
STATUTORY INSTRUMENTS

1984 No. 748

**The Road Transport (International
Passenger Services) Regulations 1984**

PART V

PENALTIES, ENFORCEMENT, SUPPLEMENTARY AND CONSEQUENTIAL

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

16.—(1) Paragraph (2) below shall have effect in relation to a vehicle where it appears to an examiner 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 Great Britain for the purpose of being used, in such circumstances as, by virtue of any of the provisions specified in paragraph (3) below, to require a document of a description referred to in that provision to be kept or carried on the vehicle.

(2) An examiner may, on production if so required of his authority,—

- (a) require the driver of a vehicle referred to in paragraph (1) above 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) or (e) below) to mark it with an official stamp; and
- (b) may 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) above as being specified in this paragraph 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 respectively provide, 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 Commission Regulation No. 1016/68 (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 Commission Regulation No. 1016/68, 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) or ASOR and Article 5a(3) of Commission Regulation No. 1018/68 (which provide that the model document with stiff green covers referred to in Article 11 of ASOR must be carried on the vehicle); and
- (e) Regulation 17.

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 there shall be carried on the vehicle, at all times while it is being used, the certificate specified in Article 1 of Commission Regulation No. 1016/68, being the certificate which, by virtue of the said Article 6, is required to be in force in respect of the provision of that service.

- (2) An examiner may, on production if so required of his authority,—
 - (a) require the driver of a vehicle referred to in paragraph (1) above to produce the document and to permit him to inspect and copy it and to mark it with an official stamp; and
 - (b) may detain the vehicle for such time as is required for the purpose of inspecting, copying and marking the document.

Withdrawal of regular, special regular and shuttle service authorisations

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

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

he may, by notice in writing to the holder, withdraw the authorisation.

(2) Where the Secretary of State decides to withdraw an authorisation in exercise of his powers under Council Regulation No. 516/72 or Council Regulation No. 517/72 he may do so by notice in writing to the holder of the authorisation.

(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 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 Secretary of State.

(5) At any time that is reasonable having regard to the circumstances of the case, an examiner 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 the authorisation and, on its being produced, may seize it and deliver it to the Secretary of State.

(6) Where it appears to an examiner 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 Secretary of State.

(7) In paragraph (1) of this Regulation “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 is guilty of an offence under this Regulation if without reasonable excuse, 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 Commission Regulation No. 1016/68.

(2) A person shall be guilty of an offence under this Regulation if, without reasonable excuse, he uses a vehicle for ASOR regulated or Community regulated carriage 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 way bill 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 Council Regulation No. 1016/68.

(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) without reasonable excuse contravenes, or fails to comply with a requirement imposed by or under Regulation 15(4) or (5), 16(2)(a), 17(1) or (2), or 18(4) or (5), or by or under any provision of ASOR, the Council Regulations or the Commission Regulation referred to in any of those provisions; or
- (b) wilfully obstructs an examiner in the exercise of his powers under Regulation 16(2), 17(1) or (2), or 18(5) or (6), or under any provision of ASOR, the Council Regulations or Commission Regulation referred to in any of those provisions

shall be liable on summary conviction to a fine not exceeding £400.

Forgery and false statements, etc

21. In sections 65(1)(a) (forgery) and 66(a) (false statements) of the Act of 1981 the references to a licence under any Part of that Act shall include references to an authorisation, certificate or other document required by ASOR, any of the Council Regulations or the Commission Regulation, or by these Regulations, or by the Act of 1981 as modified 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.

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Amendment of Road Traffic (Foreign Vehicles) Act 1972

22.—(1) The Road Traffic (Foreign Vehicles) Act 1972 is amended in accordance with the following provisions of this Regulation.

(2) In section 1(1)(a) and (2)(a) after “enactment”, in each place where it occurs, there shall be inserted “or instrument”.

(3) In Schedule 1 (Enactments conferring functions on examiners)—

(a) in the headings for “ENACTMENTS” and “*Enactment*” there shall be substituted “PROVISIONS” and “*Provisions*”, and

(b) there shall be added at the end—

“Regulation 16 of the Road Transport (International Passenger Services) Regulations 1984.	To require the production of, and to inspect, copy and mark, documents required to be kept or carried on certain passenger vehicles.”.
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(4) In Schedule 2 (Provisions relating to vehicles and their drivers) there shall be added at the end:—

“Regulation 19 of the Road Transport (International Passengers Services) Regulations 1984.	To impose penalties for contravention of certain requirements relating to international passenger services.”.
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Disapplication of requirements as to fitness, equipment type approval and certification of public service vehicles

23. None of the provisions of Parts II, III, IV and V of the Public Service Vehicles (Conditions of Fitness, Equipment Use and Certification) Regulations 1981(1) shall have effect in relation to a vehicle to which any provision of Part III of these Regulations applies or to a vehicle registered in Northern Ireland to which any provision of Part II of these Regulations applies.