
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement in Great Britain Council Regulation (EC) No. 12/98 of 11 December 1997 (“the EC Regulation”) which lays down the conditions under which road passenger transport carriers of member States may operate cabotage transport operations. The EC Regulation permits the operation of transport services for hire or reward in another member State without having a registered office or being established in that State by operators who hold a Community licence issued under Council Regulation 684/92 of 16 March 1992 (Article 1). The EC Regulation requires that the Community licence, or a certified copy, shall be carried on board the vehicle and produced when requested by an authorised inspecting officer (Article 5). These Regulations implement those requirements by making it a criminal offence to—

i) carry out a cabotage transport operation without a Community licence (punishable with a maximum fine a level 4, currently £2500) (regulation 3), and

ii) fail without reasonable cause to produce the Community licence or a certified copy (punishable with a maximum fine at level 3, currently £1000) (regulation 7).

The EC Regulation requires that cabotage transport operations which are “occasional services” as defined in Article 2 of the EC Regulation shall be carried out under the cover of a control document, which must be kept on board the vehicle and produced when requested by an authorised inspecting officer (Article 6). These Regulations implement those requirements by making it a criminal offence to—

i) use the vehicle in contravention of the requirement (punishable with a maximum fine at level 4, currently £2500) (regulation 4), and

ii) fail without reasonable cause to produce the control document (punishable with a maximum fine at level 3, currently £1000) (regulation 7).

These Regulations provide that—

i) in the case of carriers established in the UK the traffic commissioner in the area where the carrier has his operating centre shall be the competent authority to impose an administrative penalty (regulation 5(1)), with a right of appeal to the Transport Tribunal (regulation 6(2)),

ii) in the case of carriers not established in the UK the Secretary of State shall be the competent authority to impose an administrative penalty (regulation 5(2)), with a right to have his decision reviewed (regulation 6(1)), and

iii) the Secretary of State is the competent authority to communicate with the Commission in accordance with articles 7 and 9 (regulation 5(2)).

The Regulations additionally provide for—

i) police constables and traffic examiners to be authorised inspecting officers (regulation 8);

ii) criminal offences in certain circumstances to be committed by a director, manager, secretary or similar officer of a body corporate (regulation 9).

The Regulations make consequential amendments to various enactments including modifying the Road Traffic (Foreign Vehicles) Act 1972 to provide power in certain cases for the driving of a foreign vehicle engaged in cabotage to be prohibited (regulation 10).

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Road Transport (Passenger Vehicles Cabotage) Regulations 1999. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2011/2634 reg. 2\(b\)](#)
- reg. 5(2) substituted by [S.I. 2000/3114 reg. 2](#)
- reg. 6(2) words substituted by [S.I. 2009/1885 Sch. 2 para. 6](#)
- reg. 8 words inserted by [S.I. 2011/996 reg. 11\(3\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 6A inserted by [S.I. 2011/996 reg. 11\(2\)](#)