



Transport Act (Northern Ireland) 2011

2011 CHAPTER 11

An Act to make provision relating to public passenger transport and ancillary services; and for connected purposes. [16th March 2011]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

PART 1

PUBLIC PASSENGER TRANSPORT SERVICES

General

Provision of public passenger transport services

1.—(1) The Department must secure the provision of public passenger transport services with due regard to accessibility, economy, efficiency, safety of operation and sustainability.

(2) For that purpose the Department may—

- (a) enter into agreements with any operator for the provision of public passenger transport services;
- (b) enter into agreements with any person for the provision of services which are ancillary to public passenger transport services;
- (c) issue permits to any operator for the provision of non-contracted services;

- (d) determine the general level and structure of fares for services provided under a service agreement or a service permit;
 - (e) provide vehicles, ticketing machines and systems, and other facilities on such terms as the Department thinks fit; and
 - (f) exploit any commercial opportunities which the Department considers appropriate.
- (3) The Department must, subject to subsection (1) and Regulation (EC) No. 1370/2007, secure that most public passenger transport services continue to be provided by the Holding Company and its subsidiaries.
- (4) In this Act—
- “public passenger transport services” means services available to the general public for the carriage of passengers and their luggage by road or rail at separate fares;
 - “service agreement” means an agreement entered into under this section;
 - “service permit” means a permit issued under this section.
- (5) In this section—
- “the Holding Company” has the same meaning as in the 1967 Act;
 - “non-contracted services” means public passenger transport services for the provision of which there is no service agreement, excluding rail services;
 - “operator” means—
 - (a) the railway undertaking; or
 - (b) any person who holds an operator's licence;
 - “operator's licence” means—
 - (a) a licence under Part 2 of the 1967 Act; or
 - (b) an operator's licence within the meaning of the Taxis Act (Northern Ireland) 2008 (c. 4);
 - “the railway undertaking” has the same meaning as in the 1967 Act.
- (6) References in this Act to the provision of services under a service agreement include references to securing the provision of services.
- (7) A person who, without reasonable excuse, provides an unregulated service shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (8) In subsection (7), “unregulated service”, in relation to a person, means a public passenger transport service other than an exempt service or a service for the provision of which—
- (a) there is a service agreement with that person; or
 - (b) that person holds a service permit or is otherwise authorised to provide that service.

(9) The Department may by regulations make provision as to services which are to be treated as exempt services for the purposes of subsection (8).

Commencement Information

- I1** S. 1 in operation at 23.6.2015 for specified purposes by [S.R. 2015/277, art. 2, Sch.](#)
I2 [S. 1](#) in operation at 5.10.2015 in so far as not already in operation by [S.R. 2015/284, art. 2\(1\), Sch.](#)

Service agreements

Service agreements

2.—(1) The Department may by regulations make provision as to matters which may or must be dealt with in service agreements.

(2) The power conferred by section 1(2) to enter into service agreements includes power to award public service contracts in accordance with Regulation [\(EC\) No. 1370/2007](#).

(3) The Department may by regulations make provision for the review of decisions required by Article 5(7) of that Regulation.

Commencement Information

- I3** [S. 2\(1\)](#) in operation at 22.4.2013 by [S.R. 2013/104, art. 2](#)
I4 [S. 2\(2\)](#) in operation at 5.10.2015 by [S.R. 2015/284, art. 2\(1\), Sch.](#)
I5 [S. 2\(3\)](#) in operation at 22.4.2013 by [S.R. 2013/104, art. 2](#)

Service permits

Interpretation

3 In sections 4 to 17 “permit” means a service permit.

Commencement Information

- I6** [S. 3](#) in operation at 5.10.2015 by [S.R. 2015/284, art. 2\(1\), Sch.](#)

Applications

4.—(1) An application for a permit shall be made to the Department.

(2) The application for a permit must be made in such form, and include such declarations and information, as may be prescribed.

(3) Without prejudice to subsection (2), regulations under that subsection shall require the applicant to provide prescribed particulars as to—

- (a) the services to be provided under the permit; and
- (b) the vehicles to be used on those services.

(4) The Department may require an applicant to provide, in such form as the Department may require, such further information as the Department may consider necessary for dealing with the application.

(5) If a person fails, without reasonable excuse, to provide information when required to do so under subsection (4), the Department may decline to proceed further with the application and refuse to issue the permit.

Commencement Information

- I7** S. 4 in operation at 23.6.2015 for specified purposes by [S.R. 2015/277, art. 2, Sch.](#)
- I8** [S. 4](#) in operation at 5.10.2015 in so far as not already in operation by [S.R. 2015/284, art. 2\(1\), Sch.](#)

Notification of subsequent events

5.—(1) A person who has made an application for a permit shall notify the Department if, in the interval between the making of the application and the date on which it is disposed of, there occurs any prescribed event affecting any information given to the Department under section 4.

(2) A person who knowingly fails to comply with subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) For the purposes of this section an application shall be taken to be disposed of—

- (a) in a case where the Department is required by virtue of regulations under section 45(2)(a) to cause a statement containing its decision on the application to be issued, on the date on which that statement is issued, and
- (b) in any other case, on the date on which the applicant receives notice from the Department of its decision on the application.

Commencement Information

- I9** S. 5 in operation at 23.6.2015 for specified purposes by [S.R. 2015/277, art. 2, Sch.](#)
- I10** [S. 5](#) in operation at 5.10.2015 in so far as not already in operation by [S.R. 2015/284, art. 2\(1\), Sch.](#)

Matters to which Department must have regard

6.—(1) In deciding whether to issue or refuse a permit or to attach conditions to a permit, the Department shall in particular have regard (where appropriate) to the following matters—

- (a) the suitability of the routes on which the service may be provided under the permit;
- (b) any applications for permits which the Department considers relevant;
- (c) the extent, if any, to which the needs of persons likely to use the service to be provided are already adequately and economically served;
- (d) the general effect which the grant of the permit would be expected to have on—
 - (i) other holders of permits;
 - (ii) persons with whom the Department has a service agreement;
- (e) the need for ensuring fair competition among persons providing public passenger transport services;
- (f) such other matters as may be prescribed.

(2) The Department shall also take into account—

- (a) any recommendations made by the Consumer Council;
- (b) any representations by—
 - (i) persons already providing services on any road along or near the routes which are the subject of the application;
 - (ii) the Chief Constable;
 - (iii) a district council;
 - (iv) a Northern Ireland department; or
 - (v) the Northern Ireland Tourist Board.

(3) In subsection (2)(b)(i) “services” means—

- (a) public passenger transport services; or
- (b) any other services to which section 33(1)(a) applies.

Commencement Information

I11 S. 6 in operation at 5.10.2015 by S.R. 2015/284, art. 2(1), Sch.

Duration

7.—(1) A permit shall, unless previously revoked, continue in force for a period of three years from the date on which it is expressed to take effect or such other period as may be specified in the permit.