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.

12.—(1) Paragraph (2) shall have effect in relation to a vehicle where it appears to an examiner that the vehicle—

(*a*) is a vehicle to which any provision of Part III applies; and

(*b*) is being used, or has been brought into Northern Ireland for the purpose of being used, in such circumstances as, by virtue of any of the provisions specified in paragraph (3) to require a document of a description referred to in that provision to be carried on the vehicle.

(2) Where, in the circumstances mentioned in paragraph (1) an examiner requires, in pursuance of any of the provisions specified in paragraph (3) the driver of a vehicle to produce a document of a description referred to in that provision, the examiner shall, if so required, produce his authority for making that requirement and—

(*a*) he may require the driver of the vehicle to permit him to inspect and copy the document and (in the case of a document of a description referred to in paragraph (3)(*c*)) to mark it with an official stamp; and

(*b*) he may detain the vehicle for such time as is requisite for the purpose of inspecting and copying the document.

(3) The provisions referred to in paragraph (1) as being specified in this paragraph are—

(*a*) Article 17 of Council Regulation No. 517/72 (which provides, inter alia, that the authorisation required by that Regulation for the use of a vehicle to provide a service for the carriage of passengers such as is mentioned in Article 1 thereof shall be carried on the vehicle),

(*b*) Articles 17 and 18 of Council Regulation No. 516/72 (which respectively provide, inter alia, that the authorisation required by that Regulation for the use of a vehicle to provide a service for the carriage of passengers such as is mentioned in Article 1 thereof shall be carried on the vehicle and that passengers using that service shall be provided with a ticket throughout the journey in question),

(*c*) Article 3(2) of Commission Regulation No. 1016/68 (which provides that the top copy of a passenger waybill, being the document which, by virtue of Article 2 of that Regulation, has been detached from a control document such as is mentioned in that Article and is the document applicable in respect of the provision of a service for the carriage of passengers such as is mentioned in Article 3 of Council Regulation No. 117/66, shall be carried on a vehicle which is used to provide that service), and

(*d*) Regulation 11 of these Regulations

13.—(1) The following provisions of this Regulation shall have effect with respect to the issue of certificates (such as are mentioned in Regulation 11) and of control documents (such as are mentioned in Article 3(2) of the Commission Regulation referred to in Regulation 12(3)(*c*)) and to the period of validity of control documents and matters connected with waybills contained in such documents.

(2) An application for the issue of a certificate or control document referred to in paragraph (1) shall be made in writing to the Ministry of Development.

(3) The period of validity of a control document shall be five years.

(4) The top copy of every passenger waybill (being the document which, as mentioned in Regulation 12(3)(*c*), is the document applicable in respect of the provision of a service for the carriage of passengers such as is mentioned in that sub-paragraph) shall be retained, after the service in question has been provided, by the person by whom or on whose behalf it was provided and shall be sent to the Ministry of Development so as to reach the Ministry not later than 31st March next following the end of the calendar year in which the service to which the waybill relates was provided.

(5) The duplicate of every such passenger waybill (being the duplicate which, by virtue of Article 2(1) of Commission Regulation No. 1016/68, is required to be contained in a control document such as is mentioned in that Article) shall not be detached from that document at any time during its period of validity.

14. A person who—

(*a*) contravenes or fails to comply with a requirement imposed by or under Regulation 11, 12(2)(*a*) or 13(4) or (5) above; or

(*b*) obstructs an examiner in the exercise of his powers under Regulation 12(2)(*b*) above,

shall be liable on summary conviction to a fine not exceeding twenty pounds.

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 28th day of June 1973.

(L.S.)

B. D. Palmer,
Assistant Secretary.

SCHEDULE Regulation 3

THE COUNCIL AND COMMISSION REGULATIONS

"Council Regulation No. 117/66" means Regulation No. 117/66/EEC of the Council of 28th July 1966(g) which provides for the introduction of common rules for the international carriage of passengers by coach and bus and which, by virtue of Article 150 of, and paragraph 1.3 of Annex 10 to, the Act annexed to the Treaty concerning the Accession, inter alia, of the United Kingdom to the European Economic Community signed at Brussels on 22nd January 1972(h), applies in the United Kingdom on and after 1st July 1973;

"Commission Regulation No. 1016/68" means Regulation (EEC) No. 1016/68 of the Commission of 9th July 1968(i) which prescribes the model control documents referred to in certain provisions of Council Regulation No. 117/66 and which, by virtue of Article 150 of, and paragraph 1.3 of Annex 10 to, the Act annexed to the said Treaty, applies in the United Kingdom on and after 1st July 1973;

"Council Regulation No. 516/72" and "Council Regulation No. 517/72" mean, respectively, Regulation (EEC) No. 516/72 of the Council(j) and Regulation (EEC) No. 517/72 of the Council(k), both of 28th February 1972, which (in pursuance of Council Regulation No. 117/66) make provision with respect to the common rules applicable to shuttle services and regular services by coach and bus (as defined in that Regulation) betwen member States and which, by virtue of Regulation (EEC) No. 2442/72 of the Council of 21st November 1972(l), apply in the United Kingdom on and after 1st July 1973.

(g) O.J. No. 147, 9.8.66, p. 2688 (S.E. 1965-1966, p. 177).
(h) Cmnd. 4862—Parts I and II.
(i) O.J. No. L173, 22.7.1968, p. 8 (S.E. 1968(I), p. 279).
(j) O.J. No. L67, 20.3.1972, p. 13 (S.E. 1972(I), p. 137).
(k) O.J. No. L67, 20.3.1972, p. 19 (S.E. 1972(I), p. 143).
(l) O.J. No. L265 24.11.1972, p. 7 (S.E. 1972 (November) p. 58).

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations make provision supplementary to the Regulations of the European Economic Community (the Council and Commission Regulations referred to in Regulation 3(1)(*a*) of these Regulations) which relate to the international carriage of passengers by road.

Part II of these Regulations provides a penalty for contravention of the provisions of the principal Community Regulation (Council Regulation (EEC) No. 117/66) which requires international passenger services of the kind mentioned in Articles 1 (regular services), 2 (shuttle services) and 6 (workers services) of that Regulation to be operated under an authorisation or certificate.

Part III of these Regulations provides for the exemption, in relation to certain public service vehicles which are used to provide such services as aforesaid, or such services as are mentioned in Article 3 of Council Regulation (EEC) No. 117/66 (occasional services), from the requirements of the Transport Act (Northern Ireland) 1967 relating to road service licences.

Part IV of these Regulations provides for similar exemptions in relation to certain other public service vehicles which are brought temporarily into Northern Ireland from Great Britain.

Part V of the Regulations makes supplementary provision relating to the production, inspection, issue, period of validity and preservation of certain documents which are required by the Council and Commission Regulations to be in force in relation to the services for the international carriage of passengers referred to above.