STATUTORY INSTRUMENTS

1979 No. 654

ROAD TRAFFIC

The Road Transport (International Passenger Services) (Amendment) Regulations 1979

Made - - - -	11*th June* 1979
Laid before Parliament	21*st June* 1979
Coming into Operation	12*th July* 1979

The Minister of Transport, being a Minister 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 and by section 160(1)(k) of the Road Traffic Act 1960(**c**) as amended by section 4(1) of, and paragraph 10 of Schedule 4 to, the said Act of 1972, and now vested in him(**d**), and of all other enabling powers, and (in respect of the Regulations so far as made under the said section 160(1)(k)) after consultation with representative organisations in accordance with the provisions of section 260(2) of the said Act of 1960, hereby makes the following Regulations:—

1. These Regulations may be cited as the Road Transport (International Passenger Services) (Amendment) Regulations 1979 and shall come into operation on 12th July 1979.

2. The Road Transport (International Passenger Services) Regulations 1973(**e**) shall be amended in accordance with the following provisions of these Regulations.

3. In Regulation 5 of those Regulations for the words "contravenes Council Regulation No. 117/66 by using" there shall be substituted the word "uses" and for the words "by causing or permitting" there shall be substituted the words "causes or permits".

4. For Regulation 6 of those Regulations there shall be substituted the following Regulation:—

> "**6.** A person guilty of an offence under Regulation 5 above shall be liable on summary conviction to a fine not exceeding £200.".

(**a**) S.I. 1972/1811, 1979/571.
(**b**) 1972 c. 68.
(**c**) 1960 c. 16.
(**d**) S.I. 1970/1681, 1979/571.
(**e**) S.I. 1973/806.

5. In Regulation 8 of those Regulations, in paragraph (1)(a)(iii) the words "where all the conditions specified in the proviso to Article 5(2) of the said Council Regulation are fulfilled" shall be omitted and for paragraph (2) there shall be substituted the following paragraph:—

"(2) In relation to a vehicle to which this Regulation applies, the provisions of Part III of the Act of 1960 shall have effect as though sections 134 and 144 were omitted and—

(*a*) in so far as the vehicle is used to provide a service for the carriage of passengers such as is mentioned in paragraph 1(a) or 1(b) of Article 3 of Council Regulation No. 117/66 or paragraph 1(c) of the said Article 3 where all the conditions specified in the proviso to Article 5(2) of the said Council Regulation are fulfilled, as though section 127 were omitted; and

(*b*) in so far as the vehicle is used to provide a service for the carriage of passengers such as is mentioned in the said paragraph 1(c) where any of the said conditions are not fulfilled, as though for section 127 there were substituted the following section:—

'**127.**—(1) No person shall cause or permit a motor vehicle to be used on a road as a public service vehicle unless there is in force and is carried on the vehicle an authorisation issued by the Minister of Transport for the use of the vehicle for the carriage of passengers in Great Britain.

(2) An authorisation under this section may authorise the use of the vehicle or vehicles to which it relates on a specified occasion or during a specified period.

(3) In this section "specified" means specified in the authorisation.' ".

6. In Regulation 9 of those Regulations—

(*a*) in paragraph (1)(a) for the words "1 or 2 of" there shall be substituted the words "1, 2 or 6 of"; and

(*b*) in paragraph (1)(b) after the words "the Council Regulations" there shall be inserted the words "or the Commission Regulation".

7. After Regulation 10 of those Regulations there shall be inserted the following Regulation:—

"**10A**—(1) This Regulation applies to a public service vehicle which is registered elsewhere than in Great Britain in so far as the vehicle—

(*a*) is used to provide a service for the carriage of passengers, being a service of a description 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) where the journey made by the vehicle in providing the service starts or finishes at a place situated in a country which is not a member State, and

(*b*) is so used by or on behalf of a person who is authorised, under the law of the country in which the vehicle is registered, to use the vehicle for the carriage of passengers on the journey in question or such parts thereof as are situated within that country.

(2) The provisions of Part III of the Act of 1960 shall, in relation to a vehicle to which this Regulation applies, have effect as though sections 134 and 144 were omitted and for section 127 there were substituted the following section: —

'**127.**—(1) No person shall cause or permit a motor vehicle to be used on a road as a public service vehicle unless there is in force and is carried on the vehicle an authorisation issued by the Minister of Transport for the use of the vehicle for the carriage of passengers in Great Britain.

(2) An authorisation under this section may authorise the use of the vehicle or vehicles to which it relates on a specified occasion or during a specified period.

(3) In this section "specified" means specified in the authorisation.' ".

8. In Regulation 11 of those Regulations—

(*a*) in paragraph (1)(a) after "Austria," there shall be inserted "Finland,"; and

(*b*) in paragraph (1)(b) after the words "making only a temporary stay therein" there shall be inserted the words "or are in transit".

9. In Regulation 12 of those Regulations, in paragraph (1)(b) after the words "making only a temporary stay therein" there shall be inserted the words "or are in transit".

10. In Regulation 16 of those Regulations for the words "twenty pounds" there shall be substituted the words "£200".

11. After Regulation 16 of those Regulations there shall be inserted the following Regulation:—

"**16A.** In section 233(1)(a) (forgery) and section 235(1) (false statements) of the Act of 1960 the references to a licence under any Part of that Act shall include references to—

(*a*) an authorisation issued in pursuance of Article 2 of Council Regulation No. 517/72 or in pursuance of Article 2 of Council Regulation No. 516/72;

(*b*) an authorisation issued by the Secretary of State for the purposes of section 127 of the Act of 1960 as modified by Regulation 8(2) or 10A(2) above;

(*c*) an appropriate document within the meaning of the said section 127 as modified by Regulation 11(2) above;

(*d*) a certificate issued under Regulation 15 above in pursuance of Article 1 of Commission Regulation No. 1016/68;

(*e*) a control document issued under Regulation 15 above in pursuance of Article 3(2) of the said Commission Regulation and a passenger way-bill contained in such a document or completed for the purposes of Articles 2, 3 and 4 of the said Commission Regulation.".

12. In Regulation 17 of those Regulations for the words "Part III or IV" there shall be substituted the words "Part III (other than Regulation 9) or Part IV.".

Norman Fowler,
11th June 1979. Minister of Transport.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Road Transport (International Passenger Services) Regulations 1973 ("the 1973 Regulations"). A significant effect of the amendments is to bring within the scope of the Regulations the following international passenger services:

(*a*) regular services or special regular services of the type described in Article 1 of Council Regulation No. 117/66 (as defined in Schedule 1 to the 1973 Regulations) starting or finishing at a place in a country which is not a Member State of the European Economic Community (Regulation 7);

(*b*) occasional services as mentioned in Article 3(1)(c) of the said Council Regulation which do not satisfy the conditions specified in Article 5(2) thereof (Regulation 5).

In relation to the services described at (*a*) and (*b*) above Regulation 5 and 7 have the effect of exempting a vehicle used on the service from the requirements of Part III of the Road Traffic Act 1960 for a road service licence and a driver's or conductor's licence, and of modifying section 127 of that Act so that in lieu of a public service vehicle licence for the use of the vehicle there is required to be carried on the vehicle an authorisation issued by the Minister of Transport.

Other changes are as follows:—

(i) The maximum penalty on summary conviction for a contravention of Regulation 5 of the 1973 Regulations is altered to a fine not exceeding £200 (Regulation 4).

(ii) A reference to Article 6 of the Council Regulation No. 117/66 is inserted in Regulation 9 of the 1973 Regulations so that a passenger vehicle registered in Great Britain used on a service to which that article applies and in accordance with the Commission Regulation No. 1016/68 does not require a road service licence under Part III of the Road Traffic Act 1960 (Regulation 6).

(iii) Regulation 11 of the 1973 Regulations provides for the admittance to Great Britain of vehicles which are registered in certain countries, members of the European Conference of Ministers of Transport, and are brought temporarily into Great Britain, on services of the type described in Articles 2 (shuttle services) or 3(1)(a) or (b) (certain

occasional services) of the aforementioned Council Regulation, without road service licences or driver's or conductor's licences, or public service vehicle licences on condition, in the case of the occasional services, that the vehicle carries a document issued by the competent authority of the country where the vehicle is registered in the form set out in Schedule 2 to the 1973 Regulations. Regulation 11 of the 1973 Regulations is amended to extend this provision to vehicles registered in Finland. (Regulation 8).

(iv) Regulation 16 of the 1973 Regulations is amended so as to increase from £20 to £200 the maximum penalty which may be imposed on summary conviction for a contravention of Regulations 13, 14(2)(a) or 15(4) or (5) of the 1973 Regulations, or for obstructing an examiner in exercise of his powers under Regulation 14(2)(b). (Regulation 10).

(v) A new Regulation 16A is inserted to deal with forgery and the making of false statements in relation to documents referred to in the 1973 Regulations as amended. (Regulation 11).

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