1973. No. 212 [C]

EUROPEAN COMMUNITIES

International Passenger Services

REGULATIONS, DATED 28TH JUNE 1973, MADE BY THE MINISTRY OF DEVELOPMENT UNDER SECTION 2 OF THE EUROPEAN COMMUNITIES ACT 1972 AND SECTION 45(i) TO (l) OF THE TRANSPORT ACT (NORTHERN IRELAND) 1967.

The Ministry of Development, as the designated Ministry under the European Communities (Designation) Order 1972(**a**), on behalf of the Secretary of State and in exercise of the powers conferred on it by section 2 of the European Communities Act 1972(**b**) and Section 45(i) to (l) of the Transport Act (Northern Ireland) 1967(**c**) and all other enabling powers hereby makes the following Regulations:—

PART I

GENERAL

Citation and commencement

1.—(1) These Regulations may be cited as the European Communities (International Passenger Services) Regulations (Northern Ireland) 1973.

(2) This Regulation and Regulation 13(1) (so far as relating to paragraph (2) of that Regulation) and the said paragraph (2) shall come into operation on 28th June 1973 and the remaining Regulations shall come into operation on 1st July 1973.

2. As from 1st July 1973 the Road Service Licensing (Exemption) Regulations (Northern Ireland) 1970(**d**) shall not apply to public service vehicles registered in a member State.

Interpretation

3.—(1) 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, and
Council Regulation No. 517/72,

are references, respectively, to the Community provisions more particularly described in the Schedule, being provisions which are directly applicable Community provisions relating to the international carriage of passengers by coach and bus and which apply in the United Kingdom on and after 1st July, 1973;

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

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

(**a**) S.I. 1972, No. 1811 (1972. III, p. 5216).
(**b**) 1972. c. 68.
(**c**) 1967. c. 37 (N.I.).
(**d**) S.R. & O. (N.I.). 1970, No. 41.

(*d*) "examiner" means—

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

(ii) a member of the Royal Ulster Constabulary;

(*e*) "public service vehicle" has the same meaning as in section 190(1) of the Road Traffic Act (Northern Ireland) 1970(e).

(2) The Interpretation Act (Northern Ireland) 1954(f) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of the Parliament of Northern Ireland.

Application

4. Parts II and III apply in relation to a vehicle which is used for the international carriage of passengers by road in the circumstances mentioned in Article 4(1) of Council Regulation No. 117/66, that is to say, where—

(*a*) 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.

PART II

PENALTY FOR CONTRAVENTION OF COUNCIL REGULATION NO. 117/66

5. A person is guilty of an offence under this Regulation if he contravenes Council Regulation No. 117/66 by using a vehicle to which this Part applies or by causing or permitting such a vehicle to be used—

(*a*) to provide a service for the carriage of passengers such as is mentioned in Article 1 of Council Regulation No. 117/66 (that is to say, a regular service or a special regular service as defined in that Article), not being, in either such case, a service such as is mentioned in Article 6 of that Regulation, otherwise than under and in accordance with the terms of an authorisation issued under Article 2 of Council Regulation No. 517/72; or

(*b*) to provide a service for the carriage of passengers such as is mentioned in Article 2 of Council Regulation No. 117/66 (that is to say, a shuttle service as defined in that Article), not being a service such as is mentioned in Article 6 of that Regulation, otherwise than under and in accordance with the terms of an authorisation issued under Article 2 of Council Regulation No. 516/72; or

(*c*) to provide a service for the carriage of passengers such as is mentioned in Article 6 of Council Regulation No. 117/66 (that is to say, a service provided by an undertaking for its own workers in relation to which the conditions mentioned in paragraph 1(*a*) and (*b*) of that Article are fulfilled) without there being in force in relation to the service a certificate issued under Article 1 of Commission Regulation No. 1016/68.

(e) 1970. c. 2 (N.I.). (f) 1954. c. 33 (N.I.).

6.—(1) A person guilty of an offence under Regulation 5 by virtue of paragraph (*a*) or (*b*) thereof shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction (under either of those paragraphs) to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(2) A person guilty of an offence under Regulation 5 by virtue of paragraph (*c*) thereof shall be liable on summary conviction to a fine not exceeding twenty pounds.

PART III

MODIFICATIONS OF THE ACT OF 1967 IN RELATION TO CERTAIN VEHICLES BEING PUBLIC SERVICE VEHICLES, WHEN USED FOR THE INTERNATIONAL CARRIAGE OF PASSENGERS

7.—(1) This Regulation applies to a public service vehicle (being a vehicle to which this Part applies) which is registered in a member State other than the United Kingdom or is registered in Great Britain, 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 or, as the case may be, the Commission Regulation mentioned in Regulation 5 above as apply in relation to the service in question.

(2) In relation to a vehicle to which this Regulation applies, Part II of the Act of 1967 shall have effect as though section 4(1) to (3) and in section 4(4) the words "who acts in contravention of subsection (2) or" (which requires carriers of passengers for reward to hold a road service licence) were omitted.

8.—(1) This Regulation applies to a public service vehicle (being a vehicle to which this Part applies) which is registered in a member State other than the United Kingdom or is registered in Great Britain—

(*a*) insofar as the vehicle is used to provide a service for the carriage of passengers 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 the said Article 3 (that is to say, an occasional service as described in that paragraph where passengers are carried on the outward journey and the return journey is made unladen), or

(iii) In paragraph 1(*c*) of the said Article 3 (that is to say, an occasional service, as mentioned in that paragraph, of any other description) where all the conditions specified in the proviso to Article 5(2) of the said Council Regulation are fulfilled; and

(*b*) insofar as, in relation to the use of the vehicle—

(i) the requirements of Articles 3 and 4 of Commission Regulation No. 1016/68, 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 such an occasional service as aforesaid, of a passenger waybill in respect of the service in question and for the carrying of such a waybill on the vehicle at all times while it is used on that service) have been complied with, and

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

(2) In relation to a vehicle to which this Regulation applies, Part II of the Act of 1967 shall have effect as though section 4(1) to (3) and in section 4(4) the words "who acts in contravention of subsection (2) or" were omitted.

9.—(1) This Regulation applies to a public service vehicle (being a vehicle to which this Part applies) which is registered in Northern Ireland, insofar as the vehicle—

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

(*b*) is so used in accordance with such of the requirements of the Council Regulations mentioned in Regulation 5 above as apply in relation to the service in question.

(2) In relation to a vehicle to which this regulation applies, Part II of the Act of 1967 shall have effect as though section 4(1) to (3) and in section 4(4) the words "who acts in contravention of subsection (2) or" were omitted.

PART IV

MODIFICATIONS OF THE ACT OF 1967 IN RELATION TO CERTAIN OTHER VEHICLES, BEING PUBLIC SERVICE VEHICLES REGISTERED IN GREAT BRITAIN

10.—(1) This Regulation applies to a public service vehicle—

(*a*) which is registered in Great Britain;

(*b*) which is brought into Northern Ireland for the purpose of carrying passengers who are making only a temporary stay therein, being passengers who commenced their journey from Great Britain; and

(*c*) which remains in Northern Ireland for a period not exceeding three months from the date of its entry therein,

insofar as the vehicle is used to provide a service for the carriage of passengers, being a service of a description such as is mentioned in Article 2 or 3(1)(*a*) or (*b*) of Council Regulation No. 117/66 and is so used by or on behalf of a person who is authorised in Great Britain to use the vehicle for the carriage of passengers on the journey in question or such parts thereof as are situated in Great Britain.

(2) In relation to a vehicle to which this Regulation applies, Part II of the Act of 1967 shall have effect as though section 4(1) to (3) and in section 4(4) the words "who acts in contravention of subsection (2) or" were omitted.

PART V

SUPPLEMENTARY PROVISIONS

11. In relation to a vehicle to which Part II applies, being a vehicle which is used to provide a service for the carriage of passengers such as is mentioned in Article 6 of Council Regulation No. 117/66, there shall be carried on the vehicle, at all times while it is being so used, the certificate issued under Article 1 of Commission Regulation No. 1016/68, being the certificate which, by virtue of the said Article 6, is required to be in force in respect of the provision of that service; and an examiner, on production if so required of his authority, may require the driver of the vehicle to produce the certificate for inspection.