

Draft Regulations laid before Parliament under paragraph 1(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No. 0000

**EXITING THE EUROPEAN
UNION, NORTHERN IRELAND
PUBLIC PASSENGER TRANSPORT,
NORTHERN IRELAND**

The International Road Passenger Transport (Amendment)
(Northern Ireland) (EU Exit) Regulations 2019

Made - - - - 2019

Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018⁽¹⁾.

In accordance with paragraph 1(3) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introduction

Citation, commencement and extent

1.—(1) These Regulations may be cited as the International Road Passenger Transport (Amendment) (Northern Ireland) (EU Exit) Regulations 2019.

(2) These Regulations come into force on the later of—

(a) exit day; and

(b) the day after the date on which these Regulations are made.

(3) These Regulations extend to Northern Ireland only.

PART 2

Amendment of primary legislation

Amendment of the Transport Act (Northern Ireland) 1967

2.—(1) The Transport Act (Northern Ireland) 1967⁽²⁾ is amended as follows.

(2) In section 4(4) (grant of road service licences)⁽³⁾, omit “or who contravenes a requirement of any such directly applicable Community provision as is referred to in section 45(j) as to the keeping or production of any document”.

(3) In section 5(2)(e) (particulars to be provided by applicants for road service licences)⁽⁴⁾, omit “of Community rules”.

(4) In section 46B (good repute)⁽⁵⁾—

(a) for subsection (4)(b), substitute—

“(b) incurred a conviction or penalty for a most serious infringement;” and

(b) in subsection (7), after paragraph (c) insert—

“(ca) “most serious infringement” means—

- (i) an infringement referred to in Annex 4 of the 2009 Regulation;
- (ii) an infringement referred to in Commission Regulation (EU) 2016/403 which that Regulation classifies as a “most serious infringement”; or
- (iii) an infringement referred to in regulations made under Article 6.2(b) of the 2009 Regulation which the regulations define as having the highest degree of seriousness of infringements which the regulations establish;”.

(5) In section 46D (professional competence of road passenger transport operators)⁽⁶⁾—

(a) in subsection (2), omit “other than the United Kingdom”;

(b) for subsection (4)(c)(iii), substitute—

“(iii) a body or authority designated by a Member State for the purposes of Article 8.3 of the 2009 Regulation (EU)⁽⁷⁾”; and

(c) after subsection (4) insert—

“(4A) In the case of an examination organised or a certificate issued by an approved body specified in subsection (4)(c)(iii), references to the 2009 Regulation in subsections (4)(a), (4)(b) and (4)(d) are references to the 2009 Regulation (EU).”.

(6) In section 81(1) (interpretation)⁽⁸⁾—

(a) after the definition of “the 2009 Regulation” insert—

““the 2009 Regulation (EU)” means Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules

(2) 1967 c. 37 (N.I.)

(3) Section 4(4) was amended by SRO (NI) 1972/359, article 5(4). There are other amendments to section 4 that are not relevant to these Regulations.

(4) Section 5(2)(e) was inserted by S.R. 2014 No. 206, regulation 9(2)(a)(iii). There are other amendments to section 5 that are not relevant to these Regulations.

(5) Section 46B(4)(b) was substituted by S.R. 2014 No. 206, regulation 9(9).

(6) Words in section 46D(2) were substituted by the Transport Act (Northern Ireland) 2011 (c. 11), Schedule 1, paragraph 16(3) and words in section 46D(4)(c)(iii) were substituted by S.R. 2014 No. 206, regulation 9(11)(c). There are other amendments to section 46D that are not relevant to these Regulations.

(7) OJNo. L300, 14.11.2009, p.88.

(8) Section 81(1) was amended by S.R. 2014 No. 206, regulation 9(13)(a) and by S.R. 2019 No. 27, regulation 13(4). There are other amendments to section 81 that are not relevant to these Regulations.

concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council [Directive 96/26/EC](#), as that Regulation has effect in EU law;” and

- (b) at the end of the definition of “Regulation (EC) No 1073/2009(9)” add “, as that Regulation has effect in EU law”.

Amendment of the Road Traffic (Northern Ireland) Order 1981

3.—(1) Article 84 of the Road Traffic (Northern Ireland) Order 1981(10) (power in certain cases to prohibit driving of foreign vehicles), is amended as follows.

(2) In paragraph (1)—

- (a) for “a statutory provision” substitute “a provision of an Act or Order or of Regulations”; and
(b) for “a Community instrument” substitute “a provision of an instrument of any other kind”.

(3) In paragraph (2), omit “or the provision of the EU instrument(11)”.

PART 3

Amendment of subordinate legislation

Amendment of the Road Passenger Transport (Qualifications of Operators) Regulations (Northern Ireland) 2014

4.—(1) The Road Passenger Transport (Qualifications of Operators) Regulations (Northern Ireland) 2014(12) are amended as follows.

(2) In regulation 1(3) (citation, commencement and interpretation)(13), after the definition of “the 2009 Regulation” insert—

““the 2009 Regulation (EU)” means Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council [Directive 96/26/EC](#), as that Regulation has effect in EU law;”.

(3) After regulation 6(4) (professional competence: certification), add—

“(5) In the case of an examination organised or a certificate issued by an approved body specified in section 46D(4)(c)(iii) of the 1967 Act, references to the 2009 Regulation in paragraphs (3) and (4) are references to the 2009 Regulation (EU).”.

(4) In regulation 7(2)(b) (determination in respect of a transport manager: disqualification orders), after “the 2009 Regulation” insert “or the 2009 Regulation (EU)”.

Amendment of the Public Service Vehicles (International Passenger Services) Regulations (Northern Ireland) 2019

5.—(1) The Public Service Vehicles (International Passenger Services) Regulations (Northern Ireland) 2019(14) are amended as follows.

(9) OJ No. L300, 14.11.2009, p.51

(10) S.I. 1981/154 (N.I. 1); Article 84(1) was amended by S.R. 2003 No. 515, regulation 3.

(11) Article 84(2) was amended by S.R. 2019 No. 27, regulation 14(2).

(12) S.R. 2014 No. 206

(13) There are amendments to regulation 1(3) which are not relevant to these Regulations.

(14) S.R. 2019 No. 27

(2) In regulation 3 (competent authority), omit “Where a person holds, or has applied for, a bus operator’s licence that authorises international operations,”.

(3) In regulation 4(1) (use of a public service vehicle not registered in the United Kingdom), for “another” substitute “a”.

(4) Omit regulations 6 (control documents for cabotage operations), 7 (issue of a Community licence and authorisation), 8 (withdrawal of a Community licence) and 9 (rights of appeal).

(5) In regulation 10 (supply of information for a Community licence application)—

(a) in the heading, omit “for a Community licence application”;

(b) in paragraph (1)—

(i) for “a Community licence or” substitute “an”; and

(ii) for “Articles 4(5) or” substitute “Article”;

(c) in paragraph (2)—

(i) for “a Community” substitute “an”; and

(ii) omit “licence or” in each place that it occurs; and

(d) in paragraph (3), omit “Community licence or”.

(6) Omit regulation 12 (death, bankruptcy etc. of holder of Community licence).

(7) In Schedule 1 (offences for breach of Regulation 1073/2009), in the entry relating to Article 5(5), for “a system of certification” substitute “the possession of a certificate”.

Signed by authority of the Secretary of State for Transport

Date

Name
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under sections 8(2)(a), (c) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation in the field of international bus and coach services. Part 2 amends primary legislation and Part 3 amends subordinate legislation.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

An Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk.