
STATUTORY INSTRUMENTS

2019 No. 973

**The International Road Passenger Transport (Amendment)
(Northern Ireland) (EU Exit) Regulations 2019**

PART 2

Amendment of primary legislation

Amendment of the Transport Act (Northern Ireland) 1967

2.—(1) The Transport Act (Northern Ireland) 1967⁽¹⁾ is amended as follows.

(2) In section 4(4) (grant of road service licences)⁽²⁾, omit “or who contravenes a requirement of any such directly applicable Community provision as is referred to in section 45(j) as to the keeping or production of any document”.

(3) In section 5(2)(e) (particulars to be provided by applicants for road service licences)⁽³⁾, omit “of Community rules”.

(4) In section 46B (good repute)⁽⁴⁾—

(a) for subsection (4)(b), substitute—

“(b) incurred a conviction or penalty for a most serious infringement;” and

(b) in subsection (7), after paragraph (c) insert—

“(ca) “most serious infringement” means—

- (i) an infringement referred to in Annex 4 of the 2009 Regulation;
- (ii) an infringement referred to in Commission Regulation (EU) 2016/403 which that Regulation classifies as a “most serious infringement”; or
- (iii) an infringement referred to in regulations made under Article 6.2(b) of the 2009 Regulation which the regulations define as having the highest degree of seriousness of infringements which the regulations establish;”.

(5) In section 46D (professional competence of road passenger transport operators)⁽⁵⁾—

(a) in subsection (2), omit “other than the United Kingdom”;

(b) for subsection (4)(c)(iii), substitute—

“(iii) a body or authority designated by a Member State for the purposes of Article 8.3 of the 2009 Regulation (EU)⁽⁶⁾;” and

(1) 1967 c. 37 (N.I.).

(2) Section 4(4) was amended by [SRO \(NI\) 1972/359](#), article 5(4). There are other amendments to section 4 that are not relevant to these Regulations.

(3) Section 5(2)(e) was inserted by [S.R. 2014 No. 206](#), regulation 9(2)(a)(iii). There are other amendments to section 5 that are not relevant to these Regulations.

(4) Section 46B(4)(b) was substituted by [S.R. 2014 No. 206](#), regulation 9(9).

(5) Words in section 46D(2) were substituted by the Transport Act (Northern Ireland) 2011 (c. 11), Schedule 1, paragraph 16(3) and words in section 46D(4)(c)(iii) were substituted by [S.R. 2014 No. 206](#), regulation 9(11)(c). There are other amendments to section 46D that are not relevant to these Regulations.

(6) OJ No. L300, 14.11.2009, p.88.

- (c) after subsection (4) insert—
 - “(4A) In the case of an examination organised or a certificate issued by an approved body specified in subsection (4)(c)(iii), references to the 2009 Regulation in subsections (4)(a), (4)(b) and (4)(d) are references to the 2009 Regulation (EU).”
- (6) In section 81(1) (interpretation)(7)—
 - (a) after the definition of “the 2009 Regulation” insert—
 - ““the 2009 Regulation (EU)” means Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC, as that Regulation has effect in EU law;”; and
 - (b) at the end of the definition of “Regulation (EC) No 1073/2009(8)” add “, as that Regulation has effect in EU law”.

(7) Section 81(1) was amended by S.R. 2014 No. 206, regulation 9(13)(a) and by S.R. 2019 No. 27, regulation 13(4). There are other amendments to section 81 that are not relevant to these Regulations.

(8) OJ No. L300, 14.11.2009, p.51.