

1999 No. 1322

PUBLIC PASSENGER TRANSPORT

**The Public Service Vehicles (Community Licences)
Regulations 1999**

<i>Made - - - -</i>	<i>10th May 1999</i>
<i>Laid before Parliament</i>	<i>11th May 1999</i>
<i>Coming into force</i>	
<i>For the purposes of regulations 2, 4 to 6, and 9 to 12</i>	<i>1st June 1999</i>
<i>For all other purposes</i>	<i>11th June 1999</i>

The Secretary of State for the Environment, Transport and the Regions, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the international carriage of passengers and goods by road, and in particular any scheme (including a quota scheme) for making it possible for carriers in member States to conduct road transport operations on routes between member States, in exercise of the powers conferred by that section, hereby makes the following Regulations:—

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Public Service Vehicles (Community Licences) Regulations 1999 and shall come into force for the purposes of regulations 2, 4 to 6 and 9 to 12 on 1st June 1999, and for all other purposes on 11th June 1999.

(2) These Regulations shall not extend to Northern Ireland.

Purpose and interpretation

2.—(1) These Regulations implement Article 3a of the Council Regulation.

(2) In these Regulations—

“the 1981 Act” means the Public Passenger Vehicles Act 1981(c);

“the Council Regulation” means Council Regulation (EEC) No. 684/92 of 16 March 1992 on common rules for the international carriage of passengers by coach and bus(d), as amended by Council Regulation (EC) No. 11/98 of 11 December 1997(e);

“international operations”, “national operations”, “operating centre”, “PSV operator’s licence”, “restricted licence”, “standard licence” and “traffic commissioner” have the meaning given to them by section 82(1) of the 1981 Act;

“operator” has the meaning given by section 81 of the 1981 Act;

“public service vehicle” has the meaning given by section 1 of the 1981 Act;

“traffic area” means a traffic area constituted for the purposes of the 1981 Act;

(a) S.I. 1972/1811.

(b) 1972 c. 68.

(c) 1981 c. 14; sections 1, 81 and 82(1) were amended by the Transport Act 1985 (c. 67), section 1(3), Schedule 1, paragraph 12, Schedule 2, Part II, paragraph 4(20), and Schedule 8; section 7 was repealed by the Road Traffic Act 1991 (c. 40), Schedule 8; section 16(1) was amended by the Transport Act 1985, Schedule 2, Part II, paragraph 4(7)(a), and Schedule 7, paragraph 21(4); section 57(4) was amended by the Transport Act 1985, Schedule 1, paragraph 9, and Schedule 2, Part II, paragraph 4(17).

(d) OJ No. L74, 20.3.1992, p. 1.

(e) OJ No. L4, 8.1.1998, p. 1.

“Transport Tribunal” means the Transport Tribunal constituted as provided in Schedule 4 to the Transport Act 1985(a);

and subject thereto, expressions used which are also used in the Council Regulation have the meaning which they bear in that Regulation.

Use of public service vehicles without Community licence

3. A person who uses a vehicle in Great Britain in contravention of Article 3a(1) of the Council Regulation shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Competent authorities

4. The competent authority for the purposes of Article 3a of the Council Regulation and of these Regulations shall be, in relation to the operator of a public service vehicle who has an operating centre in a traffic area in Great Britain, the traffic commissioner for that area.

Entitlement to the issue of a Community licence

5. A person shall be entitled to be issued by the competent authority with a Community licence under Article 3a(2) of the Council Regulation if he holds a standard licence which authorises use on both national and international operations, or a restricted licence.

Rights of appeal

6. A person who—

- (a) is aggrieved by the refusal of the competent authority to issue a Community licence to him, or
- (b) being the holder of a Community licence, is aggrieved by the decision of the competent authority who issued it to withdraw it,

may appeal to the Transport Tribunal.

Effect of failure to comply with conditions governing use of Community licences

7. A person who uses a public service vehicle in Great Britain under a Community licence and, without reasonable excuse, fails to comply with any of the conditions governing the use of that licence under the Council Regulation, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Authorised inspecting officers

8. Authorised inspecting officers for the purposes of the Council Regulation shall be examiners appointed under section 66A(1) of the Road Traffic Act 1988(b) and police constables.

Return of documents

9.—(1) Where a Community licence is withdrawn by the competent authority in accordance with condition 5 of the model Community licence set out in the Annex to the Council Regulation, the holder of that licence shall within 7 days of such withdrawal return to the competent authority which issued it the original licence and all certified true copies of it.

(2) The holder of a Community licence shall return to the competent authority which issued it such certified true copies of the licence as the authority may require pursuant to—

- (a) any decision of the authority to reduce the maximum number of vehicles (being vehicles having their operating centre in the area of that authority) which the holder is authorised, under section 16(1) of the 1981 Act, to use under the PSV operator’s licence held by him, or
- (b) any decision of the authority under the condition 5 referred to in paragraph (1) to suspend or withdraw certified true copies of the Community licence.

(a) 1985 c. 67.

(b) 1988 c. 52; section 66A was inserted in the Road Traffic Act 1988 by the Road Traffic Act 1991 (c. 41), section 9(1), and was amended by the Goods Vehicles (Licensing of Operators) Act 1995 (c. 23), Schedule 7, paragraph 11. By virtue of regulation 3 of the Road Traffic Act 1991 (Commencement No. 4 and Transitional Provisions) Order 1992 (S.I. 1992/1286 (C. 42)) and section 2(2) of the Road Traffic (Consequential Provisions) Act 1988 (c. 54), any person appointed as an examiner under any of the following enactments is treated as from 1 July 1992 as if he were appointed under section 66A(1) of the Road Traffic Act 1988:

- (i) section 56(1) of the Road Traffic Act 1972 (which section was repealed by Schedule 1 to the Road Traffic (Consequential Provisions) Act 1988 but re-enacted in section 68(1) of the Road Traffic Act 1988, which in turn was repealed by the Road Traffic Act 1991, section 9(1)),
- (ii) section 68(1) of the Road Traffic Act 1988, or
- (iii) section 7(2) of the 1981 Act.

(3) A person who, without reasonable excuse, fails to comply with any provision of paragraph (1) or (2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Supply of information

10.—(1) The holder of a Community licence shall furnish such information as the competent authority which issued it may reasonably require from time to time to enable the authority to decide whether the holder is entitled to retain that licence.

(2) A person who, without reasonable excuse, fails to supply any information required under paragraph (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Death, bankruptcy etc of holder of Community licence

11. Where a person is authorised to carry on the business of the holder of a PSV operator's licence by virtue of an authorisation under section 57(4)(b) of the 1981 Act, such person shall be treated as the holder of any Community licence held by the holder of the PSV operator's licence, for the same period as is specified in that authorisation.

Bodies corporate

12.—(1) Where an offence under these Regulations has been committed by a body corporate and it is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where an offence under these Regulations has been committed by a Scottish partnership and it is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Modification of the Road Traffic (Foreign Vehicles) Act 1972

13.—(1) At the end of section 1(1)(a) of the Road Traffic (Foreign Vehicles) Act 1972(a), there shall be added—

“any functions of the authorised inspecting officer under a Community instrument specified in that column, or”

(2) At the end of Schedule 1 to that Act, there shall be added:

“Article 3a(3) of Council Regulation (EEC) No 684/92 of 16 March 1992 on common rules for the international carriage of passengers by coach and bus, as amended by Council Regulation (EC) No 11/98 of 11 December 1997.

To require the production of a certain document which is required to be kept on board certain passenger vehicles.”

(3) At the end of Schedule 2 to that Act, there shall be added—

“Regulations 3 and 7 of the Public Service Vehicles (Community Licences) Regulations 1999.

To impose a penalty for contravention of certain requirements relating to international passenger services.”

Signed by authority of the Secretary of State

10th May 1999

Glenda Jackson
Parliamentary Under-Secretary of State,
Department of the Environment, Transport and the Regions

(a) 1972 c. 27; Schedules 1 and 2 were amended by: S.I. 1979/1746 and 1984/748; the Road Traffic (Consequential Provisions) Act 1988, Schedule 3, paragraph 9(4); and the Road Traffic Act 1991, Schedule 8.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect in Great Britain to Article 3a of Council Regulation (EEC) No. 684/92 of 16 March 1992 (“the Council Regulation”) on common rules for the international carriage of passengers by coach and bus, as amended by Council Regulation (EC) No. 11/98 of 11 December 1997. The Council Regulation establishes a Community-wide licence allowing carriers operating public service vehicles access to the market for the international carriage of passengers by road.

The Council Regulation, which has direct effect in member States, prohibits the carriage of passengers in public service vehicles between member States without a Community licence (Article 3a(1)). These Regulations enforce the prohibition by imposing a penalty for breach (regulation 3) and designating competent authorities for the purposes of the Council Regulation (regulation 4).

The Council Regulation lays down the conditions for the issue and use of such licences. Each member State is to issue a Community licence to any carrier established in that State who is entitled to carry out international passenger transport operations. In Great Britain such entitlement is signified by the issue under section 13 of the Public Passenger Vehicles Act 1981 of a standard licence authorising both national and international operations, or of a restricted licence. The Regulations accordingly confer entitlement to a Community licence on the basis of the relevant Great Britain licence (regulation 5).

The form of the Community licence is prescribed in the Council Regulation (Article 3a(1) and the Annex), as is the period of validity (Article 3a(4)) and the grounds for refusal or withdrawal of the licence (Article 3a(7) and condition 5 of the model licence set out in the Annex). The holder of a Community licence must keep the original, and a certified copy must be kept in each public service vehicle carrying out an international transport operation (Article 3a(2) and condition 6 of the model licence). The original licence or a certified true copy thereof must be produced to an authorised inspecting officer on demand (Article 3a(3) and condition 7 of the model licence). Regulation 8 designates authorised inspecting officers for this purpose. Regulation 7 provides for the creation of an offence of failing to comply with any of the conditions governing the use of the licence.

These Regulations implement the Council Regulation by conferring rights of appeal against refusal or withdrawal of the licence (regulation 6). They also require a holder to return the Community licence and all certified true copies if it is withdrawn, and to return certified true copies if they are suspended or withdrawn or if the number of vehicles authorised to be used is reduced (regulation 9). Regulation 10 provides for the holder to supply information to the competent authority, and for the creation of an offence in the event of non-compliance.

Provision is made for the automatic transfer of a Community licence in certain circumstances following the death, bankruptcy or incapacity of the holder (regulation 11). Provision is made in relation to offences committed by a body corporate (regulation 12).

Provision is made in regulation 13 for modification of the Road Traffic (Foreign Vehicles) Act 1972, so that an authorised inspecting officer may prohibit the driving of a vehicle on the road, where it appears to him that there has been a contravention of regulation 3 or 7.

A regulatory impact assessment is not required as the system of Community licences will not impose any additional costs or savings and will have a negligible impact on business.

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