

1979 No. 401

**EUROPEAN COMMUNITIES
TRANSPORT**

**The European Communities (International Passenger Services) Regulations
(Northern Ireland) 1979**

Made 14th November 1979

Coming into operation 31st December 1979

The Department of the Environment, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to international carriage of passengers by road, in exercise of the powers conferred by that section, section 45(i) to (1) of the Transport Act (Northern Ireland) 1967(c) and section 61(1)(p) and (q) and (2) of the Road Traffic Act (Northern Ireland) 1970(d) and of all other enabling powers hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the European Communities (International Passenger Services) Regulations (Northern Ireland) 1979 and shall come into operation on 31st December 1979.

Amendment of S.R. & O. (N.I.) 1973 No. 212

2.—(1) The European Communities (International Passenger Services) Regulations (Northern Ireland) 1973(e) shall have effect subject to the following provisions of this Regulation.

(2) In Regulation 5 for the words “contravenes Council Regulation No. 117/66 by using” there shall be substituted the word “uses” and for the words “by causing or permitting” there shall be substituted the words “causes or permits”.

(3) For Regulation 6 there shall be substituted the following Regulation—
“6. A person guilty of an offence under Regulation 5 shall be liable on summary conviction to a fine not exceeding £200.”

(4) In Regulation 8 in paragraph (1)(a)(iii) the words “where all the conditions specified in the proviso to Article 5(2) of the said Council Regulation are fulfilled” shall be omitted and for paragraph (2) there shall be substituted the following paragraph—

“(2) In relation to a vehicle to which this Regulation applies, the provisions of Part II of the Act of 1967 shall have effect—

(a) in so far as the vehicle is used to provide a service for the carriage of passengers such as is mentioned in paragraph 1(a) or 1(b) of Article 3 of Council Regulation No. 117/66 or paragraph 1(c) of

(a) S.I. 1972/1811 (1972, III, p. 5216)

(b) 1972 c. 68

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

(d) 1970 c. 2 (N.I.)

(e) S.R. & O. (N.I.) 1973 No. 212 (I, p. 1097)

the said Article 3 where all the conditions specified in the proviso to Article 5(2) of the said Council Regulation are fulfilled, as though section 4(1) to (3) and in section 4(4) the words "who acts in contravention of subsection (2) or" were omitted; and

- (b) in so far as the vehicle is used to provide a service for the carriage of passengers such as is mentioned in the said paragraph 1(c) where any of the said conditions are not fulfilled, as though for section 4 there were substituted the following section—

'4.—(1) No person shall use a motor vehicle, or cause or permit a motor vehicle to be used, on a road to carry passengers and their luggage for reward unless there is in force and is carried on the vehicle an authorisation issued by the Department for the use of the vehicle for the carriage of passengers and their luggage in Northern Ireland.

(2) An authorisation under this section may authorise the use of the vehicle or vehicles to which it relates on a specified occasion or during a specified period.

(3) In this section "specified" means specified in the authorisation.'

- (5) After Regulation 8 there shall be inserted the following Regulation—

"8A.—(1) This Regulation applies to a public service vehicle which is registered elsewhere than in Northern Ireland in so far as the vehicle—

- (a) is used to provide a service for the carriage of passengers, being a service of a description such as is mentioned in Article 1 of Council Regulation No. 117/66 (that is to say, a regular service or a special regular service as defined in that Article) where the journey made by the vehicle in providing the service starts or finishes at a place situated in a country which is not a member State, and
- (b) is so used by or on behalf of a person who is authorised, under the law of the country in which the vehicle is registered, to use the vehicle for the carriage of passengers on the journey in question or such parts thereof as are situated within that country.

(2) The provisions of Part II of the Act of 1967 shall, in relation to a vehicle to which this Regulation applies, have effect as though for section 4 there were substituted the following section—

'4.—(1) No person shall use a motor vehicle, or cause or permit a motor vehicle to be used, on a road to carry passengers and their luggage for reward unless there is in force and is carried on the vehicle an authorisation issued by the Department for the use of the vehicle for the carriage of passengers and their luggage in Northern Ireland.

(2) An authorisation under this section may authorise the use of the vehicle or vehicles to which it relates on a specified occasion or during a specified period.

(3) In this section "specified" means specified in the authorisation.'

- (6) In Regulation 14 for the words "twenty pounds" there shall be substituted the words "£200".

- (7) After Regulation 14 there shall be inserted the following Regulation—

"15. In section 34 (forgery) and section 35 (false statements) of the Act of 1967 the references to a licence under Part II or Part III of that Act shall include references to—

- (a) an authorisation issued in pursuance of Article 2 of Council Regulation No. 517/72 or in pursuance of Article 2 of Council Regulation No. 516/72;
- (b) an authorisation issued by the Department for the purposes of section 4 of the Act of 1967 as modified by Regulation 8(2) or 8A(2);
- (c) a certificate issued under Regulation 13 in pursuance of Article 1 of Commission Regulation No. 1016/68;
- (d) a control document issued under Regulation 13 in pursuance of Article 3(2) of the said Commission Regulation and a passenger waybill contained in such a document or completed for the purposes of Articles 2, 3 and 4 of the said Commission Regulation.”.

Amendment of S.R. & O. (N.I.) 1973 No. 200

3.—(1) The European Communities (Public Service Vehicles) Regulations (Northern Ireland) 1973(f) shall have effect subject to the following provisions of this Regulation.

(2) In Regulation 6 in paragraph (1)(a)(iii) the words “where all the conditions mentioned in the proviso to Article 5(2) of the said Council Regulation are fulfilled” shall be omitted.

(3) After Regulation 6 there shall be inserted the following Regulation—

“6A.—(1) This Regulation applies to a public service vehicle which is registered elsewhere than in Northern Ireland in so far as the vehicle—

- (a) is used to provide a service for the carriage of passengers, being a service of a description such as is mentioned in Article 1 of Council Regulation No. 117/66 (that is to say, a regular service or a special regular service as defined in that Article) where the journey made by the vehicle in providing the service starts or finishes at a place situated in a country which is not a member State, and
- (b) is so used by or on behalf of a person who is authorised, under the law of the country in which the vehicle is registered, to use the vehicle for the carriage of passengers on the journey in question or such parts thereof as are situated within that country.

(2) In relation to a vehicle to which this Regulation applies, Part IV of the Act of 1970 shall have effect as though sections 53, 54 and 65 were omitted.”.

(4) In Regulation 10 for the word “examiner” there shall be substituted the words “authorised officer” and for the words “twenty pounds” there shall be substituted the words “£200”.

(5) In Regulation 11 for the word “the” in the last place where it occurs there shall be substituted the word “these”.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 14th November 1979.

(L.S.)

E. A. Simpson
Assistant Secretary

EXPLANATORY NOTE

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

These Regulations amend the European Communities (International Passenger Services) Regulations (Northern Ireland) 1973 and the European Communities (Public Service Vehicles) Regulations (Northern Ireland) 1973 ("the 1973 IPS Regulations" and "the 1973 PSV Regulations" respectively) mainly to bring within the scope of both Regulations the following international passenger services:

- (1) regular services or special regular services of the type described in Article 1 of Council Regulation No. 117/66 (as defined in the Schedules to the 1973 IPS and PSV Regulations) starting or finishing at a place in a country which is not a Member State of the European Economic Community (Regulations 2(5) and 3(3));
- (2) occasional services as mentioned in Article 3(1)(c) of the said Council Regulation which do not satisfy the conditions specified in Article 5(2) thereof (Regulations 2(4) and 3(2)).

In relation to the services described at (1) and (2) above:

- (a) Regulations 2(4) and 2(5) modify section 4 of the Transport Act (Northern Ireland) 1967 so that in lieu of a road service licence for the use of a vehicle there must be carried on the vehicle an authorisation issued by the Department;
- (b) Regulations 3(2) and 3(3) exempt vehicles used on such services from the requirements of sections 53, 54 and 65 of the Road Traffic Act (Northern Ireland) 1970 for a public service vehicle licence and a driver's or conductor's licence.

Other changes are as follows:

- (i) Regulation 2(3) alters the maximum penalty on summary conviction for a contravention of Regulation 5 of the 1973 IPS Regulations to a fine not exceeding £200.
- (ii) Regulations 2(6) and 3(4) respectively amend Regulation 14 of the 1973 IPS Regulations and Regulation 10 of the 1973 PSV Regulations so as to increase from £20 to £200 the maximum penalty which may be imposed on summary conviction for
 - (a) in relation to the 1973 IPS Regulations, contravention of, or failure to comply with, Regulation 11, 12(2)(a) or 13(4) or (5), or for obstructing an examiner in the exercise of his powers under Regulation 12(2)(b); and
 - (b) in relation to the 1973 PSV Regulations, contravention of, or failure to comply with, Regulation 8(2) or 9(2)(a), or for obstructing an authorised officer in the exercise of his powers under Regulation 9(2)(b).
- (iii) Regulation 2(7) inserts a new Regulation 15 in the 1973 IPS Regulations to deal with forgery and the making of false statements in relation to documents referred to in those 1973 Regulations as amended.