1973. No. 200 [C]

EUROPEAN COMMUNITIES

Public Service Vehicles

REGULATIONS, DATED 14TH JUNE 1973, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 61(1)(*p*), (*q*) AND (2) OF THE ROAD TRAFFIC ACT (NORTHERN IRELAND) 1970.

The Ministry of Home Affairs, on behalf of the Secretary of State, in exercise of the powers conferred on it by section 61(1)(*p*), (*q*) and (2) of the Road Traffic Act (Northern Ireland) 1970(**a**) as amended (**b**) and of all other enabling powers hereby makes the following Regulations:—

PART I

GENERAL

Citation and commencement

1. These Regulations may be cited as the European Communities (Public Service Vehicles) Regulations (Northern Ireland) 1973 and shall come into operation on 1st July 1973.

2. As from 1st July 1973 the Public Service Vehicles (International Circulation) Regulations (Northern Ireland) 1970(**c**) shall not apply to public service vehicles registered in a member State other than the United Kingdom or registered in Great Britain.

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 to these Regulations, 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 1970" means the Road Traffic Act (Northern Ireland) 1970;

(*d*) "authorised officer" has the same meaning as in section 58(4) of the Act of 1970;

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

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

(**a**) 1970. c. 2 (N.I.).
(**b**) S.R. & O. (N.I.) 1972, No. 359.
(**c**) S.R. & O. (N.I.) 1970, No. 325.
(**d**) 1954. c. 33.

Application of Part II

4. Part II of these Regulations applies 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

MODIFICATIONS OF THE ACT OF 1970 IN RELATION TO CERTAIN VEHICLES, BEING PUBLIC SERVICE VEHICLES, WHEN USED FOR THE INTERNATIONAL CARRIAGE OF PASSENGERS

5.—(1) This Regulation applies to a public service vehicle (being a vehicle to which this Part of these Regulations 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 the Schedule to these Regulations as apply in relation to the service in question.

(2) In relation to a vehicle to which this Regulation applies, Part IV of the Act of 1970 shall have effect as though sections 53, 54 and 65 (which require public service vehicles and the drivers and conductors of such vehicles to be licensed) were omitted.

6.—(1) This Regulation applies to a public service vehicle (being a vehicle to which this Part of these Regulations 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 Artcle 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 IV of the Act of 1970 shall have effect as though sections 53, 54 and 65 were omitted.

PART III

MODIFICATIONS OF THE ACT OF 1970 IN RELATION TO PUBLIC SERVICE VEHICLES REGISTERED IN GREAT BRITAIN

7.—(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 IV of the Act of 1970 shall have effect as though sections 53, 54 and 65 were omitted.

PART IV

SUPPLEMENTARY PROVISIONS

8.—(1) In relation to a vehicle to which Part II of these Regulations applies, being a vehicle which is used to provide a service for the carriage of passengers such as is mentioned in Article 6 of the 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 the 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.

(2) An authorised officer on production if so required of his authority, may require the driver of the vehicle to produce the certificate for inspection.

9.—(1) Paragraph (2) below shall have effect in relation to a vehicle where it appears to an authorised officer that the vehicle—

(*a*) is a vehicle to which any provision of Part II of these Regulations 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) below, 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) above, an authorised officer requires, in pursuance of any of the provisions specified in paragraph (3) below, the driver of a vehicle to produce a document of a description referred to in that provision, the authorised officer 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*) below) 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) above 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 the Commission Regulation No. 1016/68 (which provides that the top copy of a pasenger 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 8(1) of these Regulations.

10. A person who—

(*a*) contravenes or fails to comply with a requirement imposed by or under Regulation 8(2) or 9(2)(*a*); or

(*b*) obstructs an examiner in the exercise of his powers under Regulation 9(2)(*b*) above,

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

11. None of the provisions of the Public Service Vehicles Regulations (Northern Ireland) 1965(e) shall have effect in relation to a vehicle to which any provision of Part II or III of the Regulations applies.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 14th day of June 1973.

(L.S.) *W. A. Willis,*
Assistant Secretary.

(e) S.R. & O. (N.I.) 1965, No. 161.

SCHEDULE Regulations 3, 5

The Council and Commission Regulations

"Council Regulation No. 117/66" means Regulation No. 117/66 E.E.C. of the Council of 28th July 1966(f) 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(g), applies in the United Kingdom on and after 1st July 1973;

"Commission Regulation No. 1016/68" means Commission Regulation (E.E.C.) No. 1016/68(h) of the Commission of 9th July 1968 which prescribes the model control documents refered 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 (E.E.C.) No. 516/72(i) of the Council and Regulation (E.E.C) No. 517/72(j) of the Council, 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) between member States and which, by virtue of Regulation (E.E.C.) No. 2442/72(k) of the Council of 21st November 1972, apply in the United Kingdom on and after 1st July 1973.

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 which relate to the international carriage of passengers by coach and bus.

The Regulations provide for the exemption of public service vehicles complying with the E.E.C. Regulations listed in the Schedule from the requirements of public service vehicle and driver licensing.

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

(f) O.J. No. 147, 9.8.1966, p. 2688 (S.E. 1965-1966, p. 177).
(g) Cmnd. 4862=Parts I and II.
(h) O.J. No. L173, 22.7.1968, p. 8 (S.E. 1968(1), p. 279).
(i) O.J. No. L67, 28.2.1972, (p. 13).
(j) O.J. No. L67, 28.2.1972, (p. 19).
(k) O.J. No. L265, 24.11.1972, p. 7 (S.E. 1972 (November) p. 58).