STATUTORY RULES OF NORTHERN IRELAND

2002 No. 116

EUROPEAN COMMUNITIES
ROAD TRAFFIC AND VEHICLES

Road Service Licensing (Community Licences) Regulations (Northern Ireland) 2002

Made - - - -	*19th March 2002*
Coming into operation	*1st May 2002*

The Department of the Environment, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the international carriage of passengers and goods by road, and in particular any scheme (including a quota scheme) for making it possible for carriers in Member States to conduct road transport operations on routes between Member States, in exercise of the powers conferred by that section and of 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 Service Licensing (Community Licences) Regulations (Northern Ireland) 2002 and shall come into operation on 1st May 2002.

(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**);

"constable" does not include a member of the Naval, Military or Royal Air Force Police;

"the Council Regulation" means Council Regulation (EEC) No. 684/92 of 16th March 1992 on common rules for the international carriage of passengers by coach and bus(**5**) as amended by Council Regulation (EC) No. 11/98 of 11th December 1997(**6**);

"the Department" means the Department of the Environment;

(**1**) S.I.1972/1811
(**2**) 1972 c. 68
(**3**) 1967 c. 37 (N.I.) as amended by S.R. & O. (N.I.) 1972 No. 359, Article 5(4), S.R. 1977 No. 327, S.R. 1981 No. 2 and S.I. 1984/1986 (N.I. 15), Articles 10 to 14
(**4**) S.I. 1981/154 (N.I.): *see* Article 2(2) for the definition of "Department"
(**5**) O.J. No. L74, 20.3.92, p. 1
(**6**) O.J. No. L4, 8.1.98, p. 1

"international operation" means a passenger transport operation starting or terminating in the United Kingdom and involving an international journey by the vehicle concerned, whether or not any driver enters or leaves the United Kingdom with that vehicle;

"national operation" means a passenger transport operation wholly within the United Kingdom;

"public service vehicle" has the meaning assigned to it by Article 2(2) of the 1981 Order;

"road service licence" means a road service licence within the meaning of section 4 of the 1967 Act,

and other expressions which are also used in the Council Regulation have the meaning which they bear in that Regulation.

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

Use of public service vehicles without Community licence

2. A person who uses a vehicle in Northern Ireland in contravention of Article 3a(1) of the Council Regulation shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Competent authority

3. As respects Northern Ireland, the competent authority for the purposes of Article 3a of the Council Regulation and of these Regulations shall be the Department.

Entitlement to the issue of a Community licence

4. A person shall be entitled to be issued with a Community licence under Article 3a(2) of the Council Regulation if he holds a road service licence which authorises use on both national and international operations.

Right of appeal

5. A person who—

(a) is aggrieved by the refusal of the Department to issue a Community licence to him; or

(b) being the holder of a Community licence, is aggrieved by the decision of the Department to withdraw it,

may appeal to a county court, giving notice of the appeal to the Department.

Effect of failure to comply with conditions governing use of Community licence

6. A person who uses a vehicle in Northern Ireland under a Community licence and, without reasonable excuse, fails to comply with any of the conditions governing the use of that licence under the Council Regulation shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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

Authorised inspecting officers

7. Authorised inspecting officers for the purposes of the Council Regulation shall be examiners appointed under Article 74 of the Road Traffic (Northern Ireland) Order 1995(**8**) and constables authorised so to act by or on behalf of the Chief Constable.

Return of documents

8.—(1) Where a Community licence is withdrawn by the Department in accordance with condition 5 of the model Community licence set out in the Annex to the Council Regulation, the holder of that licence shall within 7 days of such withdrawal return to the Department the original licence and all certified true copies of it.

(2) The holder of a Community licence shall return to the Department such certified true copies of the licence as the Department may require pursuant to any decision of the Department under the condition 5 referred to in paragraph (1) to withdraw certified true copies of the Community licence.

(3) A person who, without reasonable excuse, fails to comply with any provision of paragraph (1) or (2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Supply of information

9.—(1) The holder of a Community licence shall furnish such information as the Department may reasonably require from time to time to enable it to decide whether the holder is entitled to retain that licence.

(2) A person who, without reasonable excuse, fails to supply any information required under paragraph (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Death, bankruptcy etc. of holder of Community licence

10. Where a person holds a road service licence as the successor referred to in regulation 7 of the Road Service Licensing Regulations (Northern Ireland) 1989(**9**), such person shall also be treated as the holder of any Community licence held by the grantee of that road service licence, for the same period as is specified or determined by that regulation.

Amendment of the Road Traffic (Northern Ireland) Order 1981

11.—(1) At the end of Schedule 1 to the 1981 Order there shall be added—

"Article 3a(3) of Council Regulation (EEC) No. 684/92 of 16th March 1992 on common rules for the international carriage of passengers by bus and coach as amended by Council Regulation (EC) No. 11/98 of 11th December 1997.	To require the production of a certain document which is required to be kept on board certain passenger vehicles.".

(2) At the end of Schedule 2 to the 1981 Order, there shall be added—

(**8**) S.I. 1995/2994 (N.I. 18)
(**9**) S.R. 1989 No. 440