STATUTORY RULES OF NORTHERN IRELAND

2005 No. 212

EUROPEAN COMMUNITIES
ROAD TRAFFIC AND VEHICLES

Road Transport (Passenger Vehicles Cabotage) Regulations (Northern Ireland) 2005

Made - - - -	*13th April 2005*
Coming into operation	*26th May 2005*

The Department of the Environment, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) relating to the carriage of passengers by road, in exercise of the powers conferred by that section and by every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Road Transport (Passenger Vehicles Cabotage) Regulations (Northern Ireland) 2005 and shall come into operation on 26th May 2005.

(2) In these Regulations –

"the 1967 Act" means the Transport Act (Northern Ireland) 1967(**3**);

"the 1981 Order" means the Road Traffic (Northern Ireland) Order 1981(**4**);

"Community licence" has the same meaning as in Article 19D of the 1981 Order(**5**);

"Community carrier" means a road passenger transport carrier established in a Member State of the European Community other than the United Kingdom;

"the Council Regulation" means Council Regulation (EC) No. 12/98 of 11th December 1997 laying down the conditions under which non-resident carriers may operate national road passenger transport services within a Member State(**6**);

(**1**) S.I. 1996/266
(**2**) 1972 c. 68
(**3**) 1967 c. 37 (N.I.); relevant amending instruments are 1975 c. 46, S.R. 1977 No. 327, S.I. 1979/1714 (N.I. 19), 1981 c. 45, S.I. 1984/1986 (N.I. 15), S.R. 1987 No. 383 and S.R. 2003 No. 217
(**4**) 1981/154 (N.I. 1); relevant amending instruments are S.R. 1987 No. 383, S.I. 1991/197 (N.I. 3), S.I. 1995/2994 (N.I. 18), S.R. 1996 No. 426, S.R. 2002 No. 116 and S.R. 2003 No. 515
(**5**) Article 19D was inserted by Schedule 1 to S.I. 1991/197 (N.I. 3) and amended by S.R. 1996 No. 426, Schedule 1, paragraph 12(2)(b)
(**6**) O.J. No. L4, 8.1.98, p. 10

"the Department" means the Department of the Environment;

"road" has the meaning given in Article 2(2) of the 1981 Order;

"UK cabotage operations" means cabotage transport operations in Northern Ireland or between Northern Ireland and Great Britain.

(3) Any words and expressions used in these Regulations shall be construed in accordance with the meaning of those words or expressions in the Council Regulation.

(4) The Interpretation Act (Northern Ireland) 1954(**7**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Cabotage without a Community licence

2.—(1) A person shall not use a vehicle on a road, or cause or permit a vehicle to be so used, for the purpose of UK cabotage operations which are carried out by a Community carrier without a valid Community licence.

(2) A person who contravenes paragraph (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Use of a vehicle in Northern Ireland without a control document

3.—(1) A person who uses, or causes or permits to be used, a vehicle on a road for the purposes of UK cabotage operations, which –

(a) take the form of occasional services in Northern Ireland or between Northern Ireland and Great Britain; and

(b) are carried out in contravention of Article 6(1) of the Council Regulation,

shall be guilty of an offence.

(2) A person who is guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Competent authorities in Northern Ireland

4.—(1) For the purposes of Articles 7, 9 and 11(2) and (3) of the Council Regulation the competent authority shall be the Department.

(2) For the purposes of Article 11(4) of the Council Regulation the competent authority of the Member State of establishment shall be the Department.

Appeals

5. A carrier who is aggrieved by an administrative penalty imposed on him by the Department under Article 11(2) or Article 11(4) of the Council Regulation may appeal to a county court giving notice of the appeal to the Department.

Production of documents

6.—(1) The driver of a vehicle which is required, under Article 5 of the Council Regulation, to have on board a Community licence shall be guilty of an offence if he fails, without reasonable cause, to produce the licence when requested to do so by an authorised inspecting officer.

(2) References in paragraph (1) to a Community licence include references to a certified true copy of a licence.

(**7**) 1954 c. 33 (N.I.)