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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 532**

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

**PART IV**

**INTERNATIONAL LICENCES**

**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.