
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect in Great Britain to Article a of Council Regulation (EEC) No. 684/92 of 16 March 1992 (“the Council Regulation”) on common rules for the international carriage of passengers by coach and bus, as amended by Council Regulation (EC) No. 11/98 of 11 December 1997. The Council Regulation establishes a Community-wide licence allowing carriers operating public service vehicles access to the market for the international carriage of passengers by road.

The Council Regulation, which has direct effect in member States, prohibits the carriage of passengers in public service vehicles between member States without a Community licence (Article 3a(1)). These Regulations enforce the prohibition by imposing a penalty for breach (regulation 3) and designating competent authorities for the purposes of the Council Regulation (regulation 4).

The Council Regulation lays down the conditions for the issue and use of such licences. Each member State is to issue a Community licence to any carrier established in that State who is entitled to carry out international passenger transport operations. In Great Britain such entitlement is signified by the issue under section 13 of the Public Passenger Vehicles Act 1981 of a standard licence authorising both national and international operations, or of a restricted licence. The Regulations accordingly confer entitlement to a Community licence on the basis of the relevant Great Britain licence (regulation 5).

The form of the Community licence is prescribed in the Council Regulation (Article 3a(1) and the Annex), as is the period of validity (Article 3a(4)) and the grounds for refusal or withdrawal of the licence (Article 3a(7) and condition 5 of the model licence set out in the Annex). The holder of a Community licence must keep the original, and a certified copy must be kept in each public service vehicle carrying out an international transport operation (Article 3a(2) and condition 6 of the model licence). The original licence or a certified true copy thereof must be produced to an authorised inspecting officer on demand (Article 3a(3) and condition 7 of the model licence). Regulation 8 designates authorised inspecting officers for this purpose. Regulation 7 provides for the creation of an offence of failing to comply with any of the conditions governing the use of the licence.

These Regulations implement the Council Regulation by conferring rights of appeal against refusal or withdrawal of the licence (regulation 6). They also require a holder to return the Community licence and all certified true copies if it is withdrawn, and to return certified true copies if they are suspended or withdrawn or if the number of vehicles authorised to be used is reduced (regulation 9). Regulation 10 provides for the holder to supply information to the competent authority, and for the creation of an offence in the event of non-compliance.

Provision is made for the automatic transfer of a Community licence in certain circumstances following the death, bankruptcy or incapacity of the holder (regulation 11). Provision is made in relation to offences committed by a body corporate (regulation 12).

Provision is made in regulation 13 for modification of the Road Traffic (Foreign Vehicles) Act 1972, so that an authorised inspecting officer may prohibit the driving of a vehicle on the road, where it appears to him that there has been a contravention of regulation 3 or 7.

A regulatory impact assessment is not required as the system of Community licences will not impose any additional costs or savings and will have a negligible impact on business.