

**2018 No. 1395**

**ROAD TRAFFIC**

**The Road Transport (International Passenger Services)  
Regulations 2018**

|                               |         |                           |
|-------------------------------|---------|---------------------------|
| <i>Made</i>                   | - - - - | <i>19th December 2018</i> |
| <i>Laid before Parliament</i> |         | <i>20th December 2018</i> |
| <i>Coming into force</i>      | - -     | <i>1st February 2019</i>  |

The Secretary of State is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to the carriage of passengers and goods by road.

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(b) and section 56(1) and (2) of the Finance Act 1973(c).

In accordance with section 56(1) of the Finance Act 1973 the Treasury consents to the making of these Regulations.

**Citation, commencement and extent**

**1.** These Regulations—

- (a) may be cited as the Road Transport (International Passenger Services) Regulations 2018;
- (b) come into force on 1st February 2019; and
- (c) do not extend to Northern Ireland.

**Revocation**

- 2.** The Public Service Vehicles (Community Licences) Regulations 2011(d) are revoked.

**Interpretation**

**3.—(1)** In these Regulations—

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

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(a) S.I.1996/266 to which there are amendments not relevant to these Regulations.  
(b) 1972 c.68; Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a) and the European Union (Amendment) Act 2008 (c.7), section 3(3) and the Schedule, Part 1.  
(c) 1973 c.51. Section 56(1) was amended by Articles 2, 3 and 6 of The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043).  
(d) S.I.2011/2634.  
(e) 1981 c.14.

“the 1981 Regulations” means the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981(a);

“EEA State” means a State, not being a member State, which is a party to the EEA Agreement;

“Interbus” means the Agreement on the international occasional carriage of passengers by coach and bus(b);

“PSV operator’s licence” has the meaning given by section 82(1) of the 1981 Act;

“Regulation 1071/2009” means Regulation (EC) No 1071/2009 of the European Parliament and of the Council establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator(c);

“Regulation 1073/2009” means Regulation (EC) No 1073/2009 of the European Parliament and of the Council on common rules for access to the international market for coach and bus services(d);

“traffic commissioner” means a commissioner appointed under section 4 of the 1981 Act;

(2) For the purposes of Regulation 1073/2009 and Interbus, “authorised inspecting officer” means—

(a) a police constable in uniform; or

(b) an examiner appointed under section 66A(1) of the Road Traffic Act 1988(e)

(3) Terms and expressions used in Regulation 1073/2009 or Interbus have the same meaning in these Regulations.

### **Competent authorities**

4.—(1) Where a person holds or has applied for a PSV operator’s licence that authorises international operations, the competent authority for the purposes of Regulation 1073/2009 and of these Regulations is—

(a) in relation to a Community licence, a traffic commissioner; and

(b) in relation to an authorisation, the Secretary of State.

(2) The competent authority in relation to an authorisation in respect of non-liberalised occasional services under Articles 15 and 16 of Interbus where the point of departure is in Great Britain is the Secretary of State.

(3) The Confederation of Passenger Transport is the competent authority in respect of control documents for the purposes of —

(a) Regulation 1073/2009 for occasional services as specified in Annex I of Regulation (EU) No. 361/2014(f) laying down detailed rules for the application of Regulation 1073/2009, and

(b) Interbus for occasional services exempted from authorisation as provided for in Annex 3 of that Agreement.

(4) The Secretary of State is the competent authority for the purposes of certification involving own-account transport operations as required by Article 5(5) of Regulation 1073/2009.

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(a) S.I. 1981/257 to which there are amendments not relevant to these Regulations.

(b) OJ No. L321, 26.11.2002, p.13.

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

(d) OJ No. L300, 14.11.2009, p.88.

(e) Section 66A(1) was inserted by the Road Traffic Act 1991 (c.40).

(f) OJ No.L107, 10.4.14, p.39.

### **Use of a public service vehicle not registered in the United Kingdom**

**5.**—(1) This regulation applies to a vehicle not registered in the United Kingdom but which is registered in another member State, an EEA State or an Interbus State, and which is being used in Great Britain in accordance with—

- (a) Interbus for the provision of liberalised occasional services or non-liberalised occasional services, or
- (b) Regulation 1073/2009—
  - (i) for the provision of occasional services, regular services or special regular services, or
  - (ii) for authorised cabotage operations as provided for in Article 15 of that Regulation.

(2) In relation to a vehicle to which this regulation applies—

- (a) the 1981 Act has effect as if sections 6 (certificate of initial fitness), 12 (PSV operator's licence) and 18 (duty to exhibit operator's disc) were omitted, and
- (b) the 1981 Regulations have effect as if Parts II-V were omitted.

(3) In this regulation "Interbus State" means a State, not being a member State, which is a contracting party to Interbus.

### **Use of a public service vehicle for regular, special regular or cabotage services for international operations**

**6.**—(1) This regulation applies to a vehicle registered in the United Kingdom, an EEA State or another member State which is being used in Great Britain in accordance with Regulation 1073/2009 for the provision of—

- (a) regular services,
- (b) special regular services, or
- (c) authorised cabotage regular services or authorised cabotage special regular services.

(2) In relation to a vehicle to which this regulation applies—

- (a) the Transport Act 1985(a) has effect as if section 6 (registration of local services) were omitted, and
- (b) the Greater London Authority Act 1999(b) has effect as if Part IV (Transport) and Chapter V (regulation of bus services in Greater London) were omitted.

### **Fees**

**7.**—(1) An applicant for a control document must pay to the Confederation of Passenger Transport, when an application is made, a fee of such amount as may, with the approval of the Secretary of State, be required by it.

(2) An applicant for an authorisation must pay to the Secretary of State, when an application is made, a fee of such amount as may be required.

(3) For the purposes of paragraphs (1) and (2) the fee must be no more than the reasonable cost of processing that application.

### **Control documents for cabotage operations**

**8.** A control document for cabotage must—

- (a) be retained after the service in question has been provided by the operator, and

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(a) 1985 c.67.

(b) 1999 c.29.

- (b) be sent to the Secretary of State to be received no later than 31st March following the end of the calendar year in which the service to which the control document relates was provided.

### **Issue of a Community licence and authorisation**

9. Subject to regulation 12(1), a person is entitled to be issued by the competent authority with a Community licence if the person holds a PSV operator's licence which—

- (a) authorises international operations; and
- (b) is used for operating a vehicle adapted to carry more than eight passengers.

### **Withdrawal of a Community licence**

10.—(1) This regulation applies where the holder of a Community licence is guilty of an infringement of Community road transport legislation which may lead to the loss of good repute—

- (a) in accordance with Article 6(1) and (2) of Regulation 1071/2009, or
- (b) in accordance with paragraph 1 of Schedule 3 to the 1981 Act in the case of restricted licence holders or standard licence holders within the meaning of that Act.

(2) Where paragraph (1) applies, the competent authority may withdraw—

- (a) some or all of the certified true copies of the Community licence temporarily or permanently; or
- (b) the Community licence temporarily or permanently.

### **Rights of appeal**

11.—(1) A person who—

- (a) applies for a Community licence; and
- (b) wishes to dispute a decision of a traffic commissioner to refuse to issue the person with such a licence,

may appeal against that decision.

(2) A person who—

- (a) is the holder of a Community licence; and
- (b) wishes to dispute a decision of a traffic commissioner to withdraw it or any certified true copies of it,

may appeal against that decision.

(3) The right of appeal conferred by each of paragraphs (1) and (2) is a right of appeal to the Upper Tribunal.

### **Supply of information for a Community licence application**

12.—(1) The competent authority may refuse to issue a Community licence or authorisation to an applicant if the applicant fails to supply any information that the competent authority may reasonably request pursuant to Articles 4(5) or 7(3) of Regulation 1073/2009 for the purpose of verifying whether the applicant satisfies the conditions laid down in Article 3(1) of that Regulation.

(2) The holder of a Community licence or authorisation must supply such information as the competent authority may reasonably require from time to time to enable the authority to decide whether the holder is entitled to retain the licence or authorisation.

(3) A person who fails to supply any information required under paragraph (2) may have the Community licence or authorisation, and any certified true copies of it, withdrawn by the competent authority.

## Power to stop

13.—(1) Paragraph (2) applies if it appears to a stopping officer that a vehicle is being used in circumstances such that—

- (a) a Community licence,
- (b) an authorisation, or
- (c) a control document,

may be required.

(2) The stopping officer may direct the driver to stop the vehicle so that an authorised inspecting officer can conduct checks as to whether an offence has been committed under these Regulations.

(3) In this regulation “stopping officer” means an officer appointed under section 66B of the Road Traffic Act 1988(a),

## Death, bankruptcy etc. of holder of Community licence

14. 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, that person is to be treated as the holder of any Community licence and any authorisation issued under Regulation 1073/2009 held by the holder of the PSV operator’s licence, for the same period as is specified in the authorisation under the 1981 Act.

## Amendment of certain enactments

15.—(1) The Road Traffic (Foreign Vehicles) Act 1972(b) is amended as follows.

(2) In Schedule 1 (provisions conferring functions on examiners) after the entry relating to Article 4(3) of Regulation (EC) No 1073/2009 insert—

“Article 18 of the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) (OJ No.L321, 26.11.2002, p.13)

To require the presentation of certain control documents and authorisations, which are required to be kept on board certain passenger vehicles.

Article 20 of the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement)

To require the presentation of a certified true copy of a licence to perform carriage by means of certain international occasional services, which is required to be kept on board certain passenger vehicles.”

(3) In Schedule 2 (provisions relating to vehicles and their drivers)—

- (a) for the entry relating to regulation 4 of the Public Service Vehicles (Community Licences) Regulations 2011, substitute—

“Article 4(3) of Regulation (EC) No 1073/2009 of the European Parliament and of the Council on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006

Requirement to keep a certified true copy of a Community licence in a vehicle and present it at the request of any authorised inspecting officer.”

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(a) 1988 c.52; section 66B was inserted by S.I 2011/996.

(b) 1972 c.27.

- (b) for the entry relating to regulation 10 of the Public Service Vehicles (Community Licences) Regulations 2011, substitute—

“Article 17(1) of Regulation (EC) No 1073/2009 of the European Parliament and of the Council on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006

Requirement to keep a journey form on board a vehicle and present it at the request of any authorised inspecting officer.”

## **Offences**

**16.**—(1) Any person who breaches a provision of—

- (a) Regulation 1073/2009 set out in Schedule 1, or
- (b) Interbus set out in Schedule 2

is guilty of an offence.

(2) It is an offence—

- (a) intentionally to obstruct any person acting in the execution or enforcement of these Regulations;
- (b) without reasonable cause, to fail to give to any such person any assistance or information which that person may reasonably require for those purposes;
- (c) to furnish to any such person information knowing it to be false or misleading; or
- (d) to fail to produce a document or record to any such person when required to do so.

## **Offence by bodies corporate and partnerships**

**17.**—(1) If an offence under these Regulations committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of an officer of the body corporate or any person who was purporting to act as an officer of the body corporate, that officer or person (as well as the body corporate) is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and omissions of a member in connection with the member’s functions of management as it applies to an officer 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, that partner as well as the partnership is guilty of the offence and is liable to be proceeded against and punished accordingly.

(4) In this regulation “officer” in relation to a body corporate means a director, secretary of other similar officer of the body corporate.

## **Penalties**

**18.** A person guilty of an offence under these Regulations is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Signed by authority of the Secretary of State for Transport

19th December 2018

*Nusrat Ghani*  
Parliamentary Under Secretary of State  
Department for Transport

We consent

19th December 2018

*Paul Maynard*  
*Mike Freer*  
Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE 1 Regulation 16  
Offences for breach of Regulation 1073/2009

| <i>Provision of Regulation 1073/2009</i> | <i>Subject matter</i>                                                                                     |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| Article 4(1) and (3)                     | International carriage of passengers subject to possession of a Community licence                         |
| Article 5(1)                             | Requirement for an authorisation for the provision of regular services                                    |
| Article 5(3)                             | Requirement of some occasional services providing parallel or temporary services to have an authorisation |
| Article 5(5)                             | Requirement for own-account transport operations to be subject to a system of certification               |
| Article 6(6)                             | Authorisation to operate a regular service and the documents to be carried                                |
| Article 11(1)                            | Requirement of an operator providing regular services to comply with the conditions of an authorisation   |
| Article 11(2)                            | Requirement of an operator providing regular services to provide information to passengers                |
| Article 12(1)                            | Control documents required for the operation of occasional services                                       |
| Article 12(2)                            | Requirement on the operator to complete a control document prior to each journey undertaken               |
| Article 12(3)                            | Requirement for information to be included in a control document                                          |

|               |                                                                                                          |
|---------------|----------------------------------------------------------------------------------------------------------|
| Article 12(6) | Control documents required for the operation of special regular services                                 |
| Article 15(c) | Provision of authorised regular service cabotage operations                                              |
| Article 17(1) | Control documents required to be carried for the provision of occasional cabotage operations             |
| Article 17(2) | Requirement for information to be included in a control document                                         |
| Article 17(4) | Control documents required to be carried for the provision of special regular services cabotage          |
| Article 18    | Requirement to provide either individual or collective transport tickets when providing regular services |
| Article 19    | Authorisation or control document required for inspection on the road                                    |

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## SCHEDULE 2

### Offences for breach of Interbus

Regulation 16

| <i>Provision of Interbus</i> | <i>Subject matter</i>                                                                                               |
|------------------------------|---------------------------------------------------------------------------------------------------------------------|
| Article 5                    | Requirement for vehicles used for international occasional services to comply with technical standards              |
| Article 7(1)                 | Authorisation for non-liberalised occasional services                                                               |
| Article 10                   | Control documents required for operating liberalised occasional services exempted from authorisation                |
| Article 12(3)                | Correct completion of control documents                                                                             |
| Article 13                   | Correct completion of control documents                                                                             |
| Article 18                   | Authorisation or control document required for inspection on the road                                               |
| Article 20                   | Requirement to possess a true copy of a licence to be carried for the purposes of international occasional services |

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke and replace the Public Service Vehicles (Community Licences) Regulations 2011. They implement Regulation (EC) No 1073/2009 of the European Parliament and of the Council establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator (OJ No L300, 14.11.2009, p.88; “the EU Regulation”) and the Agreement on the international occasional carriage of passengers by coach and bus (OJ No L321, 26.11.2002, p.13; “the Interbus Agreement”). The Regulations extend to Great Britain.

The EU Regulation and the Interbus Agreement establish rules allowing access to the market for the provision of international bus and coach services.

In particular the EU Regulation provides for a Community licence and makes provision in relation to regular services, special regular services, occasional services and cabotage, requiring an authorisation for the operation of regular services and the carrying of control documents. Relevant terms are defined in Article 2 of the EU Regulation.

The Interbus Agreement makes provision in relation to occasional services from States which are contracting parties to the Agreement, requiring an authorisation in relation to non-liberalised occasional services and the carrying of control documents in relation to liberalised occasional services. Relevant terms are defined in Article 3 of the Agreement.

Regulation 4 designates the competent authorities for the purposes of the EU Regulation and the Interbus Agreement.

Regulations 5 and 6 disapply certain domestic road transport requirements for public service vehicles not registered in the United Kingdom but providing services under the EU Regulation or Interbus Agreement.

Regulation 7 makes provision for the payment of fees to the competent authorities for the issue of control documents or an authorisation. Regulation 8 makes provision in relation to the retention of control documents. Regulation 9 confers entitlement to a Community licence on the basis of possessing the relevant Great Britain operator’s licence.

Regulations 10 to 12 make provision in relation to information to be supplied with applications for a Community licence, the withdrawal of Community licences and appeals against withdrawal.

Regulation 13 gives power to stopping officers (as defined in that regulation) to stop vehicles to check whether an offence under the Regulations has been committed. Offences are set out in regulation 16 and Schedules 1 and 2 and regulation 18 provides that they are punishable on summary conviction by a fine not exceeding level 4 on the standard scale.

Provision is made for the automatic transfer of a Community licence and an authorisation following the death, bankruptcy or incapacity of the holder (regulation 14) and for offences which may be committed by a body corporate (regulation 17). In addition provision is made for the amendment of other relevant legislation (regulation 15).

The net costs on business, the voluntary sector and the public sector by these Regulations have been assessed as being less than £5 million in any year and therefore a full impact assessment has not been prepared, and a review provision has not been included. An Explanatory Memorandum is published alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).



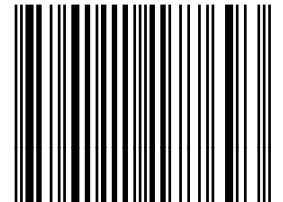


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