

EXPLANATORY MEMORANDUM TO

The Public Service Vehicles (International Passenger Services) Regulations (Northern Ireland) 2019

S.R. 2019 No. 27

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and section 56(1) and (5) of the Finance Act 1973 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. These Regulations update legislation for Northern Ireland (NI) concerning international passenger travel by bus and coach. This is to give effect to the existing requirements of EU market access arrangements and the Interbus Agreement (“Interbus”), a multilateral agreement on international coach travel to which the UK is party through its status as an EU member State.
- 2.2. They make a range of implementing provisions such as designating the Department as the competent authority for the granting of licences, authorisations, and own account transport operations and makes provision for the operation of non-UK registered coaches in Northern Ireland including exemptions from specific aspects of NI legislation, and the establishment of offences for non-compliance with market access rules. They also provide for NI-based operators who wish to undertake international work.

3. Background

- 3.1. These Regulations bring together provisions contained within the Road Service Licensing (Community Licences) Regulations (Northern Ireland) 2013 and the requirements of Interbus which governs occasional international bus and coach travel (e.g. holidays and tours) between its contracting parties. They also give continuing effect to Regulation 1073/2009, which governs international carriage of bus and coach passengers between member States.
- 3.2. Regulation 1073/2009 allows for the provision of regular (timetabled), special-regular (timetabled), occasional (non-timetabled) services by operators established in member States and EEA States. In order to run international services under Regulation 1073/2009, operators require a Community licence. In order to run international services under Regulation 1073/2009, operators require a Community Licence; those licences are available to operators who meet the requirements set out in Regulation (EC) No 1071/2009, establishing

common rules concerning the conditions to be complied with to pursue the occupation of road transport operator. Community Licences are issued to NI based operators by the Department for Infrastructure.

- 3.3. A regular bus or coach service carried out under Regulation 1073/2009 also requires an authorisation and occasional services like coach holidays and tours require the operators to complete a control document which details the vehicle's itinerary and passengers.
- 3.4. Regulation 1073/2009 also provides that international bus and coach travel by 'own account' carriers is subject to a system of certificates. An own account operation refers to a bus or coach operation for non-commercial and non-profit making purposes by a person for whom transport is only an ancillary activity.
- 3.5. By virtue of membership of the EU, the UK is a party to Interbus. It provides liberalised access for occasional international coach services that is broadly equivalent to the EU rights for occasional services.
- 3.6. When the UK leaves the EU, it will cease to be a party to the Interbus Agreement. However the UK will be re-joining Interbus as an independent contracting party. A command paper on the subject was laid before Parliament on 12 September 2018.
- 3.7. These Regulations confirm which persons have the right to stop vehicles, and conduct checks, where it appears that form of international licence or authorisation may be required. It also amends Schedules 1 and 2 of the Road Traffic (Northern Ireland) Order 1981 to confirm that examiners may prohibit foreign vehicles from driving on the road where correct documentation is not held.
- 3.8. They also establish that it is an offence to fail to meet certain obligations and /or requirements of either Regulation 1073/2009 or the Interbus Agreement. The instrument also codifies the potential offences within attached Schedules to provide a clear understanding of possible infringements for both operators and enforcement agencies
- 3.9. The Road Service Licensing (Community Licences) Regulations (Northern Ireland) 2013 are revoked by these Regulations so as to bring together in one instrument all provisions relevant to the operation of the current EU international bus and coach market access system, and Interbus, within Northern Ireland.

4. Consultation

- 4.1. No formal consultation has been carried out. This is because the instrument will update the law that supports activity as it currently takes place, so it will not have any noticeable effects on how matters are administered or enforced.

5. Equality Impact

5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department conducted a screening exercise on the proposals and concluded that they do not have implications for equality of opportunity. The measures will not affect any group disproportionately. In light of this the Department considers that an equality impact assessment is not necessary.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment (“RIA”) was not prepared as there will be no impact on the business sector.

7. Financial Implications

7.1. None.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has considered the matter of Convention Rights and Community Law and is satisfied that the proposed legislation is compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. The Statutory Rule will ensure compliance with the requirements of Regulation 1073/2009 and the Interbus Agreement.

10. Parity or replicatory measure

10.1. The Statutory Rule is based on similar provisions contained in the following GB Statutory Instrument: the Road Transport (International Passenger Services) Regulations 2018 (S.I. 2018/1395).

11. Additional information

None.