
STATUTORY INSTRUMENTS

2018 No. 1395

ROAD TRAFFIC

**The Road Transport (International
Passenger Services) Regulations 2018**

<i>Made</i>	- - - -	<i>19th December 2018</i>
<i>Laid before Parliament</i>		<i>20th December 2018</i>
<i>Coming into force</i>	- -	<i>1st February 2019</i>

The Secretary of State is a Minister designated ^{F1} for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to the carriage of passengers and goods by road.

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 ^{F2} and section 56(1) and (2) of the Finance Act 1973 ^{F3}.

In accordance with section 56(1) of the Finance Act 1973 the Treasury consents to the making of these Regulations.

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|-----------|---|
| F1 | S.I.1996/266 to which there are amendments not relevant to these Regulations. |
| F2 | 1972 c.68 ; Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51) , section 27(1)(a) and the European Union (Amendment) Act 2008 (c.7) , section 3(3) and the Schedule, Part 1. |
| F3 | 1973 c.51 . Section 56(1) was amended by Articles 2, 3 and 6 of The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043) . |

Citation, commencement and extent

1. These Regulations—
 - (a) may be cited as the Road Transport (International Passenger Services) Regulations 2018;
 - (b) come into force on 1st February 2019; and
 - (c) do not extend to Northern Ireland.

Revocation

2. The Public Service Vehicles (Community Licences) Regulations 2011 ^{F4} are revoked.

F4 [S.I.2011/2634](#).

Interpretation

3.—(1) In these Regulations—

“the 1981 Act” means the Public Passenger Vehicles Act 1981 ^{F5};

“the 1981 Regulations” means the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981 ^{F6};

“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 ^{F7};

“PSV operator's licence” has the meaning given by section 82(1) of the 1981 Act;

“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 ^{F8};

“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 ^{F9};

“traffic commissioner” means a commissioner appointed under section 4 of the 1981 Act;

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

(a) a police constable in uniform; or

(b) an examiner appointed under section 66A(1) of the Road Traffic Act 1988 ^{F10}

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

F5 [1981 c.14](#).

F6 [S.I. 1981/257](#) to which there are amendments not relevant to these Regulations.

F7 OJ No. L321, 26.11.2002, p.13.

F8 OJ No. L300, 14.11.2009, p. 51.

F9 OJ No. L300, 14.11.2009, p.88.

F10 [Section 66A\(1\)](#) was inserted by the [Road Traffic Act 1991 \(c.40\)](#).

Competent authorities

4.—(1) ^{F11}... The competent authority for the purposes of Regulation 1073/2009 and of these Regulations is—

^{F12}(a)

(b) in relation to an authorisation, the Secretary of State.

(2) The competent authority in relation to an authorisation in respect of non-liberalised occasional services under Articles 15 and 16 of Interbus where the point of departure is in Great Britain is the Secretary of State.

(3) The Confederation of Passenger Transport is the competent authority in respect of control documents for the purposes of —

- ^{F13}(a)
- (b) Interbus for occasional services exempted from authorisation as provided for in Annex 3 of that Agreement.
- ^{F14}(4)

- F11** Words in [reg. 4\(1\)](#) omitted (31.12.2020) by virtue of [The Common Rules for Access to the International Market for Coach and Bus Services \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/741\)](#), regs. 1(2), [3\(2\)\(a\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F12** [Reg. 4\(1\)\(a\)](#) omitted (31.12.2020) by virtue of [The Common Rules for Access to the International Market for Coach and Bus Services \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/741\)](#), regs. 1(2), [3\(2\)\(a\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F13** [Reg. 4\(3\)\(a\)](#) omitted (31.12.2020) by virtue of [The Common Rules for Access to the International Market for Coach and Bus Services \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/741\)](#), regs. 1(2), [3\(2\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F14** [Reg. 4\(4\)](#) omitted (31.12.2020) by virtue of [The Common Rules for Access to the International Market for Coach and Bus Services \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/741\)](#), regs. 1(2), [3\(2\)\(c\)](#); 2020 c. 1, Sch. 5 para. 1(1)

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

5.—(1) This regulation applies to a vehicle not registered in the United Kingdom but which is registered in [^{F15}a] member State, an EEA State or an Interbus State, and which is being used in Great Britain 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 1981 Act has effect as if sections 6 (certificate of initial fitness), 12 (PSV operator's licence) and 18 (duty to exhibit operator's disc) were omitted, and
- (b) the 1981 Regulations have effect as if Parts II-V were omitted.

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

- F15** Word in [reg. 5\(1\)](#) substituted (31.12.2020) by [The Common Rules for Access to the International Market for Coach and Bus Services \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/741\)](#), regs. 1(2), [3\(3\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Use of a public service vehicle for regular, special regular or cabotage services for international operations

6.—(1) This regulation applies to a vehicle registered in ^{F16}... an EEA State or [^{F17}a] member State which is being used in Great Britain in accordance with Regulation 1073/2009 for the provision of—

- (a) regular services,
- (b) special regular services, or

- (c) authorised cabotage regular services or authorised cabotage special regular services.
- (2) In relation to a vehicle to which this regulation applies—
 - (a) the Transport Act 1985 ^{F18} has effect as if section 6 (registration of local services) were omitted, and
 - (b) the Greater London Authority Act 1999 ^{F19} has effect as if Part IV (Transport) and Chapter V (regulation of bus services in Greater London) were omitted.

- F16** Words in reg. 6(1) omitted (31.12.2020) by virtue of [The Common Rules for Access to the International Market for Coach and Bus Services \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/741\)](#), regs. 1(2), [3\(4\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F17** Word in reg. 6(1) substituted (31.12.2020) by [The Common Rules for Access to the International Market for Coach and Bus Services \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/741\)](#), regs. 1(2), [3\(4\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F18** 1985 c.67.
- F19** 1999 c.29.

Fees

7.—(1) An applicant for a control document must pay to the Confederation of Passenger Transport, when an application is made, a fee of such amount as may, with the approval of the Secretary of State, be required by it.

(2) An applicant for an authorisation must pay to the Secretary of State, when an application is made, a fee of such amount as may be required.

(3) For the purposes of paragraphs (1) and (2) the fee must be no more than the reasonable cost of processing that application.

Control documents for cabotage operations

^{F20}8.

- F20** Regs. 8-11 omitted (31.12.2020) by virtue of [The Common Rules for Access to the International Market for Coach and Bus Services \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/741\)](#), regs. 1(2), [3\(5\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Issue of a Community licence and authorisation

^{F20}9.

- F20** Regs. 8-11 omitted (31.12.2020) by virtue of [The Common Rules for Access to the International Market for Coach and Bus Services \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/741\)](#), regs. 1(2), [3\(5\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Withdrawal of a Community licence

^{F20}10.

F20 Regs. 8-11 omitted (31.12.2020) by virtue of The Common Rules for Access to the International Market for Coach and Bus Services (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/741), regs. 1(2), **3(5)**; 2020 c. 1, Sch. 5 para. 1(1)

Rights of appeal

F20 **11.**

F20 Regs. 8-11 omitted (31.12.2020) by virtue of The Common Rules for Access to the International Market for Coach and Bus Services (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/741), regs. 1(2), **3(5)**; 2020 c. 1, Sch. 5 para. 1(1)

Supply of information ^{F21}...

12.—(1) The competent authority may refuse to issue [^{F22}an] authorisation to an applicant if the applicant fails to supply any information that the competent authority may reasonably request pursuant to [^{F23}Article] 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 [^{F24}an] authorisation must supply such information as the competent authority may reasonably require from time to time to enable the authority to decide whether the holder is entitled to retain the ^{F25}... authorisation.

(3) A person who fails to supply any information required under paragraph (2) may have the ^{F26}... authorisation, and any certified true copies of it, withdrawn by the competent authority.

F21 Words in reg. 12 heading omitted (31.12.2020) by virtue of The Common Rules for Access to the International Market for Coach and Bus Services (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/741), regs. 1(2), **3(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F22 Word in reg. 12(1) substituted (31.12.2020) by The Common Rules for Access to the International Market for Coach and Bus Services (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/741), regs. 1(2), **3(6)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F23 Word in reg. 12(1) substituted (31.12.2020) by The Common Rules for Access to the International Market for Coach and Bus Services (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/741), regs. 1(2), **3(6)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

F24 Word in reg. 12(2) substituted (31.12.2020) by The Common Rules for Access to the International Market for Coach and Bus Services (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/741), regs. 1(2), **3(6)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F25 Words in reg. 12(2) omitted (31.12.2020) by virtue of The Common Rules for Access to the International Market for Coach and Bus Services (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/741), regs. 1(2), **3(6)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

F26 Words in reg. 12(3) omitted (31.12.2020) by virtue of The Common Rules for Access to the International Market for Coach and Bus Services (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/741), regs. 1(2), **3(6)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

Power to stop

13.—(1) Paragraph (2) applies if it appears to a stopping 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 stopping officer may direct the driver to stop the vehicle so that an authorised inspecting officer can conduct checks as to whether an offence has been committed under these Regulations.

(3) In this regulation “stopping officer” means an officer appointed under section 66B of the Road Traffic Act 1988 ^{F27},

F27 1988 c.52; section 66B was inserted by
S.I. 2011/996

Death, bankruptcy etc. of holder of Community licence

^{F28} 14.

F28 Reg. 14 omitted (31.12.2020) by virtue of The Common Rules for Access to the International Market for Coach and Bus Services (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/741), regs. 1(2), 3(7); 2020 c. 1, Sch. 5 para. 1(1)

Amendment of certain enactments

15.—(1) The Road Traffic (Foreign Vehicles) Act 1972 ^{F29} is amended as follows.

(2) In Schedule 1 (provisions conferring functions on examiners) after the entry relating to Article 4(3) of Regulation (EC) No 1073/2009 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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(3) In Schedule 2 (provisions relating to vehicles and their drivers)—

(a) for the entry relating to regulation 4 of the Public Service Vehicles (Community Licences) Regulations 2011, 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, and 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 10 of the Public Service Vehicles (Community Licences) Regulations 2011, substitute—

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

F29 1972 c.27.

Offences

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

- (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 for those purposes;
- (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.

Offence by bodies corporate and partnerships

17.—(1) If an offence under these Regulations committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of an officer of the body corporate or any person who was purporting to act as an officer of the body corporate, that officer or person (as well as the body corporate) is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and omissions of a member in connection with the member's functions of management as it applies to an officer of the body corporate.

(3) Where an offence under these Regulations has been committed by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, that partner as well as the partnership is guilty of the offence and is liable to be proceeded against and punished accordingly.

(4) In this regulation “officer” in relation to a body corporate means a director, secretary or other similar officer of the body corporate.

Penalties

18. A person guilty of an offence under these Regulations is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Changes to legislation: There are currently no known outstanding effects for the The Road
Transport (International Passenger Services) Regulations 2018. (See end of Document for details)

Signed by authority of the Secretary of State for Transport

Department for Transport

Nusrat Ghani
Parliamentary Under Secretary of State

We consent

Paul Maynard
Mike Freer
Two of the Lords Commissioners of Her
Majesty's Treasury

SCHEDULE 1

Regulation 16

Offences for breach of Regulation 1073/2009

<i>Provision of Regulation 1073/2009</i>	<i>Subject matter</i>
Article 4(1) and (3)	International carriage of passengers subject to possession of a Community licence
Article 5(1)	Requirement for an authorisation for the provision of regular services
Article 5(3)	Requirement of some occasional services providing parallel or temporary services to have an authorisation
Article 5(5)	Requirement for own-account transport operations to be subject to [^{F30} possession of a certificate]
Article 6(6)	Authorisation to operate a regular service and the documents to be carried
Article 11(1)	Requirement of an operator providing regular services to comply with the conditions of an authorisation
Article 11(2)	Requirement of an operator providing regular services to provide information to passengers
Article 12(1)	Control documents required for the operation of occasional services
Article 12(2)	Requirement on the operator to complete a control document prior to each journey undertaken
Article 12(3)	Requirement for information to be included in a control document
Article 12(6)	Control documents required for the operation of special regular services
Article 15(c)	Provision of authorised regular service cabotage operations
Article 17(1)	Control documents required to be carried for the provision of occasional cabotage operations
Article 17(2)	Requirement for information to be included in a control document
Article 17(4)	Control documents required to be carried for the provision of special regular services cabotage
Article 18	Requirement to provide either individual or collective transport tickets when providing regular services
Article 19	Authorisation or control document required for inspection on the road

F30 Words in [Sch. 1](#) substituted (31.12.2020) by [The Common Rules for Access to the International Market for Coach and Bus Services \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/741\)](#), regs. 1(2), 3(8); 2020 c. 1, Sch. 5 para. 1(1)

SCHEDULE 2

Regulation 16

Offences for breach of Interbus

<i>Provision of Interbus</i>	<i>Subject matter</i>
Article 5	Requirement for vehicles used for international occasional services to comply with technical standards
Article 7(1)	Authorisation for non-liberalised occasional services
Article 10	Control documents required for operating liberalised occasional services exempted from authorisation
Article 12(3)	Correct completion of control documents
Article 13	Correct completion of control documents
Article 18	Authorisation or control document required for inspection on the road
Article 20	Requirement to possess a true copy of a licence to be carried for the purposes of international occasional services

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Public Service Vehicles (Community Licences) Regulations 2011. They implement Regulation (EC) No 1073/2009 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 (OJ No L300, 14.11.2009, p.88; “the EU Regulation”) and the Agreement on the international occasional carriage of passengers by coach and bus (OJ No L321, 26.11.2002, p.13; “the Interbus Agreement”). The Regulations extend to Great Britain.

The EU Regulation and the Interbus Agreement establish rules allowing access to the market for the provision of international bus and coach services.

In particular the EU Regulation provides for a Community licence and makes provision in relation to regular services, special regular services, occasional services and cabotage, requiring an

authorisation for the operation of regular services and the carrying of control documents. Relevant terms are defined in Article 2 of the EU Regulation.

The Interbus Agreement makes provision in relation to occasional services from States which are contracting parties to the Agreement, requiring an authorisation in relation to non-liberalised occasional services and the carrying of control documents in relation to liberalised occasional services. Relevant terms are defined in Article 3 of the Agreement.

Regulation 4 designates the competent authorities for the purposes of the EU Regulation and the Interbus Agreement.

Regulations 5 and 6 disapply certain domestic road transport requirements for public service vehicles not registered in the United Kingdom but providing services under the EU Regulation or Interbus Agreement.

Regulation 7 makes provision for the payment of fees to the competent authorities for the issue of control documents or an authorisation. Regulation 8 makes provision in relation to the retention of control documents. Regulation 9 confers entitlement to a Community licence on the basis of possessing the relevant Great Britain operator's licence.

Regulations 10 to 12 make provision in relation to information to be supplied with applications for a Community licence, the withdrawal of Community licences and appeals against withdrawal.

Regulation 13 gives power to stopping officers (as defined in that regulation) to stop vehicles to check whether an offence under the Regulations has been committed. Offences are set out in regulation 16 and Schedules 1 and 2 and regulation 18 provides that they are punishable on summary conviction by a fine not exceeding level 4 on the standard scale.

Provision is made for the automatic transfer of a Community licence and an authorisation following the death, bankruptcy or incapacity of the holder (regulation 14) and for offences which may be committed by a body corporate (regulation 17). In addition provision is made for the amendment of other relevant legislation (regulation 15).

The net costs on business, the voluntary sector and the public sector by these Regulations have been assessed as being less than £5 million in any year and therefore a full impact assessment has not been prepared, and a review provision has not been included. An Explanatory Memorandum is published alongside the instrument on www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Road Transport (International Passenger Services) Regulations 2018.