STATUTORY RULES OF NORTHERN IRELAND

2015 No. 285

PUBLIC PASSENGER TRANSPORT

The Public Passenger Transport (Service Agreements and Service Permits) Regulations (Northern Ireland) 2015

Made - - - -	*25th June 2015*
Coming into operation	*5th October 2015*

The Department for Regional Development(**1**) in exercise of the powers conferred by sections 1(9), 2(1), 2(3), 4(2), 4(3), 5(1), 8(2), 13(1) and (6), 14(2), 14(3), 14(4), 15 and 45(1), (2) and (7) of the Transport Act (Northern Ireland) 2011(**2**), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Public Passenger Transport (Service Agreements and Service Permits) Regulations (Northern Ireland) 2015 and shall come into operation on 5th October 2015.

Interpretation

2. In these Regulations—

"the Act" means the Transport Act (Northern Ireland) 2011;

"operator" has the same meaning as in section 1 of the Act; and

"operator's licence" has the same meaning as in section 1 of the Act.

PART 1

SERVICE AGREEMENTS

Content of service agreements

3.—(1) In addition to the mandatory requirements of Article 4 of Regulation (EC) No. 1370/2007(**3**), a service agreement may deal with the matters set out in Schedule 1.

(**1**) S.I. 1999/283
(**2**) 2011 c.11 (N.I.)
(**3**) OJ L 315, 3.12.2007, p1

(2) A service agreement made with a company, or other body corporate, may apply also to the provision of services by any of its subsidiaries, provided that the subsidiary is an operator.

Review of decisions required by Article 5(7) of Regulation (EC) No. 1370/2007

4.—(1) The review procedure set out in Schedule 2 applies to decisions taken in accordance with paragraphs 2, 4, 5 and 6 of Article 5 of Regulation (EC) No. 1370/2007.

(2) The procedure set out in Schedule 3 applies to decisions taken in accordance with paragraph 3 of Article 5 of Regulation EC) No. 1370/2007.

PART 2

SERVICE PERMITS

Applications

5.—(1) An application for a service permit must be made in writing to the Department and may be made by any form of electronic communication.

(2) The application fee set out in regulation 9 is payable at the time the application is submitted to the Department and may be paid by electronic transfer.

(3) An applicant for a service permit must provide such information as set out in Schedule 4.

(4) Where the Department decides to issue a service permit it will notify the applicant in writing of that decision.

(5) Where a decision has been issued under paragraph (4) –

(a) the applicant must submit the permit fee set out in regulation 9 to the Department within 42 calendar days of the date on the written notification, and may do so by electronic transfer; and

(b) on compliance by the applicant with subparagraph (a) the Department will issue the permit.

(6) Where the Department decides to refuse an application for a service permit it shall inform the applicant in writing of its reasons.

(7) For the purposes of this regulation, "electronic communication" has the same meaning as section 4(1) of the Electronic Communications Act (Northern Ireland) 2001(**4**).

Variation of service permits

6. An application by the permit holder for the variation of a permit must be in writing and must include information as to—

(a) the detail of such variation;

(b) the reasons for the variation; and

(c) the date on which the service permit holder wishes the variation to take effect.

Continuation of service permits on death, bankruptcy, etc.

7.—(1) In this regulation, "actual holder" in relation to a service permit means the person to whom the service permit was issued.

(**4**) 2001c.9 (N.I.), the definition of "electronic communication" in section 4(1) was amended by paragraph 170 of schedule 17 to the Communications Act 2003 (c.21)

(2) This regulation applies in the event –

(a) of the death of the actual holder of the service permit;

(b) of the actual holder of the service permit becoming a patient (within the meaning of Article 2(2) of the Mental Health (Northern Ireland) Order 1986(**5**) on the grounds that the holder is incapable, by reason of mental disorder, of adequately managing his property and affairs;

(c) that the actual holder has sold the business (or part of the business) as a going concern;

(d) that the actual holder is adjudged bankrupt or is the subject of a bankruptcy restrictions order;

(e) that the actual holder has become insolvent;

(f) that the actual holder has received a winding up order;

(g) that the actual holder has gone into receivership or liquidation; or

(h) that the actual holder has entered into administration.

(3) Subject to paragraph (6), after the happening of any event mentioned in paragraph (2)(a) or (b), the Department may direct that the service permit be treated –

(a) as not having terminated at the time when the service permit holder died or became a patient, but as having been suspended (that is, having remained in force but subject to the limitation that no services were authorised to be provided under it) from that time until the time when the direction comes into force; and

(b) as having effect from the time when the direction comes into force for a specified period and as being held during the period (for such purposes and to such extent as may be specified) not by the person to whom it was issued, but by such other person carrying on that person's business, or part of that person's business.

(4) Subject to paragraph (6), after the happening of any of the events mentioned in paragraphs 1(c) to (h), the Department may direct that any service permit is to be treated (for such purposes, for such period and to such extent as may be specified) as held not by the person to whom it was issued, but by such other person carrying on that person's business, or part of that person's business.

(5) The Department may direct, for the purposes of giving effect to or supplementing a direction given under paragraphs (3) or (4), that the Act is to apply with such modifications in relation to the person who is to be treated under the direction as the holder of the service permit.

(6) The powers exercisable under paragraphs (3) and (4) shall be exercisable in relation to a service permit only where the person who is to carry on the business of the person to whom the service permit was issued, holds an operator's licence appropriate for that business.

(7) In this regulation "specified" means "specified in the direction".

Suspension or withdrawal of service

8.—(1) A service permit holder who ceases to provide a service on a route provided for in that permit, must notify the Department in writing of that cessation, giving the reasons for it.

(2) The notification required under paragraph (1) must be given within 24 hours of the cessation or in the event of the service ceasing on a weekend, bank holiday or public holiday, on the next working day.

(**5**) S.I. 1986/595 (N.I. 4)

Fees

9.—(1) Subject to paragraph (2), the fee payable in respect of an application for a service permit is £45, the issue of a service permit is £195 and the issue of a copy service permit, where the original has been lost or defaced, is £10.

(2) In respect of an application for a service permit for a service which is time-bound for a specific event, the fee payable for the application is £45, nil for issue of a service permit and for the issue of a copy where the original has been lost or defaced, the fee is £10.

Issue of copy permit

10.—(1) Where a service permit has been lost or defaced, the service permit holder shall forthwith notify the Department in writing.

(2) If–

(a) the Department is satisfied that the service permit has been lost or defaced; and

(b) in the case of a service permit which has been defaced, it is surrendered to the Department,

the Department shall issue a copy (so marked) on payment of the fee, which shall have effect as the original service permit.

(3) Where a service permit has been lost, and after a copy has been issued, the lost service permit is found by or comes into possession of the service permit holder, the original service permit shall be returned to the Department.

Refunding fees

11.—(1) Except where a service permit is revoked by the Department under section 10 of the Act, the fee for issue of a service permit, or a proportionate part as calculated in accordance with paragraph (2), shall be refunded upon receipt of a written request from the service permit holder to terminate the service or, in the case where the service permit holder has died, from the personal representative of that person.

(2) The amount refundable under paragraph 1 shall be £65 for each full year remaining on the service permit. The number of full years will be calculated from the date the Department receives the request.

PART 3

PUBLIC PASSENGER TRANSPORT SERVICES

Exempt services

12.—(1) A Tour provided by an operator is a service which is to be treated as an exempt service for the purposes of section 1(8) of the Act.

(2) A Tour means an occasional or scheduled advertised service for the purposes of tourism to advertised destinations within the United Kingdom where passengers may not be dropped off en route to each advertised destination, nor picked up on the return journey, and where the stopping time for each advertised destination shall not be less than twenty minutes.

Sealed with the Official Seal of the Department for Regional Development on 25th June 2015.

L.S.

Tom Reid
A senior officer of the
Department for Regional Development