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EUROPEAN COMMUNITIES

ROAD AND RAILWAY TRANSPORT

European Communities (International Passenger Services) Regulations (Northern Ireland) 1987

Made 28th September 1987

Coming into operation 9th November 1987

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The Department of the Environment, being a Department designated(a) for the purpose of section 2(2) of the European Communities Act 1972(b) in relation to the international carriage of passengers by road, in exercise of the powers conferred by that section, section 45(i) and (j) of the Transport Act (Northern Ireland) 1967(c) and now vested in it(d), Article 66(1) and (2) of the Road Traffic (Northern Ireland) Order 1981(e), and section 56(1) and (5) of the Finance Act 1973(f) and of all other powers enabling it in that behalf and with the approval and consent of the Department of Finance and Personnel(g) in relation to regulation 14(3), (4) and (5) makes the following Regulations:—

PART I — GENERAL

Citation, commencement and application

1.—(1) These Regulations may be cited as the European Communities (International Passenger Services) Regulations (Northern Ireland) 1987 and shall come into operation on 9th November 1987.

(2) The Road Service Licensing (Exemption) Regulations (Northern Ireland) 1970(h) and the Public Service Vehicles (International Circulation) Regulations (Northern Ireland) 1970(i) shall not apply to vehicles to which these Regulations apply.

Revocation

2. The European Communities (International Passenger Services) Regulations (Northern Ireland) 1981(j) and the European Communities (International Passenger Services) (Amendment) Regulations (Northern Ireland) 1984(k) are revoked.

Interpretation

3.—(1) In these Regulations—

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

“ASOR” means the Agreement on the International Carriage of Passengers by Road by means of Occasional Coach and Bus Services (ASOR)(l), approved on behalf of the Economic Community pursuant to Council Decision (EEC) of 20th July 1982 concluding the Agreement(m), entering into force for the Economic Community on 1st December 1983, as read with Council Regulation (EEC) No. 56/83 on measures implementing the Agreement(n);

(a) See S.I. 1972/1811

(b) 1972 c. 68

(c) 1967 c. 37 (N.I.) as amended by S.I. 1984/1986 (N.I. 15) Art. 10(2)

(d) See S.R. & O. (N.I.) 1973 No. 504 Art. 4

(e) S.I. 1981/154 (N.I. 1)

(f) 1973 c. 51

(g) Formerly the Department of Finance. See S.I. 1982/338 (N.I. 6) Art. 3

(h) S.R. & O. (N.I.) 1970 No. 41

(i) S.R. & O. (N.I.) 1970 No. 325

(j) S.R. 1981 No. 199

(k) S.R. 1984 No. 45

(l) O.J. No. L230, 5.8.82, p. 39

(m) O.J. No. L230, 5.8.82, p. 38

(n) O.J. No. L10, 13.1.83, p. 1

“ASOR regulated carriage of passengers” means the international carriage of passengers by road to which ASOR applies, namely in the circumstances specified in Article 1 thereof, that is to say, by means of occasional services (within the meaning of that Agreement) effected—

- (a) between the territories of two ASOR States, or starting and finishing in the territory of the same ASOR State;
- (b) should the need arise during such services, in transit through the territory of another ASOR State or through the territory of a State which is not an ASOR State; and
- (c) using vehicles registered in the territory of an ASOR State which by virtue of their construction and equipment, are suitable for carrying more than nine persons, including the driver, and are intended for that purpose,

and references to the carriage of passengers, which is ASOR regulated, include unladen journeys of the vehicles concerned with such carriage;

“ASOR State” means—

- (a) a State, not being a member State, which is a contracting party to ASOR and to which the provisions of Sections II and III of ASOR apply in accordance with Article 18 thereof; or
- (b) the European Economic Community;

“authorised inspection officer” means—

- (a) an inspector appointed under section 37 of the Act; or
- (b) an authorised officer as defined in Article 64(4) of the Order;

“the Commission Regulation” means Regulation (EEC) No. 1016/68 of the Commission of 9th July 1968(a) prescribing the model control documents referred to in Articles 6 and 9 of Council Regulation No. 117/66 as amended by and read with Regulation (EEC) No. 2485/82 of the Commission of 13th September 1982(b);

“Community regulated carriage of passengers” means the international carriage of passengers by road to which Council Regulation No. 117/66 applies, namely in the circumstances mentioned in Article 4(1) thereof, that is to say—

- (a) where the place of departure is in the territory of a member State and the destination is in the territory of the same or another member State; and
- (b) the vehicle is registered in a member State and in construction and equipment is suitable for carrying more than nine persons, including the driver, and is intended for that purpose,

and references to the carriage of passengers which is Community regulated include unladen journeys of the vehicles concerned with such carriage, and “non-Community regulated” shall be construed accordingly;

(a) O.J. No. L173, 22.7.1968, p. 8

(b) O.J. No. L265, 15.9.1982, p. 5

- “Council Regulation No. 117/66” means Regulation No. 117/66/EEC of the Council of 28th July 1966 on the introduction of common rules for the international carriage of passengers by coach and bus(a);
- “Council Regulation No. 516/72” means Regulation (EEC) No. 516/72 of the Council of 28th February 1972 on the introduction of common rules for shuttle services by coach and bus between member States(b);
- “Council Regulation No. 517/72” means Regulation (EEC) No. 517/72 of the Council of 28th February 1972 on the introduction of common rules for regular and special regular services by coach and bus between member States(c) as amended by Regulation (EEC) No. 1301/78 of the Council of 12th June 1978(d);
- “the Council Regulations” means Council Regulation No. 117/66, Council Regulation No. 516/72 and Council Regulation No. 517/72;
- “Department” means the Department of the Environment;
- “ECMT State” means a State which is a member of the European Conference of Ministers of Transport of 17th November 1953 but not a member State or an ASOR State;
- “international passenger transport authorisation” means a licence, permit, authorisation or other document issued by the Department in pursuance of an international agreement or arrangement to which the United Kingdom is, for the time being, a party;
- “member State” means a State which is a member of the European Economic Community;
- “the Order” means the Road Traffic (Northern Ireland) Order 1981;
- “regular service authorisation” means an authorisation under Council Regulation No. 517/72;
- “shuttle service authorisation” means an authorisation under Council Regulation No. 516/72;
- “special regular service authorisation” means an authorisation under Council Regulation No. 517/72; and
- “vehicle” means a public service vehicle.

(2) The Interpretation Act (Northern Ireland) 1954(e) shall apply to these Regulations as it applies to a measure of the Northern Ireland Assembly.

PART II

EXEMPTIONS FROM, AND MODIFICATIONS OF, PARTS II AND IV OF THE ACT AND EXEMPTIONS FROM ARTICLES 59, 60 AND 70 OF THE ORDER IN RELATION TO VEHICLES REGISTERED IN THE UNITED KINGDOM WHEN USED FOR THE INTERNATIONAL CARRIAGE OF PASSENGERS

Community regulated regular, shuttle and works services by vehicles registered in Great Britain

4.—(1) This regulation applies to a vehicle registered in Great Britain which is being used for Community regulated carriage of passengers insofar as the vehicle—

(a) O.J. No. L147, 9.8.1966, p. 2688
 (b) O.J. No. L67, 20.3.1972, p. 13
 (c) O.J. No. L67, 20.3.1972, p. 19

(d) O.J. No. L158, 16.6.1978, p. 1
 (e) 1954 c. 33 (N.I.)

- (a) is used to provide any service for the carriage of passengers such as is mentioned in Article 1, 2 or 6 of Council Regulation No. 117/66; and
- (b) is so used in accordance with such of the requirements of the Council Regulations as apply in relation to the service in question.

(2) Parts II and IV of the Act and Articles 59, 60 and 70 of the Order shall not apply to a vehicle to which this regulation applies.

Non-Community regulated regular and shuttle services by vehicles registered in the United Kingdom

5.—(1) This regulation applies to a vehicle registered in the United Kingdom which is being used for the international carriage of passengers by road which is not Community regulated but the vehicle is being used to provide a service for the carriage of passengers of a description such as is mentioned in Article 1 or 2 of Council Regulation 117/66 (that is to say, a regular service, a special regular service or a shuttle service as defined in those Articles).

(2) Articles 59, 60 and 70 of the Order shall not apply to a vehicle registered in Great Britain to which this regulation applies.

(3) Subject to regulation 21 in relation to a vehicle registered in Northern Ireland or in Great Britain to which this regulation applies Parts II and IV of the Act shall have effect as if there were substituted for them paragraphs (4), (5) and (6).

(4) A person shall not cause or permit a vehicle mentioned in paragraph (3) to be used on a road for the international carriage of passengers unless there is in force in relation to the use of the vehicle, and is carried on it, an international passenger transport authorisation.

(5) An authorised inspection officer may at any time, on production if so required of his authority, require the operator or the driver of any such vehicle to produce and to permit him to inspect and copy the international passenger transport authorisation relating to the use of the vehicle, and for that purpose may require the vehicle to be stopped and may detain the vehicle for such time as is required for the purpose of inspecting and copying the authorisation.

(6) A person who—

- (a) contravenes paragraph (4); or
- (b) fails to comply with a requirement of an authorised inspection officer as specified in paragraph (5); or
- (c) obstructs an authorised inspection officer in exercise of his powers under paragraph (5),

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £400.

Occasional services by vehicles registered in the United Kingdom (whether ASOR or Community regulated or not)

6.—(1) This regulation applies to a vehicle registered in the United Kingdom which is being used for the international carriage of passengers by road—

- (a) insofar as the vehicle is used to provide a service for the carriage of passengers which is Community regulated and is such as is mentioned—

- (i) in paragraph 1(a) of Article 3 of Council Regulation No. 117/66 (that is to say, an occasional service described in that paragraph as a closed-door tour), or
 - (ii) in paragraph 1(b) of the said Article 3 (that is to say, an occasional service described in that paragraph where the passengers are carried on the outward journey and the return journey is made unladen), or
 - (iii) in paragraph 1(c) of the said Article 3 (that is to say, an occasional service, as mentioned in that paragraph, of any other description); or
- (b) insofar as the vehicle is used to provide a service for the carriage of passengers which is ASOR regulated; or
 - (c) insofar as the vehicle is used to provide a service for the carriage of passengers which is not ASOR regulated or Community regulated but is a service of a description such as is mentioned in any of those paragraphs of said Article 3.

(2) Articles 59, 60 and 70 of the Order shall not apply to a vehicle registered in Great Britain to which this regulation applies.

(3) Subject to regulation 21 in relation to a vehicle registered in Northern Ireland or in Great Britain to which this regulation applies, Parts II and IV of the Act shall have effect as if there were substituted for them paragraphs (4), (5), (6) and (7).

(4) A person shall not cause or permit a vehicle mentioned in paragraph (3) to be used on a road for the international carriage of passengers unless there is in force in relation to the use of the vehicle, and is carried on it, a passenger waybill.

(5) An authorised inspection officer may, at any time which is reasonable having regard to the circumstances of the case, enter any premises from which he has reason to believe that a vehicle is to be operated on a service for the international carriage of passengers and may, on production if so required of his authority, require the operator of the vehicle to produce and to permit him to inspect and copy a control document duly completed for the service, in the case of ASOR regulated carriage, in accordance with Articles 7, 8 and 9 of, and the Annex to, ASOR and, in the case of any other such carriage, in accordance with Articles 2, 3 and 4 of, and Annex 2 to, the Commission Regulation.

(6) An authorised inspection officer may, on production if so required of his authority—

- (a) require the driver of the vehicle used for the international carriage of passengers to produce and to permit him to inspect and copy and to mark with an official stamp, in the case of a vehicle used for ASOR regulated carriage, the document required by Article 8(2) of ASOR and, in the case of any other such carriage, the document required by Article 3(2) of the Commission Regulation, to be kept on a vehicle to which that Article applies; and
 - (b) detain the vehicle for such time as is required for the purpose of inspecting, copying and marking the document.
- (7) A person who—

- (a) contravenes paragraph (4); or
- (b) fails to comply with the requirement of an authorised inspection officer under paragraph (5) or (6); or
- (c) wilfully obstructs an authorised inspection officer in exercise of his powers under paragraph (5) or (6),

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £400.

PART III

EXEMPTIONS FROM, AND MODIFICATIONS OF, PARTS II AND IV OF THE ACT AND EXEMPTIONS FROM ARTICLES 59, 60 AND 70 OF THE ORDER IN RELATION TO VEHICLES REGISTERED OUTSIDE THE UNITED KINGDOM

Small vehicles registered outside the United Kingdom visiting Northern Ireland temporarily

7.—(1) This regulation applies to a vehicle registered outside the United Kingdom which—

- (a) in construction and equipment is suitable for carrying not more than nine persons, including the driver, and is intended for that purpose;
- (b) is brought into Northern Ireland for the purpose of carrying passengers who are travelling to Northern Ireland from a place outside the United Kingdom, or who are travelling from the United Kingdom to any such place; and
- (c) remains in Northern Ireland for a period not exceeding three months from the date of its entry therein.

(2) Parts II and IV of the Act and Articles 59, 60 and 70 of the Order shall not apply to a vehicle to which this regulation applies.

Community regulated regular, shuttle and works services by vehicles registered outside the United Kingdom

8.—(1) This regulation applies to a vehicle registered outside the United Kingdom which is being used for Community regulated carriage of passengers insofar as the vehicle—

- (a) is being used to provide any service for the carriage of passengers such as is mentioned in Article 1, 2 or 6 of Council Regulation No. 117/66; and
- (b) is being so used in accordance with such of the requirements of the Council Regulations or, as the case may be, the Commission Regulation as apply to the service in question.

(2) Parts II and IV of the Act and Articles 59, 60 and 70 of the Order shall not apply to a vehicle to which this regulation applies.

Non-Community regulated regular and shuttle services by vehicles registered outside the United Kingdom

9.—(1) This regulation applies to a vehicle registered outside the United Kingdom which is being used for the international carriage of passengers which is not Community regulated, insofar as the vehicle—

- (a) is being used to provide a service for the carriage of passengers of a description such as is mentioned in Article 1 or 2 of Council Regulation No. 117/66 (that is to say, a regular service, a special regular service or a shuttle service as defined in those Articles); 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 Articles 59, 60 and 70 of the Order shall not apply and subject to regulation 21 Parts II and IV of the Act shall have effect as if for them there were substituted the provisions of Schedule 1.

ASOR or Community regulated occasional services by vehicles registered outside the United Kingdom .

10.—(1) This regulation applies to a vehicle which is being used for ASOR or Community regulated carriage of passengers and which is registered in a member State other than the United Kingdom—

- (a) insofar as the vehicle is used to provide a service for the carriage of passengers such as is mentioned—
 - (i) in paragraph 1(a) of Article 2 of ASOR or paragraph 1(a) of Article 3 of Council Regulation No. 117/66 (that is to say, an occasional service described in that paragraph as a closed-door tour), or
 - (ii) in paragraph 1(b) of each of those Articles (that is to say an occasional service as described in that paragraph where passengers are carried on the outward journey and the return journey is made unladen), or
 - (iii) in paragraph 1(c) of each of those Articles (that is to say, an occasional service, as mentioned in that paragraph, of any other description); and
- (b) insofar as, in relation to the use of the vehicle—
 - (i) in the case of a vehicle being used for ASOR regulated carriage, the requirements of Articles 7, 8 and 9 of, and the Annex to, ASOR (which provides for the completion, by the person by whom or on whose behalf a vehicle is used to provide such an occasional service as aforesaid, of a passenger waybill in respect of the service in question and for the carrying of the top copy of such waybill on the vehicle at all times while it is used on that service) and in the case of a vehicle being used for Community regulated carriage, the requirements of Articles 2, 3 and 4 of, and Annex 2 to, the Commission Regulation (which also provides as aforesaid), have been complied with, and
 - (ii) the vehicle is used on the service in question in circumstances which accord in all respects with the particulars which, in pursuance of the said requirements, have been specified in the said passenger waybill as applicable to that service.

(2) In relation to a vehicle to which this regulation applies Articles 59, 60 and 70 of the Order shall not apply, and—

(a) insofar as the vehicle is used to provide a service for the carriage of passengers such as is mentioned—

(i) in Article 2(1)(a) or (b) of ASOR or Article 3(1)(a) or (b) of Council Regulation No. 117/66, or

(ii) in a case where the service is ASOR regulated and all the conditions mentioned in Article 5(2) of ASOR are fulfilled, in Article 2(1)(c) of ASOR, or

(iii) in a case where the service is Community regulated and all the conditions mentioned in Article 5(2) of the said Council Regulation are fulfilled, in Article 2(1)(c) of that Regulation, Parts II and IV of the Act shall not apply; and

(b) insofar as the vehicle is used to provide a service for the carriage of passengers such as is mentioned in Article 2(1)(c) of ASOR or Article 2(1)(c) of the said Council Regulation and—

(i) in a case where the service is ASOR regulated any of the conditions mentioned in Article 5(2) of ASOR are not fulfilled, or

(ii) in a case where the service is Community regulated, any of the conditions mentioned in Article 5(2) of the said Council Regulation are not fulfilled,

subject to regulation 21 Parts II and IV of the Act shall have effect as if there were substituted for them the provisions of Schedule 1.

Certain occasional services by vehicles registered in ECMT States

11.—(1) This regulation applies to a vehicle—

(a) which is registered in the territory of a State which is an ECMT State;

(b) which is brought into Northern Ireland for the purpose of carrying passengers who are making only a temporary stay therein or are in transit; and

(c) which remains in Northern Ireland for a period not exceeding three months from the date of its entry therein,

insofar as the vehicle—

(i) is used to provide a service for the carriage of passengers which is not ASOR or Community regulated but which is of a description such as is mentioned in Article 3(1)(a), (b) or (c) of Council Regulation No. 117/66, where the journey made by the vehicle in providing that service starts from a place situated in the territory of an ECMT State and ends at a place situated in the territory of an ECMT State or in Northern Ireland, and

(ii) is so used by or on behalf of a person who is authorised, under the law in force in the State, in the territory of which it is registered to use the vehicle for the carriage of passengers on the journey in question or such part thereof as lies within the territory of that State.

(2) In relation to a vehicle to which this regulation applies Articles 59, 60 and 70 of the Order shall not apply and—

- (a) insofar as the vehicle is used to provide a service for the carriage of passengers such as is mentioned in paragraph 1(a) or (b) of Article 3 of Council Regulation No. 117/66, subject to regulation 21 Parts II and IV of the Act shall have effect as if for them there were substituted the provisions of Schedule 2;
- (b) insofar as the vehicle is used for the carriage of passengers such as is mentioned in paragraph 1(c) of the said Article 3, subject to regulation 21 Parts II and IV of the Act shall have effect as if for them there were substituted provisions of Schedule 1.

Certain occasional services by vehicles not registered in a member State, an ASOR State or an ECMT State

12.—(1) This regulation applies to a vehicle—

- (a) which is registered in the territory of a State which is not a member State, an ASOR State or an ECMT State;
- (b) which is brought into Northern Ireland for the purpose of carrying passengers who are making only a temporary stay therein or are in transit, being passengers who commenced their journey from the State in the territory of which the vehicle is registered or, as the case may be, from Great Britain; and
- (c) which remains in Northern Ireland for a period not exceeding three months from the date of its entry therein,

insofar as the vehicle—

- (i) is used to provide a service for the carriage of passengers which is not Community regulated but which is of a description such as is mentioned in Article 3(1)(a), (b) or (c) of Council Regulation No. 117/66, and
- (ii) is so used by or on behalf of a person who is authorised, under the law in force in the State in the territory of which it is registered, to use the vehicle for the carriage of passengers on the journey in question or such parts thereof as lies within the territory of that State.

(2) In relation to a vehicle to which this regulation applies Articles 59, 60 and 70 of the Order shall not apply and subject to regulation 21 Parts II and IV of the Act shall have effect as if for them there were substituted the provisions of Schedule 1.

PART IV

APPLICATIONS FOR, AND ISSUE OF, AUTHORISATIONS AND OTHER DOCUMENTS AND APPROVAL OF FEES IN RESPECT THEREOF

Competent authority for the purposes of ASOR, the Council Regulations and the Commission Regulation

13. The Department shall be the competent authority for Northern Ireland for all purposes of ASOR, the Council Regulations and the Commission Regulation, in relation to the international carriage of passengers to, from or through Northern Ireland.

Applications for, issue of, and fees payable in respect of, authorisations for international passenger services

14.—(1) An application for, or for the variation of the conditions of, a regular service authorisation, a special regular service authorisation or a shuttle service authorisation shall be made to the Department on the form prescribed by Regulation (EEC) No. 1172/72 of the Commission of 26th May 1972(a).

(2) An application for any other authorisation required by these Regulations or by the Act as modified by these Regulations, for the use of a vehicle for the international carriage of passengers by road shall be made to the Department.

(3) An applicant for—

(a) a shuttle, a regular, or special regular service authorisation; or

(b) an international passenger transport authorisation required by virtue of regulation 5(4),

shall pay, when the application is made, a fee of £110 in respect of the application.

(4) An applicant for a regular, or special regular service authorisation shall pay, when the application is made, in addition to the fee required by paragraph (3), a fee of £25 in respect of each year of validity of the authorisation.

(5) An applicant for a control document referred to in regulation 15(1) shall pay to the Department on application, a fee of £1.00 for a single waybill, £4.60 for a book of 25 waybills and £1.25 for a model control document.

Applications for, and issue of, certificates and control documents for works and occasional services

15.—(1) Paragraphs (2) to (5) shall have effect with regard to the issue of a certificate (specified in Article 1 of the Commission Regulation being the certificate which by virtue of Article 6 of Council Regulation No. 117/66 is required to be in force in respect of the provision of a service such as is mentioned in that Article) or of a control document (specified in Article 7 of ASOR or in Article 2 of the Commission Regulation being the document applicable in respect of the provision of a service such as is mentioned in Article 2 of ASOR or Article 3 of Council Regulation No. 117/66).

(2) An application for the issue of a certificate or a control document referred to in paragraph (1) shall be made to the Department.

(3) The period of validity of a control document shall be five years.

(4) The top copy of every passenger waybill (being the document which, as mentioned in Article 7 of ASOR or Article 2 of the Commission Regulation is the document applicable in respect of the provision of a service for the carriage of passengers such as is mentioned in Article 2 of ASOR or Article 3 of Council Regulation No. 117/66), shall be retained, after the service in question has been provided, by the person by whom or on whose behalf it was provided and shall be sent to the Department so as to reach it not later than 31st

(a) O.J. No. L134, 12.6.72, p. 527

March next following the end of the calendar year in which the service to which the waybill relates was provided.

(5) The duplicate of every passenger waybill (being the duplicate which, by virtue of Article 7(1) of ASOR or Article 2(1) of the Commission Regulation is required to be contained in a control document such as is mentioned in those Articles) shall not be detached from that document at any time during its period of validity.

PART V

PENALTIES, ENFORCEMENT, SUPPLEMENTARY AND CONSEQUENTIAL PROVISIONS

Production, inspection and copying of documents in relation to ASOR or Community regulated services

16.—(1) Paragraph (2) shall have effect in relation to a vehicle where it appears to an authorised inspection officer that the vehicle—

- (a) is being used for the provision of an ASOR regulated or Community regulated service; and
- (b) is being used, or has been brought into Northern Ireland for the purpose of being used, in such circumstances as, by virtue of the provisions specified in paragraph (3), to require a document of a description referred to in those provisions to be carried on the vehicle.

(2) An authorised inspection officer may, on production if so required of his authority—

- (a) require the driver of a vehicle referred to in paragraph (1) to produce the document and to permit him to inspect and copy it and (in the case of a document of a description referred to in any of the provisions specified in paragraph (3)(c)) to mark it with an official stamp; and
- (b) detain the vehicle for such time as is required for the purpose of inspecting, copying and marking the document.

(3) The provisions referred to in paragraph (1)(b) are—

- (a) Article 17 of Council Regulation No. 517/72 (which provides, *inter alia*, that the authorisation required by that Regulation for the use of a vehicle to provide a service for the carriage of passengers such as is mentioned in Article 1 thereof shall be carried on the vehicle);
- (b) Articles 17 and 18 of Council Regulation No. 516/72 (which provide respectively, *inter alia*, that the authorisation required by that Regulation for the use of a vehicle to provide a service for the carriage of passengers such as is mentioned in Article 1 thereof shall be carried on the vehicle and that passengers using that service shall be provided with a ticket throughout the journey in question);
- (c) Article 8(2) of ASOR and Article 3(2) of the Commission Regulation (which provide that the top copy of the passenger waybill being the document which, by virtue of Article 7 of ASOR or Article 2 of the Commission Regulation, has been detached from the control document such as is mentioned in those Articles, and is the document applicable in respect of the provision of a service for the carriage of

passengers such as is mentioned in Article 2 of ASOR or Article 3 of Council Regulation No. 117/66, shall be kept on the vehicle);

- (d) Article 11(3) of ASOR and Article 5a(3) of the Commission Regulation (which provide that the model document with stiff green covers referred to in Article 11 of ASOR must be carried on the vehicle).

Carriage on the vehicle of certificate issued under Article 6 of Council Regulation No. 117/66

17.—(1) In relation to a vehicle being used to provide a Community regulated service for the carriage of passengers such as is mentioned in Article 6 of Council Regulation No. 117/66, (road services operated by an undertaking for its own workers), there shall be carried on the vehicle by the driver, at all times while it is being used, the certificate specified in Article 1 of the Commission Regulation.

(2) An authorised inspection officer may, on production if so required of his authority—

- (a) require the driver of a vehicle referred to in paragraph (1) to produce the certificate and to permit him to inspect and copy it and to mark it with an official stamp; and
- (b) detain the vehicle for such time as is required for the purpose of inspecting, copying and marking the certificate.

Withdrawal of regular, special regular and shuttle service authorisations

18.—(1) If the Department is at any time satisfied that the holder of a regular, special regular or shuttle service authorisation issued by it—

- (a) has failed to comply with the relevant Council Regulation, with the authorisation or any conditions specified in it; or
- (b) has failed to operate or is no longer operating, a service under the authorisation,

it may, by notice served on the holder, withdraw that authorisation.

(2) Where the Department decides to withdraw an authorisation in exercise of its powers under Council Regulation No. 516/72 or Council Regulation No. 517/72 it may do so by notice served on the holder.

(3) The withdrawal of an authorisation in accordance with this regulation shall take effect on the date specified in the notice which shall be not earlier than 28 days after the date of service of the notice.

(4) Where an authorisation is withdrawn in accordance with this regulation it shall be of no effect and the holder shall forthwith surrender the authorisation to the Department.

(5) At any time that is reasonable having regard to the circumstances of the case, an authorised inspection officer may, on production if so required of his authority, enter any premises of the holder of an authorisation which has been withdrawn in accordance with this regulation and may require the holder to produce that authorisation and, on its being produced, may seize and deliver it to the Department.

(6) Where it appears to an authorised inspection officer that a document produced to him in pursuance of regulation 16 is an authorisation which has

been withdrawn in accordance with this regulation he may seize it and deliver it to the Department.

(7) In paragraph (1) "relevant Council Regulation" means in the case of a regular or special regular service authorisation Council Regulation No. 517/72 and in the case of a shuttle service authorisation Council Regulation No. 516/72.

Penalty for contravention of ASOR, the Council Regulations or the Commission Regulation

19.—(1) A person shall be guilty of an offence under this regulation if he uses a vehicle for Community regulated carriage of passengers by road or causes or permits such a vehicle to be used—

- (a) to provide a service for the carriage of passengers 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), not being, in either such case, a service such as is mentioned in Article 6 of that Regulation, otherwise than under and in accordance with the terms of an authorisation issued under Article 2 of Council Regulation No. 517/72; or
- (b) to provide a service for the carriage of passengers such as is mentioned in Article 2 of Council Regulation No. 117/66 (that is to say, a shuttle service as defined in that Article), not being a service such as is mentioned in Article 6 of that Regulation, otherwise than under and in accordance with the terms of an authorisation issued under Article 2 of Council Regulation No. 516/72; or
- (c) to provide a service for the carriage of passengers such as is mentioned in Article 6 of Council Regulation No. 117/66 (that is to say, a service provided by an undertaking for its own workers in relation to which the conditions mentioned in paragraph 1(a) and (b) of that Article are fulfilled) without there being in force in relation to the service a certificate issued under Article 1 of the Commission Regulation.

(2) A person shall be guilty of an offence under this regulation if he uses a vehicle for ASOR regulated or Community regulated carriage of passengers by road, or causes or permits a vehicle to be so used, to provide a service for the carriage of passengers such as is mentioned in paragraph 1 of Article 2 of ASOR or Article 3 of Council Regulation No. 117/66 when there is not duly and correctly completed for the vehicle a passenger waybill, or when the top copy of the passenger waybill is not kept on the vehicle throughout the journey to which it refers, as required, in the case of a vehicle being used for ASOR regulated carriage, by Articles 7 and 8 of ASOR and, in the case of a vehicle being used for Community regulated carriage, by Articles 2 and 3 of the Commission Regulation.

(3) A person guilty of an offence under this regulation shall be liable on summary conviction to a fine not exceeding £400.

Penalty relating to documents required in respect of ASOR and Community regulated services

20. A person who—

- (a) contravenes a requirement imposed by or under regulations 15(4) or (5), 16(2)(a), 17(1) or (2)(a), or 18(4) or (5); or
- (b) obstructs an authorised inspection officer in the exercise of his powers under regulations 16(2), 17(1) or (2), or 18(5) or (6),

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.

Penalty for alteration, etc., of documents and false statements

21. In sections 34 (alteration, etc., of documents) and 35 (false statements) of the Act the references to a licence under Part II of the Act shall include references to any authorisation, certificate or other document required by these Regulations to be in force in relation to a vehicle, or to be kept or carried on a vehicle used for the international carriage of passengers.

Amendments to the Road Traffic (Northern Ireland) Order 1981

22. In the Order—

- (a) for the last item in Schedule 1 (statutory provisions conferring functions on authorised officers) there shall be substituted—

“Regulation 16 of the European Communities (International Passenger Services) Regulations (Northern Ireland) 1987.

To require the production of, and to inspect, copy and mark, documents required to be kept or carried on certain passenger vehicles.”; and

- (b) for the last item in Schedule 2 (statutory provisions relating to vehicles and their drivers) there shall be substituted—

“Regulation 19 of the European Communities (International Passenger Services) Regulations (Northern Ireland) 1987.

To impose penalties for contravention of certain requirements relating to international passenger services.”.

Disapplication of requirements as to fitness and certification of vehicles

23. None of the provisions of Parts II or III of the Public Service Vehicles (Construction) Regulations (Northern Ireland) 1960(a) shall apply to a vehicle to which any provision of Part III of these Regulations applies or to a vehicle registered in Great Britain to which any provision of Part II of these Regulations applies.

Sealed with the Official Seal of the Department of the Environment on
28th September 1987.

(L.S.)

Trevor Pearson

Assistant Secretary

(a) S.R. & O. (N.I.) 1960 No. 91; relevant amending regulations are S.R. & Os. (N.I.) 1967 No. 224, 1969 No. 63 and S.R. 1983 No. 295

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Road and Railway Transport

No. 383

The Department of Finance and Personnel approves and consents to regulation 14(3), (4) and (5).

Sealed with the Official Seal of the Department of Finance and Personnel on 28th September 1987.

(L.S.)

John G. Hunter

Assistant Secretary

SCHEDULE 1

(See regulations 9(2),
10(2)(b), 11(2)(b) and 12(2))

REQUIREMENT FOR AN INTERNATIONAL PASSENGER TRANSPORT AUTHORISATION

1. No person shall cause or permit a vehicle to be used on a road for the international carriage of passengers unless there is in force and is carried on the vehicle, an international passenger transport authorisation.
2. An authorisation under this section may authorise the use of the vehicle to which it relates on a specified occasion or during a specified period.
3. In this schedule "specified" means specified in the authorisation.

SCHEDULE 2

(See regulation 11(2)(a))

PART I

REQUIREMENT FOR A CONTROL DOCUMENT

No person shall cause or permit a vehicle to be used on a road for the international carriage of passengers unless there is in force in relation to the vehicle, and is carried on it, a control document which is issued by the competent authority of the country in which the vehicle is registered in the form set out in Part II and which is duly completed.

PART II

FORM OF CONTROL DOCUMENT

(The following is the control document in Annex 1 to the Report of the Committee of Deputies of the European Conference of Ministers of Transport presented to and adopted by the Council of Ministers of the said Conference at a meeting in Paris on 16th June 1971).

(Front)

White paper — 30cm × 21cm or 32cm × 21cm

Carnet No.

Waybill No.

(Text drafted in the official language(s) of the member country
where the vehicle employed is registered, and in English and French.)

WAYBILL
(please use block letters)

Issuing country
(Insert country symbol)

1. Vehicle

Registration No.

Seating capacity

2. Transport operator

or business name and address

.....

3. Driver(s) Name(s): 1. 2.

4. Type of service

(a) closed-door circular tour

(b) outward journey laden — return trip unladen

5. Journey schedule

For journeys referred to under 4(b): Passengers will be left at

(name of locality and country)

Date	Stages day-by-day		Vehicles driven		km per day	Point of entry at the frontier of the member country concerned
	from	to	laden	unladen		

6. Passenger list (names and initials)

- 1. 21. 41.
- 2. to to
- 3.
- to
- 20. 40. 60.

7.
(date of issue of waybill)

.....
(Transport Operator's Signature)

8. Unforeseen changes

Inspection visa; if any

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EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations revoke and replace with amendments the European Communities (International Passenger Services) Regulations (Northern Ireland) 1981. The principal effects of these amendments are:—

- (a) to implement in relation to Northern Ireland the Agreement on the International Carriage of Passengers by Road by means of Occasional Coach and Bus Services (ASOR), which requires the member States of the European Economic Community and the other States which are parties to that agreement to facilitate the operation of such services, and Council Regulation (EEC) No. 56/83 of 16th December 1982 concerning the implementation of that Agreement (regulations 3(1), 6, 10, 13, 14, 15, 16, 19, 20 and 22);
- (b) to provide for the issue of the control document for occasional services, specified in Article 7 of ASOR or in Article 2 of Commission Regulation 1016/68, by the Department (regulations 13 and 15(1)) and to require applicants for the control document to pay to the Department the prescribed fee (regulation 14(5));
- (c) to enable an authorised inspection officer (as defined in regulation 3(1)) to require the production, and to inspect and copy, the model document with stiff green covers required to be carried on a vehicle used to provide occasional services and to detain the vehicle for such time as is required for the purposes of inspecting and copying the document (regulation 16(3)(d));
- (d) to increase from £200 to £400 the maximum penalty on summary conviction for existing offences and to impose a maximum penalty of £400 on summary conviction for contraventions of ASOR (regulations 5(6), 6(7), 19 and 20);
- (e) to amend Schedules 1 and 2 to the Road Traffic (Northern Ireland) Order 1981 by applying Article 84 of the Order (power of authorised officers in certain cases to prohibit driving of foreign vehicles) in relation to regulations 16 and 19 (regulation 22); and
- (f) to disapply the requirements for public service vehicles in Parts II and III of the Public Service Vehicles (Construction) Regulations (Northern Ireland) 1960, in relation to a vehicle to which any provision of Part III of these Regulations applies or to a vehicle registered in Great Britain to which any provision of Part II of these Regulations applies (regulation 23).

The opportunity has also been taken to make drafting amendments.

Copies of the EEC Regulations and the ASOR Agreement referred to in these Regulations may be obtained from Her Majesty's Stationery Office.