1981 No. 199

EUROPEAN COMMUNITIES

ROAD TRAFFIC AND TRANSPORT

European Communities (International Passenger Services) Regulations (Northern Ireland) 1981

Made . . . . . *17th June 1981*

Coming into operation . . . *27th July 1981*

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The Department of the Environment, being a Department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to international carriage of passengers by road, in exercise of the powers conferred by that section, section 45(i) to (l) of the Transport Act (Northern Ireland) 1967(**c**) and now vested in it(**d**), article 66(1)(*p*) and (*q*) 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 every other power enabling it in that behalf and with the consent of the Department(**g**) of Finance in relation to regulation 13(3), (4) and (5) hereby makes the following Regulations:—

PART I

GENERAL

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the European Communities (International Passenger Services) Regulations (Northern Ireland) 1981 and shall come into operation on 27th July 1981.

(2) The European Communities (Public Service Vehicles) Regulations (Northern Ireland) 1973(**h**), the European Communities (International Passenger Services)

(**a**) S.I. 1972/1811
(**b**) 1972 c. 68
(**c**) 1967 c. 37 (N.I.) as amended by S.R. & O. (N.I.) 1972 No. 359 Art. 5
(**d**) S.R. & O. (N.I.) 1973 No. 504 Art. 4
(**e**) S.I. 1981/154 (N.I. 1)
(**f**) 1973 c. 51
(**g**) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(**h**) S.R. & O. (N.I.) 1973 No. 200

Regulations (Northern Ireland) 1973(a), and the European Communities (International Passenger Services) Regulation (Northern Ireland) 1979(b) are hereby revoked.

(3) As from 24th July 1981 the Road Services Licensing (Exemption) Regulations (Northern Ireland) 1970(c) and the Public Service Vehicles (International Circulation) Regulations (Northern Ireland) 1970(d) shall not apply to vehicles to which these Regulations are applicable.

Interpretation

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

(2) In these Regulations—

(*a*) the references to the following provisions, that is to say—

Council Regulation No. 117/66

Commission Regulation No. 1016/68

Council Regulation No. 516/72

Council Regulation No. 517/72

are references, respectively to the Community provisions more particularly described in Schedule 1 and references to "the Council Regulations" or "the Commission Regulation" shall be construed accordingly.

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

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

(*d*) "Community regulated", in relation to the 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—

(i) 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

(ii) 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 "non-Community regulated" shall be construed accordingly;

(*e*) "Department" means the Department of the Environment;

(*f*) "authorised inspection officer" means—

(i) an inspector appointed under section 37 of the Act of 1967, or

(ii) an authorised officer as defined in article 64(4) of the Order of 1981;

(*g*) "member State" means a state which is a member of the European Economic Community;

(*h*) "vehicle" means a public service vehicle.

(a) S.R. & O. (N.I.) 1973 No. 212
(b) S.R. 1979 No. 401
(c) S.R. & O. (N.I.) 1970 No. 41
(d) S.R. & O. (N.I.) 1970 No. 325
(e) 1954 c. 33 (N.I.)

PART II

MODIFICATIONS OF PART II OF THE ACT OF 1967 AND PART V OF THE ORDER OF 1981 IN RELATION TO PUBLIC SERVICE 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

3.—(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*) is used to provide any service for the carriage of passengers such as is mentioned in Article 1, 2 or 6 of Council Regulation No. 117/66; and

(*b*) is so used in accordance with such of the requirements of the Council Regulations as apply in relation to the service in question.

(2) In relation to a vehicle to which this regulation applies the provisions of Part II of the Act of 1967 and Part V of the Order of 1981 shall have effect as though section 4 of the Act of 1967 and articles 59, 60 and 70 of the Order of 1981 were omitted.

Non-Community regulated regular and shuttle services by vehicles registered in the United Kingdom

4.—(1) This regulation applies to a vehicle registered in the United Kingdom which is being used for the international carriage of passengers by road which is not Community regulated but is being used to provide a service for the carriage of passengers of a description such as is mentioned in Article 1 or 2 of Council Regulation No. 117/66 (that is to say, a regular service, a special regular service or a shuttle service as defined in those Articles).

(2) The provisions of Part II of the Act of 1967 and Part V of the Order of 1981 shall have effect as if—

(*a*) in relation to a vehicle to which this regulation applies registered in Great Britain, articles 59, 60 and 70 of the Order of 1981 were omitted; and

(*b*) in relation to a vehicle to which this regulation applies registered in Northern Ireland or in Great Britain for section 4 of the Act of 1967 there were substituted the following section—

"**4.**—(1) No person shall cause or permit a public service vehicle to be used on a road for the international carriage of passengers unless there is in force in relation to the use of the vehicle, and is carried on the vehicle, an international passenger transport authorisation.

(2) An authorised inspection officer may at any time, on production if so required of his authority, require the operator or the driver of any such vehicle as is referred to in sub-section (1) to produce and to permit him to inspect and copy an international passenger transport authorisation relating to the use of the vehicle, and for that purpose may require the vehicle to be stopped and may detain the vehicle for such time as is requisite for the purpose of inspecting and copying the authorisation.

(3) A person who—

(*a*) contravenes sub-section (1); or

(*b*) fails to comply with a requirement of an authorised inspection officer as specified in sub-section (2), or obstructs an authorised inspection officer, in the exercise of his powers under sub-section (2); shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

(4) In this section "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.".

Occasional services by vehicles registered in the United Kingdom (whether Community regulated or not)

5.—(1) This regulation applies to a vehicle registered in the United Kingdom which is being used for the international carriage of passengers by road (whether Community regulated or otherwise)—

(*a*) insofar as the vehicle is used to provide a service for the carriage of passengers (Community regulated) such as is mentioned—

(i) in paragraph 1(*a*) of Article 3 of Council Regulation No. 117-66 (that is to say, an occasional service described in that paragraph as a closed-door tour), or

(ii) in paragraph 1(*b*) of that Article (that is to say, an occasional service described in that paragraph where the passengers are carried on the outward journey and the return journey is made unladen), or

(iii) in paragraph 1(*c*) of that Article (that is to say, an occasional service as mentioned in that paragraph, of any other description); or

(*b*) insofar as the vehicle is used to provide a service for the carriage of passengers which is not Community regulated but is a service of a description such as is mentioned in any of these paragraphs.

(2) The provisions of Part II of the Act of 1967 and Part V of the Order of 1981 shall have effect as if—

(*a*) in relation to a vehicle to which this regulation applies registered in Great Britain, articles 59, 60 and 70 of the Order of 1981 were omitted, and

(*b*) in relation to a vehicle to which this regulation applies registered in Northern Ireland or in Great Britain, for section 4 of the Act of 1967 there were substituted the following section:—

"**4.**—(1) No person shall cause or permit a vehicle to be used on a road for the international carriage of passengers unless—

(*a*) in relation to such use of the vehicle the requirements of Articles 2, 3 and 4 of the Commission Regulation and of Annex 2 thereto (which provide for the completion by the person by whom or on whose behalf, a vehicle is used to provide an occasional service within the meaning of Article 3 of Council Regulation No. 117/66, of a passenger waybill in respect of the service in question and for the carrying of the top copy of such waybill on the vehicle at all times while it is used on that service) are complied with, or would be complied with if those provisions applied to the service; and

(*b*) the vehicle is used on the service in question in circumstances which accord in all respects with the particulars which, in accordance with the said requirements, have been specified in the said passenger waybill as applicable to that service.

(2) An authorised inspection officer may, at any time which is reasonable having regard to the circumstances of the case, enter any premises from which he has reason to believe that a vehicle is or is to be operated on a service for the international carriage of passengers and may, on production if so required of his authority, require the operator of the vehicle to produce and to permit him to inspect and copy a control document duly completed for the service in accordance with Articles 2, 3 and 4 of Annex 2 to the Commission Regulation.