



STATUTORY INSTRUMENTS.

S.I. No. 192 of 2017



ROAD TRAFFIC (LARGE PUBLIC SERVICE VEHICLES)
(LICENSING) REGULATIONS 2017

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I, SHANE ROSS, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by section 82 (as amended by section 52 of the Taxi Regulation Act 2003 (No. 25 of 2003)) of the Road Traffic Act 1961 (No. 24 of 1961) (as adapted by the Transport (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 141 of 2011)), hereby make the following regulations:

1. These Regulations may be cited as the Road Traffic (Large Public Service Vehicles) (Licensing) Regulations 2017.

2. The Road Traffic (Public Service Vehicles) (Licensing) Regulations 1978 (S.I. No. 292 of 1978) are amended—

(a) by substituting for article 4 (inserted by Regulation 69 of the Small Public Service Vehicles (Consolidation and Reform) Regulations 2014 (S.I. No. 165 of 2014)) the following:

“4. These Regulations apply to large public service vehicles other than large public service vehicles owned and operated by a statutory transport undertaking.”,

(b) by substituting for articles 6 and 7 the following:

“6. (1) Where an application for the grant of a large public service vehicle licence is duly made, the Commissioner may, subject to these Regulations, grant a licence in respect of a vehicle to which these Regulations apply to the owner of the vehicle.

(2) The Commissioner shall not grant a large public service vehicle licence unless he or she is satisfied that—

(a) the character and previous conduct of the applicant are such that the applicant is a fit and proper person to hold such a licence,

(b) the vehicle complies with regulations made under section 11 of the Act, other than where the vehicle is one in respect of which—

(i) the Minister has issued a permit under section 13 of the Act,

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 16th May, 2017.

- (ii) the Road Safety Authority has issued a special permit under Regulation 60 (as amended by Regulation 2 of the Road Traffic (Construction and Use of Vehicles) (Amendment) (No. 2) Regulations 2004 (S.I. No. 858 of 2004)) of the Road Traffic (Construction and Use of Vehicles) Regulations 2003 (S.I. No. 5 of 2003), or
- (iii) a certificate of conformity or an individual approval certificate has been issued such that the vehicle concerned is type-approved in accordance with the European Communities (Road Vehicle: Entry Into Service) Regulations 2009 (S.I. No. 157 of 2009),

and the vehicle complies with the requirements imposed by the permit or certificate, then regulations made under section 11 of the Act insofar as they relate to the construction of a vehicle do not apply to that vehicle,

- (c) the vehicle concerned is otherwise safe for use for the carriage of passengers, and
- (d) the use of the vehicle as a large public service vehicle is or shall be covered by an approved policy of insurance.

7. (1) A large public service vehicle licence shall—

- (a) bear a serial number,
- (b) state the number of persons for which the vehicle has passenger accommodation, and
- (c) shall be expressed to licence the vehicle for use as a large public service vehicle.

(2) A licence for a large public service vehicle shall remain in force for a period of 3 years from the date of its grant or until the sooner—

- (a) surrender or revocation of the licence, or
- (b) change of ownership of the vehicle in respect of which the licence was granted (other than by devolution of the ownership on the personal representative of an owner who has died).”,

(c) by deleting article 9,

(d) by inserting for article 18 (revoked by article 7(1) of the Road Traffic (Public Service Vehicles)(Amendment) Regulations 1991 (S.I. No. 272 of 1991)) the following:

“18. (1) (a) A fee of €60 shall be payable to the Commissioner in respect of an application and the grant of a licence for a large public service vehicle by the owner of the vehicle.

(b) Where an application for a large public service vehicle licence is refused, the fee paid by the owner of the vehicle shall be refunded.

(2) (a) Fees payable under this article to the Commissioner shall be paid at an office designated by the Commissioner in any area.

(b) Fees received by the Commissioner shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Public Expenditure and Reform directs.”,

and

(e) by substituting for article 20 (inserted by article 4 of the Road Traffic (Public Vehicles)(Amendment)(No. 2) Regulations 1998 (S.I. No. 295 of 1998)) the following:

“20. (1) For the purposes of article 6(2), the Commissioner may cause a vehicle to be inspected or examined by a member of the Garda Síochána, or at his or her discretion by a member of the Garda Síochána with the assistance of a person not being a member of the Garda Síochána who is a qualified person.

(2) For the purposes of an inspection and examination of a vehicle by a member of the Garda Síochána under sub-article (1), the Commissioner may require that a statement from a qualified person, not being a member of the Garda Síochána, shall be provided in relation to the vehicle, confirming that, in the opinion of that person, the vehicle complies with regulations in operation under section 11 of the Act or that it is a vehicle in respect of which subparagraph (i), (ii) or (iii) of paragraph (b) of article 6(2) applies.

(3) The Commissioner may at any time, other than for the purposes specified in sub-article (1), cause a large public service vehicle to be inspected by a member of the Garda Síochána, or at his or her discretion by a member of the Garda Síochána with the assistance of a person not being a member of the Garda Síochána who is a qualified person.

(4) In this article, “qualified person” means a mechanical or automotive engineer, an automotive assessor or a person with similar qualifications who, in the opinion of the Commissioner, by reason of his or her competence, experience and independence, is an appropriate person to assess the fitness of a mechanically propelled vehicle.”.



GIVEN under my Official Seal,
12 May 2017.

SHANE ROSS,
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

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

These Regulations amend the Road Traffic (Public Service Vehicles)(Licensing) Regulations 1978 (SI No. 292 of 1978) to expand the provisions of article 6(2) regarding the licence application process (Large Public Service Vehicles) to include a vehicle in respect of which the Road Safety Authority has issued a special permit (Regulation 60) and a vehicle in respect of which a certificate of conformity or an individual approval certificate has been issued (i.e. EU type-approved vehicle). The Regulations also provide for some consequential amendment and consolidation of articles 4, 7, 18 & 20 and deletion of article 9.

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