**

(1) Where the Committee requires to be satisfied that any place is suitable as an operating centre, the Committee may authorise any person appearing to it to be suitably qualified to do (who may be a member of the Committee) so to inspect the premises and to make a report thereon in writing to the Committee.

(2) The Committee shall not consider a report under paragraph (1) unless —

- (a) a copy of it has, not less than 7 days before the meeting at which it is to be considered, been served on the applicant or operator concerned, and
- (b) if the applicant or operator, not later than 3 days before the meeting, by notice in writing to the Secretary of the Committee, requires the attendance at the meeting of the person who made the report, that person attends the meeting and gives oral evidence as to its contents.

## **7. Determination of matters without appearance**

(1) Subject to paragraph (2), any of the following matters may be determined by the Committee without the attendance of the applicant or any other person —

- (a) an application by a registered operator or licensed operator to terminate his registration or licence;

- (b) an application for the variation of a registration or operator's licence by correcting any particulars in it or changing the name or address of the registered operator or licensed operator;
- (c) an application for temporary dispensation under section 16(3);
- (d) an application to remove the suspension of a registration or licence;
- (e) an application to supply new or additional operator's discs;
- (f) any action to give effect to a decision by the High Bailiff on an appeal under the Act.

(2) The Committee shall not refuse an application mentioned in paragraph (1) without giving the applicant an opportunity to appear before it and show cause why the application should be granted.

MADE 23<sup>rd</sup> January 2002



Minister for Transport

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EXPLANATORY NOTE  
*(This note is not part of the Regulations)*

These Regulations make detailed provision for the proceedings of the Road Transport Licensing Committee. They require the Committee to publish a circular containing details of certain applications, meetings and decisions (reg.2), provide for the making of objections and representations (reg.3), make general provision for the Committee's meetings (reg.4), enable evidence to be taken on oath (reg.5), provide for inspections of premises (reg.6) and enable certain decisions to be taken without the attendance of parties (reg.7).