Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Public Service Vehicles (International Passenger Services) Regulations (Northern Ireland) 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY RULES OF NORTHERN IRELAND

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(**1**) makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**2**) and section 56(1) and (5) of the Finance Act 1973(**3**).

The Department for Infrastructure is designated(**4**) 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(**5**) 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.

Commencement Information

I1 Reg. 1 in operation at 28.3.2019, see **reg. 1**

(**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 Section 2(2) is prospectively repealed by section 1 of the European Union (Withdrawal) Act 2018 (2018 c. 16) on exit day (*see* section 20 of that Act for the definition of "exit day")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.))

Interpretation

2.—(1) In these Regulations—

"the 1967 Act" means the Transport Act (Northern Ireland) 1967(**6**);

"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—

(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.

Commencement Information

I2 Reg. 2 in operation at 28.3.2019, see **reg. 1**

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.

Commencement Information

I3 Reg. 3 in operation at 28.3.2019, see **reg. 1**

(**6**) 1967 c. 37 (N.I.)
(**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.)

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(**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.

Commencement Information

I4 Reg. 4 in operation at 28.3.2019, see **reg. 1**

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.

Commencement Information

I5 Reg. 5 in operation at 28.3.2019, see **reg. 1**

Control documents for cabotage operations

6. A control document for cabotage shall—

(**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

(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.

Commencement Information

I6 Reg. 6 in operation at 28.3.2019, see **reg. 1**

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.

Commencement Information

I7 Reg. 7 in operation at 28.3.2019, see **reg. 1**

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.

Commencement Information

I8 Reg. 8 in operation at 28.3.2019, see **reg. 1**

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.

Commencement Information
I9 Reg. 9 in operation at 28.3.2019, see **reg. 1**

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.

Commencement Information
I10 Reg. 10 in operation at 28.3.2019, see **reg. 1**

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.

Commencement Information
I11 Reg. 11 in operation at 28.3.2019, see **reg. 1**

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

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