1987 No. 383

EUROPEAN COMMUNITIES

ROAD AND RAILWAY TRANSPORT

European Communities (International Passenger Services) Regulations (Northern Ireland) 1987

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Coming into operation . . . *9th November 1987*

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The Department of the Environment, being a Department designated(**a**) for the purpose of section 2(2) of the European Communities Act 1972(**b**) in relation to the international carriage of passengers by road, in exercise of the powers conferred by that section, section 45(*i*) and (*j*) of the Transport Act (Nothern Ireland) 1967(**c**) and now vested in it(**d**), Article 66(1) and (2) of the Road Traffic (Northern Ireland) Order 1981(**e**), and section 56(1) and (5) of the Finance Act 1973(**f**) and of all other powers enabling it in that behalf and with the approval and consent of the Department of Finance and Personnel(**g**) in relation to regulation 14(3), (4) and (5) makes the following Regulations:—

PART I — GENERAL

Citation, commencement and application

1.—(1) These Regulations may be cited as the European Communities (International Passenger Services) Regulations (Northern Ireland) 1987 and shall come into operation on 9th November 1987.

(2) The Road Service Licensing (Exemption) Regulations (Northern Ireland) 1970(**h**) and the Public Service Vehicles (International Circulation) Regulations (Northern Ireland) 1970(**i**) shall not apply to vehicles to which these Regulations apply.

Revocation

2. The European Communities (International Passenger Services) Regulations (Northern Ireland) 1981(**j**) and the European Communities (International Passenger Services) (Amendment) Regulations (Northern Ireland) 1984(**k**) are revoked.

Interpretation

3.—(1) In these Regulations—

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

"ASOR" means the Agreement on the International Carriage of Passengers by Road by means of Occasional Coach and Bus Services (ASOR)(**l**), approved on behalf of the Economic Community pursuant to Council Decision (EEC) of 20th July 1982 concluding the Agreement(**m**), entering into force for the Economic Community on 1st December 1983, as read with Council Regulation (EEC) No. 56/83 on measures implementing the Agreement(**n**);

(a) *See* S.I. 1972/1811
(b) 1972 c. 68
(c) 1967 c. 37 (N.I.) as amended by S.I. 1984/1986 (N.I. 15) Art. 10(2)
(d) *See* S.R. & O. (N.I.) 1973 No. 504 Art. 4
(e) S.I. 1981/154 (N.I. 1)
(f) 1973 c. 51
(g) Formerly the Department of Finance. *See* S.I. 1982/338 (N.I. 6) Art. 3
(h) S.R. & O. (N.I.) 1970 No. 41
(i) S.R. & O. (N.I.) 1970 No. 325
(j) S.R. 1981 No. 199
(k) S.R. 1984 No. 45
(l) O.J. No. L230, 5.8.82, p. 39
(m) O.J. No. L230, 5.8.82, p. 38
(n) O.J. No. L10, 13.1.83, p. 1

"ASOR regulated carriage of passengers" means the international carriage of passengers by road to which ASOR applies, namely in the circumstances specified in Article 1 thereof, that is to say, by means of occasional services (within the meaning of that Agreement) effected—

(*a*) between the territories of two ASOR States, or starting and finishing in the territory of the same ASOR State;

(*b*) should the need arise during such services, in transit through the territory of another ASOR State or through the territory of a State which is not an ASOR State; and

(*c*) using vehicles registered in the territory of an ASOR State which by virtue of their construction and equipment, are suitable for carrying more than nine persons, including the driver, and are intended for that purpose,

and references to the carriage of passengers, which is ASOR regulated, include unladen journeys of the vehicles concerned with such carriage;

"ASOR State" means—

(*a*) a State, not being a member State, which is a contracting party to ASOR and to which the provisions of Sections II and III of ASOR apply in accordance with Article 18 thereof; or

(*b*) the European Economic Community;

"authorised inspection officer" means—

(*a*) an inspector appointed under section 37 of the Act; or

(*b*) an authorised officer as defined in Article 64(4) of the Order;

"the Commission Regulation" means Regulation (EEC) No. 1016/68 of the Commission of 9th July 1968(**a**) prescribing the model control documents referred to in Articles 6 and 9 of Council Regulation No. 117/66 as amended by and read with Regulation (EEC) No. 2485/82 of the Commission of 13th September 1982(**b**);

"Community regulated carriage of passengers" means the international carriage of passengers by road to which Council Regulation No. 117/66 applies, namely in the circumstances mentioned in Article 4(1) thereof, that is to say—

(*a*) where the place of departure is in the territory of a member State and the destination is in the territory of the same or another member State; and

(*b*) the vehicle is registered in a member State and in construction and equipment is suitable for carrying more than nine persons, including the driver, and is intended for that purpose,

and references to the carriage of passengers which is Community regulated include unladen journeys of the vehicles concerned with such carriage, and "non-Community regulated" shall be construed accordingly;

(**a**) O.J. No. L173, 22.7.1968, p. 8
(**b**) O.J. No. L265, 15.9.1982, p. 5

"Council Regulation No. 117/66" means Regulation No. 117/66/EEC of the Council of 28th July 1966 on the introduction of common rules for the international carriage of passengers by coach and bus(**a**);

"Council Regulation No. 516/72" means Regulation (EEC) No. 516/72 of the Council of 28th February 1972 on the introduction of common rules for shuttle services by coach and bus between member States(**b**);

"Council Regulation No. 517/72" means Regulation (EEC) No. 517/72 of the Council of 28th February 1972 on the introduction of common rules for regular and special regular services by coach and bus between member States(**c**) as amended by Regulation (EEC) No. 1301/78 of the Council of 12th June 1978(**d**);

"the Council Regulations" means Council Regulation No. 117/66, Council Regulation No. 516/72 and Council Regulation No. 517/72;

"Department" means the Department of the Environment;

"ECMT State" means a State which is a member of the European Conference of Ministers of Transport of 17th November 1953 but not a member State or an ASOR State;

"international passenger transport authorisation" means a licence, permit, authorisation or other document issued by the Department in pursuance of an international agreement or arrangement to which the United Kingdom is, for the time being, a party;

"member State" means a State which is a member of the European Economic Community;

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

"regular service authorisation" means an authorisation under Council Regulation No. 517/72;

"shuttle service authorisation" means an authorisation under Council Regulation No. 516/72;

"special regular service authorisation" means an authorisation under Council Regulation No. 517/72; and

"vehicle" means a public service vehicle.

(2) The Interpretation Act (Northern Ireland) 1954(**e**) shall apply to these Regulations as it applies to a measure of the Northern Ireland Assembly.

PART II

EXEMPTIONS FROM, AND MODIFICATIONS OF, PARTS II AND IV OF THE ACT AND EXEMPTIONS FROM ARTICLES 59, 60 AND 70 OF THE ORDER IN RELATION TO VEHICLES REGISTERED IN THE UNITED KINGDOM WHEN USED FOR THE INTERNATIONAL CARRIAGE OF PASSENGERS

Community regulated regular, shuttle and works services by vehicles registered in Great Britain

4.—(1) This regulation applies to a vehicle registered in Great Britain which is being used for Community regulated carriage of passengers insofar as the vehicle—

(a) O.J. No. L147, 9.8.1966, p. 2688
(b) O.J. No. L67, 20.3.1972, p. 13
(c) O.J. No. L67, 20.3.1972, p. 19
(d) O.J. No. L158, 16.6.1978, p. 1
(e) 1954 c. 33 (N.I.)