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STATUTORY RULES OF NORTHERN IRELAND

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**2019 No. 27**

**ROAD TRANSPORT**

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

*Made* - - - - *4th March 2019*

*Coming into operation* *28th March 2019*

The Department for Infrastructure<sup>(1)</sup> makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(2)</sup> and section 56(1) and (5) of the Finance Act 1973<sup>(3)</sup>.

The Department for Infrastructure is designated<sup>(4)</sup> 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.

In accordance with section 56(1) and (5) of the Finance Act 1973, the Department of Finance<sup>(5)</sup> consents to the making of these Regulations.

**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<sup>(6)</sup>;

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- (1) Formerly the Department for Regional Development; *see* section 1(6) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.)). Pursuant to section 1(9) of that Act, the Department of the Environment is dissolved
- (2) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (2008 c. 7). Section 2(2) is prospectively repealed by section 1 of the European Union (Withdrawal) Act 2018 (2018 c. 16) on exit day (*see* section 20 of that Act for the definition of “exit day”)
- (3) 1973 c. 51; section 56 is prospectively amended by section 17 of, and Schedule 8 to, the European Union (Withdrawal) Act 2018 (2018 c. 16) on exit day (*see* section 20 of that Act for the definition of “exit day”)
- (4) S.I. 1996/266; to which there are amendments not relevant to these Regulations
- (5) Formerly the Department of Finance and Personnel; *see* section 1(4) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.))
- (6) 1967 c. 37 (N.I.)

“the 1995 Order” means the Road Traffic (Northern Ireland) Order 1995(7);

“bus operator’s licence” means a bus operator’s licence within the meaning of section 4(8) 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(9);

“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(10);

“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(11).

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

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(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.

(4) The Interpretation Act (Northern Ireland) 1954(12) 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—

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(7) 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)

(8) 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

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

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

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

(12) 1954 c. 33 (N.I.)

- (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(13) and the Public Service Vehicles (Conditions of Fitness, Equipment and Use) Regulations (Northern Ireland) 1995(14) 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—
- (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.

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(13) 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

(14) 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

### **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(15), that person shall also be treated as the holder of any Community licence and any authorisation issued under Regulation 1073/2009

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(15) [S.R. 1989 No. 440](#); to which there is an amendment not relevant to these Regulations

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)(**16**), 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)(**17**), 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)(**18**), 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(**19**) is amended in accordance with paragraphs (2) to (4).

(2) In Article 84(2) (power in certain cases to prohibit driving of foreign vehicles)(**20**), in subparagraph (b), after “statutory provisions” insert “or the provision of the EU instrument”.

(3) In Schedule 1 (statutory provisions conferring functions on authorised officers)(**21**), after the entry relating to Articles 86 and 87 of the 1995 Order, insert—

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“Article 18 of the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) (OJNo. 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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(16) 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

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

(18) 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 1 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

(19) S.I. 1981/154 (N.I. 1)

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

(21) 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

- (4) In Schedule 2 (statutory provisions relating to vehicles and their drivers)(22)—
- (a) for the entry relating to regulation 3 of the Road Service Licensing (Community Licences) Regulations (Northern Ireland) 2013(23) substitute—

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“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 8 of the Road Service Licensing (Community Licences) Regulations (Northern Ireland) 2013 substitute—

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“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(24), for “Article 8.3” substitute “Article 8.8”.

#### **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 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.

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(22) 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

(23) S.R. 2013 No. 287

(24) S.R. 2014 No. 206

### **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

A circular official seal containing the letters "L.S." in a bold, sans-serif font.A circular official seal containing the letters "L.S." in a bold, sans-serif font.

*Tom Reid*  
A senior officer of the  
Department for Infrastructure

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

A circular official seal containing the letters "L.S." in a bold, sans-serif font.

*Emer Morelli*  
A senior officer of the  
Department of Finance

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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 a system of certification
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

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<i>Provision of Regulation 1073/2009</i>	<i>Subject Matter</i>
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

## 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

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<i>Provision of Interbus</i>	<i>Subject matter</i>
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

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke and replace the Road Service Licensing (Community Licences) Regulations (Northern Ireland) 2013. They implement Regulation (EC) No 1073/2009 (“the EU Regulation”) of the European Parliament and of the Council on common rules for access to the international market for coach and bus services (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 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 3 designates the Department for Infrastructure (“the Department”) as the competent authority for the purposes of the EU Regulation and the Interbus Agreement.

Regulation 4 disapplies certain domestic road transport requirements for public service vehicles not registered in the United Kingdom but providing services under the EU Regulation or the Interbus Agreement.

Regulation 5 makes provision for the payment of fees to the Department for the issue of control documents or an authorisation. Regulation 6 makes provision in relation to the retention of control documents. Regulation 7 confers entitlement to a Community licence on the basis of possessing the relevant Northern Ireland bus operator’s licence.

Regulations 8 to 10 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 11 gives power to authorised 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

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conviction by a fine not exceeding level 3 under these Regulations or level 4 under Article 4(1) of Regulation 1073/2009 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 12) 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 (regulations 13, 14 and 15).

An Explanatory Memorandum has been produced and is available from the Transport Strategy Division, Department for Infrastructure, Clarence Court, 10-18 Adelaide Street, Town Parks, Belfast BT2 8GB or online alongside these Regulations at <http://www.legislation.gov.uk/nisr>.