

1973 No. 806

ROAD TRAFFIC

**The Road Transport (International Passenger Services)
Regulations 1973**

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| <i>Made</i> - - - - | <i>25th April 1973</i> |
| <i>Laid before Parliament</i> | <i>8th May 1973</i> |
| <i>Coming into Operation— Regulations 1 and 15(1) (so far as relating to Regulation 15(2)) and 15(2) - - - -</i> | <i>29th May 1973</i> |
| <i>Remainder</i> | <i>1st July 1973</i> |

The Secretary of State for the Environment, as the designated Minister under the European Communities (Designation) Order 1972(a), in exercise of the powers conferred on him by section 2 of the European Communities Act 1972(b) and section 160(1)(k) to (n) of the Road Traffic Act 1960(c) as amended by section 4(1) of, and paragraph 10 of Schedule 4 to, the said Act of 1972 and now vested in him(d) and of all other enabling powers, and (in respect of the Regulations so far as made under the said section 160(1)(k) to (n)) after consultation with representative organisations in accordance with the provisions of section 260(2) of the said Act of 1960, hereby makes the following Regulations:—

PART I—GENERAL

Citation and commencement

1.—(1) These Regulations may be cited as the Road Transport (International Passenger Services) Regulations 1973.

(2) This Regulation and Regulation 15(1) of these Regulations (so far as relating to paragraph (2) of that Regulation) and the said paragraph (2) shall come into operation on 29th May 1973 and the remaining Regulations on 1st July 1973.

Revocation

2. The Public Service Vehicles (International Circulation) Regulations 1972(e) are hereby revoked.

(a) S.I. 1972/1811 (1972 III, p. 5216).

(b) 1972 c. 68.

(c) 1960 c. 16.

(d) S.I. 1970/1681 (1970 III, p. 5551).

(e) S.I. 1972/341 (1971 I, p. 1404).

*Interpretation***3.—(1)** In these Regulations—

(a) the references to the following provisions, that is to say—

Council Regulation No. 117/66,

Commission Regulation No. 1016/68,

Council Regulation No. 516/72, and

Council Regulation No. 517/72,

are references, respectively, to the Community provisions more particularly described in Schedule 1 to these Regulations, being provisions which are directly applicable Community provisions relating to the international carriage of passengers by coach and bus and which apply in the United Kingdom on and after 1st July 1973;

(b) “member State” means any State which is a member of the European Economic Community;

(c) “examiner” has the same meaning as in section 7(1) of the Road Traffic (Foreign Vehicles) Act 1972(a);

(d) “public service vehicle” shall be construed in accordance with sections 117 and 118 of the Road Traffic Act 1960;

(e) “the Act of 1960” means the Road Traffic Act 1960.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament, and as if for the purposes of section 38 of that Act these Regulations were an Act of Parliament and the Regulations revoked by Regulation 2 of these Regulations were an Act of Parliament thereby repealed.

*Application***4.—(1)** These Regulations do not extend to Northern Ireland.

(2) Parts II and III of these Regulations apply in relation to a vehicle which is used for the international carriage of passengers by road in the circumstances mentioned in Article 4(1) of Council Regulation No. 117/66, that is to say—

(a) where the place of departure is in the territory of a member State and the destination is in the territory of the same or another member State; and

(b) the vehicle is registered in a member State and in construction and equipment is suitable for carrying more than nine persons, including the driver, and is intended for that purpose.

**PART II—PENALTY FOR CONTRAVENTION OF COUNCIL REGULATION
No. 117/66**

5. A person is guilty of an offence under this Regulation if he contravenes Council Regulation No. 117/66 by using a vehicle to which this Part of these Regulations applies or by causing or permitting such a vehicle to be used—

(a) 1972 c. 27.

(b) 1889 c. 63.

- (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.

6.—(1) A person guilty of an offence under Regulation 5 above by virtue of paragraph (a) or (b) thereof shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction (under either of those paragraphs) to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(2) A person guilty of an offence under the said Regulation 5 by virtue of paragraph (c) thereof shall be liable on summary conviction to a fine not exceeding twenty pounds.

PART III—MODIFICATIONS OF PART III OF THE ACT OF 1960 IN RELATION TO CERTAIN VEHICLES, BEING PUBLIC SERVICE VEHICLES, WHEN USED FOR THE INTERNATIONAL CARRIAGE OF PASSENGERS

7.—(1) This Regulation applies to a public service vehicle (being a vehicle to which this Part of these Regulations applies) which is registered in a member State other than the United Kingdom or is registered in Northern Ireland, insofar as the vehicle—

- (a) is used to provide any service for the carriage of passengers such as is mentioned in Article 1, 2 or 6 of Council Regulation No. 117/66; and
- (b) is so used in accordance with such of the requirements of the Council Regulations or, as the case may be, the Commission Regulation mentioned in Regulation 5 above as apply in relation to the service in question.

(2) The provisions of Part III of the Act of 1960 shall, in relation to a vehicle to which this Regulation applies, have effect as though sections 127, 134 and 144 (which require users of public service vehicles to hold public service vehicle licences and road service licences and the drivers and conductors of such vehicles to be licensed) were omitted.

8.—(1) This Regulation applies to a public service vehicle (being a vehicle to which this Part of these Regulations applies) which is registered in a member State other than the United Kingdom or is registered in Northern Ireland—

(a) insofar as the vehicle is used to provide a service for the carriage of passengers such as is mentioned—

- (i) in paragraph 1(a) of Article 3 of Council Regulation No. 117/66 (that is to say, an occasional service described in that paragraph as a closed door tour), or
- (ii) in paragraph 1(b) of the said Article 3 (that is to say, an occasional service as described in that paragraph where passengers are carried on the outward journey and the return journey is made unladen), or
- (iii) in paragraph 1(c) of the said Article 3 (that is to say, an occasional service, as mentioned in that paragraph, of any other description) where all the conditions specified in the proviso to Article 5(2) of the said Council Regulation are fulfilled; and

(b) insofar as, in relation to the use of the vehicle—

- (i) the requirements of Articles 3 and 4 of Commission Regulation No. 1016/68, and of Annex 2 thereto (which provide for the completion, by the person by whom or on whose behalf a vehicle is used to provide such an occasional service as aforesaid, of a passenger waybill in respect of the service in question and for the carrying of such a waybill on the vehicle at all times while it is used on that service) have been complied with, and
- (ii) the vehicle is used on the service in question in circumstances which accord in all respects with the particulars which, in pursuance of the said requirements, have been specified in the said passenger waybill as applicable to that service.

(2) The provisions of Part III of the Act of 1960 shall, in relation to a vehicle to which this Regulation applies, have effect as though sections 127, 134 and 144 were omitted.

9.—(1) This Regulation applies to a public service vehicle (being a vehicle to which this Part of these Regulations applies) which is registered in Great Britain, insofar as the vehicle—

- (a) is used to provide any service for the carriage of passengers such as is mentioned in Article 1 or 2 of Council Regulation No. 117/66; and
- (b) is so used in accordance with such of the requirements of the Council Regulations mentioned in Regulation 5 above as apply in relation to the service in question.

(2) The provisions of Part III of the Act of 1960 shall, in relation to a vehicle to which this Regulation applies, have effect as though section 134 were omitted.

PART IV—MODIFICATIONS OF PART III OF THE ACT OF 1960 IN RELATION TO CERTAIN OTHER VEHICLES, BEING PUBLIC SERVICE VEHICLES, WHEN USED FOR THE INTERNATIONAL CARRIAGE OF PASSENGERS

10.—(1) This Regulation applies to a public service vehicle which—

- (a) in construction and equipment is suitable for carrying not more than nine persons, including the driver, and is intended for that purpose;

- (b) is registered in a member State other than the United Kingdom or is registered in Northern Ireland;
- (c) is brought into Great Britain for the purpose only of carrying passengers who are travelling to Great Britain from a place in the territory of a member State (other than the United Kingdom) or a place in Northern Ireland, or who are travelling from Great Britain to any such place; and
- (d) remains in Great Britain for a period not exceeding three months from the date of its entry therein.

(2) The provisions of Part III of the Act of 1960 shall, in relation to a vehicle to which this Regulation applies, have effect as though sections 127, 134 and 144 were omitted.

11.—(1) This Regulation applies to a public service vehicle—

- (a) which is registered in Austria, Greece, Norway, Portugal, Spain, Sweden, Switzerland, Turkey or Yugoslavia;
- (b) which is brought into Great Britain for the purpose of carrying passengers who are making only a temporary stay therein; and
- (c) which remains in Great Britain for a period not exceeding three months from the date of its entry therein,

insofar as the vehicle—

- (i) is used to provide a service for the carriage of passengers, being a service of a description such as is mentioned in Article 2 or 3(1)(a) or (b) of Council Regulation No. 117/66, where the journey made by the vehicle in providing that service starts from a place situated in one of the countries mentioned in sub-paragraph (a) above and ends at a place situated in the same or another such country or in Great Britain, and
- (ii) is so used by or on behalf of a person who is authorised, under the law of the country in which the vehicle is registered, to use the vehicle for the carriage of passengers on the journey in question or such parts thereof as are situated within that country.

(2) In relation to a vehicle to which this Regulation applies, being a vehicle which in construction and equipment is suitable for carrying more than nine persons, including the driver, and is intended for that purpose, the provisions of Part III of the Act of 1960 shall have effect as though sections 134 and 144 were omitted and—

- (a) insofar as the vehicle is used to provide a service for the carriage of passengers of a description such as is mentioned in Article 2 of Council Regulation No. 117/66, as though section 127 were omitted; and
- (b) insofar as the vehicle is used to provide a service for the carriage of passengers of a description such as is mentioned in Article 3(1)(a) or (b) of that Regulation, as though for section 127 there were substituted the following section:—

“127. No person shall cause or permit a motor vehicle to be used on a road as a public service vehicle unless there is in force in relation to the user of that vehicle an appropriate document which is carried on the vehicle.

In this section, “appropriate document” means a document issued by a competent authority of the country in which the vehicle is

registered, being a document in the form set out in Schedule 2 to the Road Transport (International Passenger Services) Regulations 1973 and duly completed in accordance with the tenor thereof.”.

(3) In relation to a vehicle to which this Regulation applies, being a vehicle which in construction and equipment is suitable for carrying not more than nine persons, including the driver, and is intended for that purpose, the provisions of Part III of the Act of 1960 shall have effect as though sections 127, 134 and 144 were omitted.

12.—(1) This Regulation applies to a public service vehicle—

- (a) which is registered in a country not being a member State or a country mentioned in Regulation 11(1)(a) above, or which is registered in Northern Ireland;
- (b) which is brought into Great Britain for the purpose of carrying passengers who are making only a temporary stay therein, being passengers who commenced their journey from the country in which the vehicle is registered or, as the case may be, from Northern Ireland; and
- (c) which remains in Great Britain for a period not exceeding three months from the date of its entry therein,

insofar as the vehicle is used as mentioned in sub-paragraphs (i) and (ii) of Regulation 11(1) above.

(2) The provisions of Part III of the Act of 1960 shall, in relation to a vehicle to which this Regulation applies, have effect as though sections 127, 134 and 144 were omitted.

PART V—SUPPLEMENTARY PROVISIONS

13. In relation to a vehicle to which Part II of these Regulations applies, being a vehicle which is used to provide a 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 so used, the certificate issued under 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; and an examiner, on production if so required of his authority, may require the driver of the vehicle to produce the certificate for inspection.

14.—(1) Paragraph (2) below shall have effect in relation to a vehicle where it appears to an examiner that the vehicle—

- (a) is a vehicle to which any provision of Part III of these Regulations applies; 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 carried on the vehicle.

(2) Where, in the circumstances mentioned in paragraph (1) above, an examiner requires, in pursuance of any of the provisions specified in paragraph (3) below, the driver of a vehicle to produce a document of a description referred to in that provision, the examiner shall, if so required, produce his authority for making that requirement and—

- (a) he may require the driver of the vehicle to permit him to inspect and copy the document and (in the case of a document of a description referred to in paragraph (3)(c) below) to mark it with an official stamp; and
 - (b) he may detain the vehicle for such time as is requisite for the purpose of inspecting and copying 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 3(2) of Commission Regulation No. 1016/68 (which provides that the top copy of a passenger waybill, being the document which, by virtue of Article 2 of that Regulation, has been detached from a control document such as is mentioned in that Article and is the document applicable in respect of the provision of a service for the carriage of passengers such as is mentioned in Article 3 of Council Regulation No. 117/66, shall be carried on a vehicle which is used to provide that service), and
 - (d) Regulation 13 of these Regulations.

15.—(1) The following provisions of this Regulation shall have effect with respect to the issue of certificates (such as are mentioned in Regulation 13 above) and of control documents (such as are mentioned in Article 3(2) of the Commission Regulation referred to in Regulation 14(3)(c) above) and to the period of validity of control documents and matters connected with waybills contained in such documents.

(2) An application for the issue of a certificate or control document referred to in paragraph (1) above shall be made in writing either to the Secretary of State or to any person who has been authorised by him to issue such a certificate or control document on his behalf.

(3) The period of validity of a control document shall be five years.

(4) The top copy of every passenger waybill (being the document which, as mentioned in Regulation 14(3)(c) above, is the document applicable in respect of the provision of a service for the carriage of passengers such as is mentioned in that sub-paragraph) shall be retained, after the service in question has been provided, by the person by whom or on whose behalf it was provided and shall be sent to the Secretary of State so as to reach him not later than 31st March next following the end of the calendar year in which the service to which the waybill relates was provided.

(5) The duplicate of every such passenger waybill (being the duplicate which, by virtue of Article 2(1) of Commission Regulation No. 1016/68, is required to be contained in a control document such as is mentioned in that Article) shall not be detached from that document at any time during its period of validity.

16. A person who—

(a) contravenes or fails to comply with a requirement imposed by or under Regulation 13, 14(2)(a) or 15(4) or (5) above; or

(b) obstructs an examiner in the exercise of his powers under Regulation 14(2)(b) above,

shall be liable on summary conviction to a fine not exceeding twenty pounds.

17. None of the provisions of the Public Service Vehicles (Conditions of Fitness, Equipment and Use) Regulations 1972(a) shall have effect in relation to a vehicle to which any provision of Part III or IV of these Regulations applies.

Signed by authority of the Secretary of State.

John Peyton,

Minister for Transport Industries
Department of the Environment.

25th April 1973.

SCHEDULE 1 (See Regulation 3)

The Council and Commission Regulations

“Council Regulation No. 117/66” means Regulation No. 117/66/EEC of the Council of 28 July 1966(b) which provides for the introduction of common rules for the international carriage of passengers by coach and bus and which, by virtue of Article 150 of, and paragraph 1.3 of Annex 10 to, the Act annexed to the Treaty concerning the Accession, inter alia, of the United Kingdom to the European Economic Community signed at Brussels on 22nd January 1972(c), applies in the United Kingdom on and after 1st July 1973;

“Commission Regulation No. 1016/68” means Regulation (EEC) No. 1016/68 of the Commission of 9 July 1968(d) which prescribes the model control documents referred to in certain provisions of Council Regulation No. 117/66 and which, by virtue of Article 150 of, and paragraph 1.3 of Annex 10 to, the Act annexed to the said Treaty, applies in the United Kingdom on and after 1st July 1973;

“Council Regulation No. 516/72” and “Council Regulation No. 517/72” mean, respectively, Regulation (EEC) No. 516/72 of the Council(e) and Regulation (EEC) No. 517/72 of the Council(f), both of 28 February 1972, which (in pursuance of Council Regulation No. 117/66) make provision with respect to the common rules applicable to shuttle services and regular services by coach and bus (as defined in that Regulation) between member States and which, by virtue of Regulation (EEC) No. 2442/72 of the Council of 21 November 1972(g), apply in the United Kingdom on and after 1st July 1973.

(a) S.I. 1972/751 (1972 II, p. 2341).

(b) O.J. No. 147, 9.8.1966, p. 2688 (S.E. 1965-1966, p. 177).

(c) Cmnd. 4862—Parts I and II.

(d) O.J. No. L173, 22.7.1968, p. 8 (S.E. 1968 (I), p. 279).

(e) O.J. No. L67, 20.3.1972, p. 13 (S.E. 1972 (I), p. 137).

(f) O.J. No. L67, 20.3.1972, p. 19 (S.E. 1972 (I), p. 143).

(g) O.J. No. L265, 24.11.1972, p. 7 (S.E. 1972 (November) p. 58).

SCHEDULE 2 (see Regulation 11(2))

(The following is the control document in Annex 1 to Report of the Committee of Deputies of the European Conference of Ministers of Transport presented to and adopted by the Council of Ministers of the said Conference at a meeting in Paris on the 16th June 1971).

(Front)

White paper—30cm x 21 cm or 32 cm x 21 cm

Carnet No.....

Waybill No.....

(Text drafted in the official language(s) of the Member country
where the vehicle employed is registered, and in English and French.)

WAYBILL

(Please use block letters)

Issuing country
(Insert country symbol)

1. Vehicle

Registration No.

Seating capacity.....

2. Transport operator

Name and first name, or business name and address

.....

3. Driver(s) name(s): 1..... 2.

4. Type of service

(a) closed door circular tour

(b) outward journey laden—return trip unladen

5. Journey schedule

For journeys referred to under 4(b): Passengers will be left at.....
(name of locality and country)

| Date | Stages day-by-day | | Vehicles driven | | km per day | Point of entry at the frontier of the Member country concerned |
|------|-------------------|----|-----------------|---------|---------------|---|
| | from | to | laden | unladen | | |

6. Passenger list (names and initials)

1. 21. 41.

2. to

3.

to

20. 40. 60.

7.

.....
(date of issue of waybill)

(Transport Operator's Signature)

8. Unforseen changes

Inspection visas, if any

| | | | | | |
|--|--|--|--|--|--|
| | | | | | |
|--|--|--|--|--|--|

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations (which do not extend to Northern Ireland) make provision supplementary to the Regulations of the European Economic Community (the Council and Commission Regulations referred to in Regulation 3(1)(a) of these Regulations) which relate to the international carriage of passengers by coach and bus.

Part II of these Regulations provides a penalty for contravention of the provisions of the principal Community Regulation (Council Regulation (EEC) No. 117/66) which requires international passenger services of the kind mentioned in Articles 1 (regular services), 2 (shuttle services) and 6 (workers services) of that Regulation to be operated under an authorisation or certificate.

Part III of these Regulations provides for the exemption, in relation to certain public service vehicles which are used to provide such services as aforesaid, or such services as are mentioned in Article 3 of Council Regulation (EEC) No. 117/66 (occasional services), from the requirements of Part III of the Road Traffic Act 1960 relating to public service vehicle licences, road service licences and the licensing of drivers and conductors of public service vehicles.

Part IV of these Regulations provides for similar exemptions in relation to certain other public service vehicles which are brought temporarily into Great Britain for the purpose of the international carriage of passengers. In particular, Regulation 11 makes such provision in relation to vehicles which are registered in the member countries (as specified in Regulation 11(1)(a)) of the European Conference of Ministers of Transport, such provision being in substitution for the existing provision in that behalf made by the Public Service Vehicles (International Circulation) Regulations 1972 which are accordingly revoked (see Regulation 2).

Part V of the Regulations makes supplementary provision relating to the production, inspection, issue, period of validity and preservation of certain documents which are required by the Council and Commission Regulations to be in force in relation to the services for the international carriage of passengers referred to above.

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