
STATUTORY RULES OF NORTHERN IRELAND

2019 No. 27

The Public Service Vehicles (International Passenger Services) Regulations (Northern Ireland) 2019

Citation and commencement

1. These Regulations may be cited as the Public Service Vehicles (International Passenger Services) Regulations (Northern Ireland) 2019 and shall come into operation on 28th March 2019.

Interpretation

2.—(1) In these Regulations—

“the 1967 Act” means the Transport Act (Northern Ireland) 1967(1);

“the 1995 Order” means the Road Traffic (Northern Ireland) Order 1995(2);

“bus operator’s licence” means a bus operator’s licence within the meaning of section 4(3) of the 1967 Act;

“Department” means the Department for Infrastructure;

“EEA State” means a State, not being a Member State, which is a party to the EEA Agreement;

“Interbus” means the Agreement on the international occasional carriage of passengers by coach and bus(4);

“Regulation 1071/2009” means Regulation (EC) No 1071/2009 of the European Parliament and of the Council establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator(5);

“Regulation 1073/2009” means Regulation (EC) No 1073/2009 of the European Parliament and of the Council on common rules for access to the international market for coach and bus services(6).

(2) For the purposes of Regulation 1073/2009 and Interbus, “authorised inspecting officer” means—

(a) a constable in uniform; or

(b) a vehicle examiner appointed under Article 74 of the 1995 Order.

(3) Terms and expressions used in Regulation 1073/2009 or Interbus have the same meaning in these Regulations.

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

(2) S.I. 1995/2994 (N.I. 18); relevant amendments are as follows. Article 74 was amended by paragraph 12 of Schedule 3 to the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (2010 c. 2 (N.I.)) and regulation 7(2) of the Road Vehicles (Powers to Stop) Regulations 2011 (S.I. 2011/996)

(3) Section 4 was amended by section 18(1) of, and paragraph 3 of Schedule 1 to, the Transport Act (Northern Ireland) 2011 (2011 c. 11 (N.I.)). There are other amendments to section 4 which are not related to these Regulations

(4) OJ No. L321, 26.11.2002, p. 13

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

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

(4) The Interpretation Act (Northern Ireland) 1954⁽⁷⁾ shall apply to these Regulations as it applies to an Act of the Assembly.

Competent authority

3. Where a person holds, or has applied for, a bus operator's licence that authorises international operations, the competent authority for the purposes of Regulation 1073/2009, Interbus and of these Regulations is the Department.

Use of a public service vehicle not registered in the United Kingdom

4.—(1) This regulation applies to a vehicle not registered in the United Kingdom but which is registered in another Member State, an EEA State or an Interbus State, and which is being used in Northern Ireland in accordance with—

- (a) Interbus for the provision of liberalised occasional services or non-liberalised occasional services; or
- (b) Regulation 1073/2009—
 - (i) for the provision of occasional services, regular services or special regular services; or
 - (ii) for authorised cabotage operations as provided for in Article 15 of that Regulation.

(2) In relation to a vehicle to which this regulation applies—

- (a) the 1967 Act has effect as if section 4 (grant of road service licences) was omitted; and
- (b) none of the provisions of the Public Service Vehicles Regulations (Northern Ireland) 1985⁽⁸⁾ and the Public Service Vehicles (Conditions of Fitness, Equipment and Use) Regulations (Northern Ireland) 1995⁽⁹⁾ shall have effect.

(3) In this regulation, “Interbus State” means a State, not being a Member State, which is a contracting party to Interbus.

Fees

5.—(1) An applicant for a control document shall pay to the Department, when an application is made, a fee of £5.50 for a single waybill or £13.00 for a book of 25 waybills.

(2) An applicant for an authorisation shall pay to the Department, when an application is made, a fee of £140.00 in respect of the application.

(3) An applicant for an authorisation shall pay to the Department, before the authorisation is issued, in addition to the fee required by paragraph (2), a fee of £30.00 in respect of each year of validity of the authorisation.

(4) An applicant for a certified copy of an authorisation shall pay to the Department, when an application is made, a fee of £10.00 in respect of each copy requested.

Control documents for cabotage operations

6. A control document for cabotage shall—

(7) 1954 c. 33 (N.I.)

(8) S.R. 1985 No. 123 as amended by S.R. 1986 No. 33, S.R. 1990 No. 201, S.R. 1991 No. 445, S.R. 1993 No. 86, S.R. 1994 No. 225, S.R. 1995 No. 446, S.R. 1998 No. 76, S.R. 2000 No. 149, S.R. 2000 No. 328, S.R. 2001 No. 366, S.R. 2003 No. 40, S.R. 2003 No. 449, S.R. 2004 No. 413, S.R. 2006 No. 247, S.R. 2009 No. 72, S.R. 2011 No. 301, S.R. 2015 No. 42, S.R. 2016 No. 343, S.R. 2016 No. 344 and S.R. 2018 No. 89

(9) S.R. 1995 No. 447 as amended by S.R. 1997 No. 308, S.R. 2002 No. 384, S.R. 2003 No. 38, S.R. 2003 No. 434, S.R. 2004 No. 414, S.R. 2004 No. 446, S.R. 2005 No. 270, S.R. 2006 No. 74, S.R. 2006 No. 248, S.R. 2009 No. 343, S.R. 2009 No. 358, S.R. 2010 No. 193, S.R. 2011 No. 302, S.R. 2017 No. 139

- (a) be retained after the service in question has been provided by the operator; and
- (b) be sent to the Department to be received no later than 31st March following the end of the calendar year in which the service to which the control document relates was provided.

Issue of a Community licence and authorisation

7. Subject to regulation 10(1), a person is entitled to be issued by the Department with a Community licence if the person holds a bus operator's licence which—

- (a) authorises international operations; and
- (b) is used for operating a vehicle adapted to carry more than eight passengers.

Withdrawal of a Community licence

8.—(1) This regulation applies where the holder of a Community licence is guilty of an infringement of Community road transport legislation, in accordance with Article 6(1) and (2) of Regulation 1071/2009 which may lead to the loss of good repute.

- (2) Where paragraph (1) applies, the Department may withdraw—
 - (a) some or all of the certified true copies of the Community licence temporarily or permanently; or
 - (b) the Community licence temporarily or permanently.

Rights of appeal

- 9.—(1) A person who—
 - (a) applies for a Community licence; and
 - (b) wishes to dispute a decision of the Department to refuse to issue the person with such a licence,

may appeal against that decision.

- (2) A person who—
 - (a) is the holder of a Community licence; and
 - (b) wishes to dispute a decision of the Department to withdraw it or any certified true copies of it,

may appeal against that decision.

(3) The right of appeal conferred by each of paragraphs (1) and (2) is a right of appeal to the County Court.

Supply of information for a Community licence application

10.—(1) The Department may refuse to issue a Community licence or authorisation to an applicant if the applicant fails to supply any information that the Department may reasonably request pursuant to Articles 4(5) or 7(3) of Regulation 1073/2009 for the purpose of verifying whether the applicant satisfies the conditions laid down in Article 3(1) of that Regulation.

(2) The holder of a Community licence or authorisation shall supply such information as the Department may reasonably require from time to time to enable it to decide whether the holder is entitled to retain the licence or authorisation.

(3) A person who fails to supply any information required under paragraph (2) may have the Community licence or authorisation, and any certified true copies of it, withdrawn by the Department.

Power to stop

11.—(1) Paragraph (2) applies if it appears to an authorised officer that a vehicle is being used in circumstances such that—

- (a) a Community licence,
- (b) an authorisation, or
- (c) a control document,

may be required.

(2) The authorised officer may direct the driver to stop the vehicle so that they can conduct checks as to whether an offence has been committed under these Regulations.

(3) In this regulation “authorised officer” means an officer appointed under Article 74 of the 1995 Order.

Death, bankruptcy etc. of holder of Community licence

12. Where a person holds a bus operator’s licence as the successor referred to in regulation 7 of the Road Service Licensing Regulations (Northern Ireland) 1989⁽¹⁰⁾, that person shall also be treated as the holder of any Community licence and any authorisation issued under Regulation 1073/2009 held by the grantee of that bus operator’s licence, for the same period as is specified or determined by that regulation.

Amendment of the Transport Act (Northern Ireland) 1967

13.—(1) The 1967 Act is amended in accordance with paragraphs (2) to (4).

(2) In section 34(a) (forgery of licences)⁽¹¹⁾, for “Article 6 of Council Regulation (EC) No. 12/98 of 11th December 1997” substitute “Article 12(4) or 17(3) of Regulation (EC) No 1073/2009”.

(3) In section 35(f) (false statements)⁽¹²⁾, for “Article 6 of Council Regulation (EC) No. 12/98 of 11th December 1997” substitute “Article 12(4) or 17(3) of Regulation (EC) No 1073/2009”.

(4) In section 81(1) (interpretation)⁽¹³⁾, after the definition of “the 2009 Regulation” insert—

“Regulation (EC) No 1073/2009” means Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006;”.

Amendment of the Road Traffic (Northern Ireland) Order 1981

14.—(1) The Road Traffic (Northern Ireland) Order 1981⁽¹⁴⁾ is amended in accordance with paragraphs (2) to (4).

(2) In Article 84(2) (power in certain cases to prohibit driving of foreign vehicles)⁽¹⁵⁾, in subparagraph (b), after “statutory provisions” insert “or the provision of the EU instrument”.

⁽¹⁰⁾ S.R. 1989 No. 440; to which there is an amendment not relevant to these Regulations

⁽¹¹⁾ Section 34(a) was amended by the Schedule to the Forgery and Counterfeiting Act 1981 (1981 c. 45) and by Schedule 4 to the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (2010 c. 2 (N.I.)), regulation 6(3) of S.R. 1977 No. 327, regulation 7(1) of S.R. 2003 No. 217 and regulation 9(3) of S.R. 2005 No. 212

⁽¹²⁾ Section 35(f) was inserted by regulation 9(4) of S.R. 2005 No. 212

⁽¹³⁾ Section 81(1) was amended by Schedule 4 to the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (2010 c. 2), section 18(2) of, and Schedule 2 to, the Transport Act (Northern Ireland) 2011 (2011 c. 11), paragraph 9 of Schedule 7 to S.I. 1981/154 (N.I. 1), Part I of Schedule 2 to S.I. 1984/1822 (N.I. 12), paragraph 2 of Schedule 3 to S.I. 1990/1504 (N.I. 10), paragraph 33(1) of Schedule 3 to S.I. 1995/2994 (N.I. 18), paragraph 17 of Schedule 1 to S.I. 2009/1941 and regulation 9(13) of S.R. 2014 No. 206

⁽¹⁴⁾ S.I. 1981/154 (N.I. 1)

⁽¹⁵⁾ Article 84 was amended by regulation 3 of S.R. 2003 No. 515

(3) In Schedule 1 (statutory provisions conferring functions on authorised officers)(16), after the entry relating to Articles 86 and 87 of the 1995 Order, insert—

“Article 18 of the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) (OJ No. L321, 26.11.2002, p. 13).	To require the presentation of certain control documents and authorisations, which are required to be kept on board certain passenger vehicles.
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Article 20 of the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement).	To require the presentation of a certified true copy of a licence to perform carriage by means of certain international occasional services, which is required to be kept on board certain passenger vehicles.”
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(4) In Schedule 2 (statutory provisions relating to vehicles and their drivers)(17)—

(a) for the entry relating to regulation 3 of the Road Service Licensing (Community Licences) Regulations (Northern Ireland) 2013(18) substitute—

“Article 4(3) of Regulation (EC) No 1073/2009 of the European Parliament and of the Council on common rules for access to the international market for coach and bus services, amending Regulation (EC) No 561/2006.	Requirement to keep a certified true copy of a Community licence in a vehicle and present it at the request of any authorised inspecting officer.”;
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(b) for the entry relating to regulation 8 of the Road Service Licensing (Community Licences) Regulations (Northern Ireland) 2013 substitute—

“Article 17(1) of Regulation (EC) No 1073/2009 of the European Parliament and of the Council on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006.	Requirement to keep a journey form on board a vehicle and present it at the request of any authorised inspecting officer.”
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Amendment of the Road Passenger Transport (Qualification of Operators) Regulations (Northern Ireland) 2014

15. In regulation 7(2)(b) (determination in respect of a transport manager: disqualification orders) of the Road Passenger Transport (Qualification of Operators) Regulations (Northern Ireland) 2014(19), for “Article 8.3” substitute “Article 8.8”.

Offences

16.—(1) Any person who breaches a provision of—

(16) Schedule 1 was amended by regulation 22(a) of S.R. 1987 No. 383, paragraph 11 of Schedule 3 to, and Schedule 4 to, the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (2010 c. 2 (N.I.)), regulation 14(2) of S.R. 2013 No. 115 and regulation 13(2) of S.R. 2013 No. 287. There are other amendments to Schedule 1 that are not relevant to these Regulations

(17) Schedule 2 was amended by regulation 22(b) of S.R. 1987 No. 383, Schedule 4 to the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (2010 c. 2 (N.I.)), regulation 14(3) of S.R. 2013 No. 115 and regulation 13(3) of S.R. 2013 No. 287. There are other amendments to Schedule 2 that are not relevant to these Regulations

(18) S.R. 2013 No. 287

(19) S.R. 2014 No. 206

- (a) Regulation 1073/2009 set out in Schedule 1; or
- (b) Interbus set out in Schedule 2,

is guilty of an offence.

- (2) It is an offence—
 - (a) intentionally to obstruct any person acting in the execution or enforcement of these Regulations;
 - (b) without reasonable cause, to fail to give to any such person any assistance or information which that person may reasonably require under these Regulations;
 - (c) to furnish to any such person information knowing it to be false or misleading; or
 - (d) to fail to produce a document or record to any such person when required to do so.

Bodies corporate

17. For the purposes of these Regulations section 20(2) of the Interpretation Act (Northern Ireland) 1954 applies with the omission of the words “the liability of whose members is limited” and where the affairs of a body corporate are managed by its members, applies in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Penalties

18.—(1) A person guilty of an offence under Article 4(1) of Regulation 1073/2009 (requirement to possess a Community licence) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) A person guilty of any other offence under these Regulations is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Revocations

19. The Road Service Licensing (Community Licences) Regulations (Northern Ireland) 2013 are revoked.

Sealed with the Official Seal of the Department for Infrastructure on 4th March 2019



Tom Reid
A senior officer of the
Department for Infrastructure

Sealed with the Official Seal of the Department of Finance on 4th March 2019



Emer Morelli
A senior officer of the
Department of Finance