
 S T A T U T O R Y I N S T R U M E N T S

1999 No. 3413
PUBLIC PASSENGER TRANSPORT
**The Road Transport (Passenger Vehicles Cabotage)
Regulations 1999**

<i>Made</i> - - - - -	<i>20th December 1999</i>
<i>Laid before Parliament</i>	<i>6th January 2000</i>
<i>Coming into force</i> - -	<i>28th January 2000</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 carriage of passengers by road, in exercise of the powers conferred by that section hereby makes the following Regulations:—

Commencement, citation and interpretation

1.—(1) These Regulations may be cited as the Road Transport (Passenger Vehicles Cabotage) Regulations 1999 and shall come into force on 28th January 2000.

(2) In these Regulations—

“the Council Regulation” means Council Regulation (EC) No. 12/98 of 11 December 1997 laying down the conditions under which non-resident carriers may operate national road passenger transport services within a member State(c);

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

“Community carrier” means a road passenger transport carrier established in a member state of the European Community other than the United Kingdom;

(a) S.I. 1996/266.

(b) S.I. 1972 c. 68.

(c) O.J. No. L4, 8.1.98, p.10.

(d) 1981 c. 14; section 4 was substituted by the Transport Act 1985 (“the 1985 Act”), section 3(2); section 6(1)(a) was amended by the Road Traffic Act 1991 (“the 1991 Act”), section 48 and paragraph 14 of Schedule 4; section 6(1)(c) was amended by the Road Traffic (Consequential Provisions) Act 1988, section 4 and Schedule 3; section 12(1) was substituted by the 1985 Act, section 1(3) and paragraph 4 of Schedule 1; section 14(3A) and (5) were inserted respectively by the Deregulation and Contracting Out Act 1994 (“the 1994 Act”), section 59(2) and (3); section 14A was inserted by the 1985 Act, section 25; section 14A(2A) was inserted by the 1994 Act; section 60; section 15 was amended by the 1994 Act, section 61; section 16(1A) was inserted by the 1985 Act, section 24(1); section 16(3) was amended by the 1985 Act, Schedule 2, Part II, paragraph 4(7)(b); section 16(6) was amended by the 1994 Act, section 59(4); section 16(6A) and (6B) was inserted by the 1994 Act, section 59(5); section 17(2)(b) was amended by the 1994 Act, section 62(2); section 17(5A) and (5B) was inserted by the 1994 Act, section 62(3); section 18(2) was substituted by, sections 18(2A)–(2C) were inserted by and section 18(3) was amended by the 1994 Act, section 63; section 18(4) was amended by the Criminal Justice Act 1982, sections 38 and 46; section 27 was repealed by the 1994 Act, section 64; sections 49A, 50(4A) and 56A were inserted by the 1994 Act, section 65; section 52(1) was amended by the 1985 Act, Schedule 2, Part II, paragraph 4(14); section 52(2) was amended by and section 52(2A)–(2F) was inserted by the 1994 Act, section 66; section 57(4) was amended by the 1985 Act, section 1 and paragraph 9 of Schedule 1, and section 3(4) and paragraphs 4(1) and (17) of Part II of Schedule 2; section 60(1) was amended by the 1985 Act, section 134(1) of Schedule 2, Part II, paragraph 4(18), Schedule 7 paragraph 21(9), and Schedule 8; section 65 was amended by the 1985 Act, section 139(3) and Schedule 8, the Forgery and Counterfeiting Act 1981 section 12, the Criminal Justice Act 1982 section 74(1), and the 1991 Act, section 83 and Schedule 8; section 66 was amended by the Criminal Justice Act 1982, sections 38 and 46, and the 1985 Act, sections 139(3) and Schedule 8; and other minor and consequential amendments to sections 14, 16 and 18 were made by the 1994 Act, section 68 and Schedule 14.

[DOT 7013]

“road” has the meaning given in section 192(1) of the Road Traffic Act 1988(a);
“traffic commissioner” has the meaning given in section 4 of the 1981 Act;
“UK cabotage operations” means cabotage transport operations in Great Britain or between Great Britain and Northern Ireland.

Extent

2. These Regulations apply in Great Britain.

Cabotage without a Community licence

3.—(1) A person commits an offence if he uses a vehicle on a road, or causes or permits a vehicle to be so used, for the purpose of UK cabotage operations which are carried out by a Community carrier without a valid Community licence.

(2) A person who is guilty of an offence under paragraph (1) above shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Use of a vehicle in Great Britain without a control document

4.—(1) A person commits an offence if he uses a vehicle on a road, or causes or permits a vehicle to be so used, for the purposes of UK cabotage operations which—

- (a) take the form of occasional services in Great Britain or between Great Britain and Northern Ireland, and
- (b) are carried out in contravention of Article 6(1) of the Council Regulation.

(2) A person who is guilty of an offence under paragraph (1) above shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Competent Authorities in Great Britain

5.—(1) For the purposes of Article 11(4) of the Council Regulation the competent authority of the member State of establishment shall be the traffic commissioner for the area in which the carrier has his operating centre (“the appropriate traffic commissioner”).

(2) For the purposes of Articles 7, 9 and 11(2) and (3) of the Council Regulation the competent authority of the member State of establishment shall be the Secretary of State.

Appeals

6.—(1) A carrier who is aggrieved by an administrative penalty imposed on him by the Secretary of State under Article 11(2) of the Council Regulation may request the Secretary of State to review that decision.

(2) A carrier who is aggrieved by an administrative penalty imposed on him by the appropriate traffic commissioner under Article 11(4) of the Council Regulation may appeal to the Transport Tribunal.

Production of documents

7.—(1) The driver of a vehicle which is required, under Article 5 of the Council Regulation, to have on board a Community licence commits an offence if he fails, without reasonable cause, to produce the licence when requested to do so by an authorised inspecting officer.

(2) References in paragraph (1) above to a Community licence include references to a certified true copy of a licence.

(3) The driver of a vehicle which is required, under Article 6(1) of the Council Regulation, to have on board a control document commits an offence if he fails, without reasonable cause, to produce the control document when requested to do so by an authorised inspecting officer.

(4) A person who is guilty of an offence under paragraph (1) or (3) above is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(a) 1988 c. 52; section 192 was amended in Scotland by the Road Traffic Act 1991, Schedule 4, paragraph 78 and section 66A was inserted by the Road Traffic Act 1991, section 9(1) as amended by the Goods Vehicle (Licensing of Operators) Act 1995, Schedule 7 paragraph 11.

Authorised inspecting officers

8. Authorised inspecting officers for the purposes of the Council Regulation shall in Great Britain be constables in uniform, and examiners appointed under section 66A of the Road Traffic Act 1988.

Bodies corporate

9.—(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) above 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 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 certain enactments and of the Public Service Vehicles (Conditions of Fitness, Equipment Use and Certification) Regulations 1981

10.—(1) The Road Traffic (Foreign Vehicles) Act 1972(a) shall be amended as follows—

(a) In Schedule 1, at the end, there shall be inserted—

“Regulation 7 of the Road Transport (Passenger Vehicles Cabotage) Regulations 1999.	To require the production of certain documents which are required to be kept on board certain passenger vehicles.”
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(b) In Schedule 2, at the end, there shall be inserted—

“Regulations 3, 4 and 7 of the Road Transport (Passenger Vehicles Cabotage) Regulations 1999.	To impose penalties for contravention of certain requirements relating to national passenger services by a carrier registered in a foreign member State.”
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(2) The provisions of the 1981 Act shall have effect, in relation to a vehicle being used to carry out cabotage transport operations, as if sections 6, 12 and 18 were omitted.

(3) In section 65(1) of the 1981 Act after paragraph (a) there shall be inserted the following paragraph:

“(ea) a control document issued under Article 6 of Council Regulation (EC) No. 12/98 of 11 December 1997;”.

(4) In section 66 of the 1981 Act, the word “or” at the end of paragraph (d) shall be omitted and after paragraph (e) there shall be inserted “or;

(f) obtaining the issue of a control document under article 6 of Council Regulation (EC) No. 12/98 of 11 December 1997;”.

(5) In paragraph 9 of Schedule 4 to the Transport Act 1985(b) after the words “or this Act” there shall be inserted “or under the Road Transport (Passenger Vehicles Cabotage) Regulations 1999.”

(a) 1972 c. 27; as modified by S.I. 1979/1746, S.I. 1983/1025, S.I. 1984/748, the Road Traffic (Consequential Provisions) Act 1988, section 4 and Schedule 3, and the Road Traffic Act 1991 section 83 and Schedule 8, and S.I. 1999/1322.

(b) 1985 c. 67; paragraphs 2(2) and 2(2A) of Schedule 4 were substituted by the Courts and Legal Services Act 1990, section 71(2) and paragraph 65 of Schedule 10.

(6) None of the provisions of Parts II, III, IV and V of the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981^(a) shall have effect in relation to a vehicle which is carrying out a cabotage transport operation in Great Britain in accordance with the Council Regulation.

Signed by authority of the Secretary of State for the Environment,
Transport and the Regions

20th December 1999

Keith Hill
Department of the Environment, Transport and the Regions

^(a) S.I. 1981/257; Parts II, III, IV and V are amended by 1982/1058, 1986/370, 1988/340, 1989/2359, and 1992/565.

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).

STATUTORY INSTRUMENTS

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