



STATUTORY INSTRUMENTS.

S.I. No. 694 of 2020

EUROPEAN UNION (INTERBUS AGREEMENT) REGULATIONS 2020

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I, EAMON RYAN, Minister for Transport in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to the Agreement¹ on the international occasional carriage of passengers by coach and bus (Interbus Agreement) which entered into force on 1 January 2003 approved on behalf of the European Communities by Council Decision² of 3 October 2002 hereby make the following regulations:

1. These Regulations shall be known as the European Union (Interbus Agreement) Regulations 2020.

2. (1) In these Regulations:

“Act of 1986” means the Road Transport Act 1986;

“Act of 2008” means the Dublin Transport Authority Act 2008;

“Act of 2011” means the Road Transport Act 2011;

“authorisation” means an authorisation referred to in Article 15;

“Authority” means the National Transport Authority;

“authorised inspecting officer” means a person designated under Regulation 4 to be an authorised inspecting officer;

“authorised officer” means an authorised officer within the meaning of the Act of 2008;

“book of control documents” means a book of control documents referred to in Article 11;

¹ OJ No. L321, 26.11.2002, p 13

² OJ No. L321, 26.11.2002, p 11

“competent authority” means a person or body designated under Regulation 3 to be a competent authority;

“control document” means a control document referred to in Article 10;

“Interbus Agreement” means the Agreement¹ on the international occasional carriage of passengers by coach and bus (Interbus Agreement) which entered into force on 1 January 2003;

“international road passenger transport operator’s licence” means an international road passenger transport operator’s licence granted under section 2 of the Road Traffic and Transport Act 2006;

“Minister” means Minister for Transport;

“public place” has the meaning assigned to it by the Road Traffic Act 1961;

“transport officer” means a transport officer within the meaning of, as the case may be, the Act of 1986 or the Act of 2011;

“transport operator” means a transport operator or road passenger transport operator referred to in the Interbus Agreement.

(2) In these Regulations a reference to a numbered Article without qualification is to an Article so numbered of the Interbus Agreement.

(3) A word or expression which is used in these Regulations and is also used in the Interbus Agreement has, unless the contrary intention appears, the same meaning in these Regulations that it has in the Interbus Agreement.

3. (1) The Minister is designated as the competent authority for the purpose of Articles 14 and paragraphs 1 and 3 of Article 22 and Article 19 in so far as it relates to those Articles or paragraphs and these Regulations in so far as they give further effect to those Articles or paragraphs.

(2) The Authority is designated as the competent authority for the purpose of Article 9(2), Articles 10 to 13, 15 to 18 and 20 and Article 19, in so far as it relates to Article 9(2), Articles 10 to 13, Article 15 to 18 and 20 and these Regulations in so far as they give further effect to those Articles.

(3) The Revenue Commissioners are designated as the competent authority for the purpose of Article 9, other than paragraph (2) of that Article, and Article 19, in so far as it relates to Article 9, (other than paragraph (2)) and

these Regulations in so far as they give further effect to Article 9 (other than paragraph (2)).

4. Each of the following persons is designated to be an authorised inspecting officer for the purposes of these Regulations and the Interbus Agreement:

- (a) a member of the Garda Síochána;
- (b) an authorised officer;
- (c) a transport officer.

5. (1) A member of the Garda Síochána may -

- (a) demand, of a person in charge of a vehicle in a public place which the member believes is being used for international occasional services, the production to the member for his or her inspection of, as the case may be, a control document, book of control documents or an authorisation,
- (b) inspect and make extracts or copies of a control document, book of control documents or an authorisation produced to him or her under paragraph (a).

(2) Sections 78 and 79 of the Act of 2008 shall apply to an authorised officer designated to be an authorised inspecting officer under Regulation 4(b), as they apply to an authorised officer appointed under section 78 of the Act of 2008, subject to the following and any other necessary modifications:

- (a) a reference to an authorised officer in sections 78 and 79 of the Act of 2008 shall be construed as a reference to an authorised inspecting officer;
- (b) a reference to a public transport authority or public transport operator in sections 78 and 79 of the Act of 2008 shall be construed as a reference to a transport operator.
- (3) (a) Sections 15(2), 16 and 16A of the Act of 1986 shall apply to a transport officer within the meaning of the Act of 1986 designated to be an authorised inspecting officer under Regulation 4(c) as they apply to a transport officer appointed under section 15 of the Act of 1986 subject to the following and any other necessary modifications:
 - (i) a reference to a transport officer in section 15(2), 16 and 16A of the Act of 1986 shall be construed as a reference to an authorised inspecting officer;
 - (ii) a reference to "road transport" or "road transport operations" in section 16 or 16A of the Act of 1986 shall be construed as a reference to international carriage of passengers within the scope of Article 1.
- (b) Sections 16 and 17 of the Act of 2011 shall apply to a transport officer within the meaning of the Act of 2011 designated to be an authorised inspection officer under Regulation 4(c) as they

apply to a transport officer appointed under section 16 of the Act of 2011 subject to the following and any other necessary modifications:

- (i) a reference to a transport officer in sections 16 and 17 of the Act of 2011 shall be construed as a reference to an authorised inspecting officer;
- (ii) a reference to a road transport operator shall be construed as a reference to a transport operator.

6. (a) A person who contravenes Article 16.2 shall be guilty of an offence.
- (b) A person who contravenes Article 12.2, 12.3, 13.1, 18 or the first paragraph of Article 20 shall be guilty of an offence.
- (c) A person who contravenes Article 16.1 shall be guilty of an offence.

7. A person guilty of an offence -
 - (a) under Regulation 6(a) shall be liable, on summary conviction, to a class A fine,
 - (b) under Regulation 6(b) shall be liable, on summary conviction, to a class B fine, and
 - (c) under Regulation 6(c) shall be liable, on summary conviction, to a class C fine.

8. A transport operator who, in contravention of Article 12.1, transfers a book referred to in Article 11 shall be guilty of an offence and shall be liable -
 - (a) on summary conviction, to a class A fine, and
 - (b) on conviction on indictment, to a fine not exceeding €200,000.

9. A person who carries passengers in the State by means of international occasional services without -
 - (a) where the services concerned are referred to in Article 6, holding a control document issued to the person, or
 - (b) where the services concerned are referred to in Article 7, holding an authorisation issued to the person,

shall be guilty of an offence and shall be liable -

 - (i) on summary conviction, to a class A fine, and
 - (ii) on conviction on indictment, to a fine not exceeding €200,000.

10. A person who in an application for a control document referred to in Article 10 or an authorisation referred to in Article 15 provides information to the competent authority knowing it to be false or misleading shall be guilty of an offence and shall be liable, on summary conviction, to a class A fine.

11. Summary proceedings for an offence may be brought, as the case may be, by-

- (a) the Minister (other than summary proceedings for an offence under Regulation 9(b)),
- (b) the Authority, or
- (c) the Road Safety Authority.

12. Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in such capacity, that person shall, as well as the body corporate, be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first mentioned offence.

13. (1) Where the Minister, for the purposes of paragraph 3 of Article 22, proposes to suspend or withdraw an international road passenger transport operator's licence he or she shall notify the holder of the licensing document of his or her proposal and of the reasons therefor and shall, if any representations are made in writing to the Minister by such holder within 21 days of such notification, consider those representations.

(2) If the Minister after considering any representations made under paragraph (1) decides to suspend or withdraw an international road passenger transport operator's licence then the Minister shall notify in writing the holder of the licence of the decision and such applicant or such holder may within 21 days of such notification appeal to the District Court against such decision.

(3) A decision to suspend or withdraw an international road passenger transport operator's licence has effect pending an appeal under this section unless the judge of the District Court before whom the appeal is brought directs otherwise.

(4) On the hearing of an appeal under this section in relation to a decision of the Minister to suspend or withdraw an international road passenger transport operator's licence the District Court may either confirm the decision or may allow the appeal and where an appeal is allowed, the Minister shall reinstate the licence.

(5) A decision of the District Court on an appeal under this Regulation shall be final save that, by leave of the Court, an appeal from the decision shall lie to the High Court on a specified question of law.

14. The fees set out in column (3) of the Schedule are the fees that shall be charged by the Authority for each service specified in column (2) at the same reference number rendered by the Authority.

Schedule

| Column (1) | Column (2) | Column (3) |
|-------------------------|---|-------------------|
| Reference Number | Description of Matter | Fee € |
| 1. | Authorisation application fee (Article 16) | 100 |
| 2. | Authorisation Grant Fee (Authorisations issued under Article 15 for services referred to in Article 7) | 30 |
| 3. | Authorisation certified true copy-each copy (issued under Article 20 for services referred to in Article 7) | 10 |
| 4. | Book of waybills (issued under Article 10 for services referred to in Article 6) | 60 |

GIVEN under my Official Seal,
22 December, 2020.

EAMON RYAN,
Minister for Transport.



EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations give effect to the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) approved on behalf of the European Communities by Council Decision of 3 October 2002 and which entered into force on 1 January 2003. The Interbus Agreement is an agreement which provides for the international occasional carriage of passengers by coach and bus between EU Member States and third countries.

These Regulations operationalise Ireland's commitments under the Interbus Agreement. They provide for the designation of competent authorities and authorised inspecting officers for the purposes of the Regulations. The Regulations also provide for offences and related fines on summary conviction or on conviction on indictment. Provision is also made for the charging of fees by the National Transport Authority in the context of their role as a competent authority under the Regulations.

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