

---

STATUTORY RULES OF NORTHERN IRELAND

---

**2003 No. 532**

**The Railways Regulations (Northern Ireland) 2003**

**PART IV**

**INTERNATIONAL LICENCES**

**Prohibition of unlicensed provision of international services**

**13.**—(1) No person may provide international services in Northern Ireland or international combined transport goods services in Northern Ireland unless he is authorised to do so by an international licence, and any person who provides such services without such a licence shall be guilty of an offence.

(2) Any person who is guilty of an offence under this regulation shall be liable –

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.

(3) No proceedings shall be instituted in Northern Ireland in respect of an offence under this regulation except by or on behalf of the Department.

(4) In this regulation the expression “international licence” includes a licence granted pursuant to any action taken by an EEA State for the purpose of implementing Council Directive No.95/18/EC.

**Appointment of licensing authority and grant of international licences**

**14.**—(1) The Department is hereby designated as the body responsible for granting international licences.

(2) Subject to and in accordance with these Regulations, the Department shall, on an application in writing made to it by a railway undertaking established in Northern Ireland in such form and manner as it may from time to time determine, grant to that railway undertaking an international licence.

(3) An international licence may authorise the provision of services generally or be restricted to particular types of service specified in the licence.

(4) Before granting or modifying an international licence the Department shall consult the Health and Safety Executive for Northern Ireland.

(5) An applicant shall submit with his application the information about the applicant referred to in Schedule 2 and at any time after submitting the application such further information as the Department may reasonably require in connection with the application.

(6) The applicant shall at the same time as he submits any information about his professional competence to the Department send to the Health and Safety Executive for Northern Ireland a copy of that information.

(7) The Department shall grant an international licence if, and only if, satisfied that the applicant will be able at any time to satisfy the requirements referred to in Schedule 2 as to good repute, financial fitness, professional competence and cover for liabilities to third parties.

(8) An application for an international licence shall be determined by the Department as soon as possible and in any event within three months of receipt of the information referred to in paragraph (5).

(9) In respect of each application for an international licence the Department shall publish at least once in the Official Journal of the European Communities, the Belfast Gazette, and in one or more newspapers whose circulation together covers the whole of Northern Ireland a notice including the following particulars: –

- (a) a statement that the applicant has made an application for an international licence and the principal address of the Department;
- (b) the name of the applicant and the address of its registered or principal office; and
- (c) a summary of the activities which the applicant wishes to carry out pursuant to the international licence.

(10) The Department shall inform the applicant in writing of its decision and, where the Department refuses to grant an international licence, the refusal shall state the reasons for its decision.

(11) As soon as practicable after granting an international licence the Department shall send a copy of the licence to the Health and Safety Executive for Northern Ireland.

#### **Modification of international licences**

**15.**—(1) The Department may modify an international licence if the holder of the licence consents to the modification.

(2) Before modifying an international licence the Department shall consult the Health and Safety Executive for Northern Ireland.

(3) As soon as practical after modifying an international licence the Department shall send a copy to the Health and Safety Executive for Northern Ireland.

#### **Validity of international licences**

**16.** An international licence shall, unless previously revoked or surrendered in accordance with any provision in these Regulations or the licence, continue in force for as long as the railway undertaking concerned complies with the requirements of these Regulations and any conditions included in the licence.

#### **Monitoring, suspension and revocation of international licences**

**17.**—(1) If at any time the Department considers that there is serious doubt whether a railway undertaking to which an international licence has been granted complies with a requirement of these Regulations or a condition included in the licence, the Department may take such steps as are necessary to enable it to determine whether or not the undertaking does so comply.

(2) Where the serious doubt of the Department relates wholly or partly to the requirement of professional competence such steps shall include consulting the Health and Safety Executive for Northern Ireland.

(3) If, having taken the steps referred to in paragraph (1), the Department is satisfied that a railway undertaking to which an international licence has been granted does not comply with any such requirement, the Department shall revoke the licence or suspend it for such period as the Department thinks fit.

(4) The Department shall revoke an international licence if proceedings have been commenced for the winding up of a railway undertaking to which an international licence has been granted on the grounds that the undertaking is unable to pay its debts and it is satisfied that there is no reasonable prospect of satisfactory financial restructuring of the undertaking within a reasonable period of time.

(5) Where the Department is satisfied that there is serious doubt whether a railway undertaking to which an international licence has been granted by a licensing authority other than by the Department complies with any requirement of Council Directive No. 95/18/EC the Department shall without delay so notify that licensing authority.

(6) Where the Department has suspended or revoked an international licence solely on the grounds of the non-compliance by the railway undertaking with the requirements of financial fitness specified in Schedule 2, but considers that there is a realistic prospect of a satisfactory financial restructuring of the undertaking taking place within a reasonable period of time, it may grant to the undertaking a temporary international licence pending such financial restructuring.

(7) A temporary international licence granted under paragraph (6) shall not be granted where the Department after consultation with the Health and Safety Executive for Northern Ireland considers that safety would be jeopardised.

(8) A temporary international licence granted under paragraph (6) shall not be granted for a period exceeding six months.

(9) Where a railway undertaking to which an international licence has been granted has either ceased the operations to which the licence relates or has not commenced such operations within six months of the date of such grant then the Department may either require the railway undertaking to resubmit its licence for approval or suspend the licence.

(10) Where the Department has required a railway undertaking to resubmit its international licence in pursuance of paragraph (9) on the grounds that the railway undertaking has not commenced such operations the railway undertaking shall be entitled to request that a period longer than the six months be granted in which it can commence operations. In considering such a request the Department shall take account of the specific nature of the services to be provided by the railway undertaking under the international licence.

(11) In the event of a change to a railway undertaking's legal situation, in particular following a change in the control or ownership of the railway undertaking as a result of a merger with or take-over by another undertaking, the Department may require the railway undertaking to resubmit its licence to it for review. The railway undertaking may continue operations while its licence is under review unless the Department is satisfied after consultation with the Health and Safety Executive for Northern Ireland that safety is jeopardised by the change and so notifies the undertaking.

(12) When a railway undertaking intends significantly to change or extend its activities from those in respect of which a licence was granted to it, the railway undertaking shall resubmit its licence to the Department for review.

(13) When the Department suspends, revokes or amends an international licence in accordance with this regulation the Department shall forthwith inform the Commission of such amendment, revocation or suspension.

### **Conditions of international licences**

**18.** An international licence shall include conditions requiring the licence holder to satisfy requirements as to the good repute, financial fitness, professional competence and cover for liabilities to third parties of the licence holder, including those requirements specified in Schedule 2, and may include conditions –

- (a) requiring the licence holder to submit to a review of its licence at least every five years during the currency of the licence;
- (b) concerning the suspension or revocation of the licence.