

Bus Operator Handbook

A Guide for Bus Operators

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Safer Drivers, Safer Vehicles



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Document Revision History

Version	Date of Issue	Summary of changes
V1.0	03/09/2020	Initial Publication
V1.1	23/02/2021	International travel following Brexit
V1.2	01/02/2022	Closed Regular Services including compliance with the PSVAR Regs

An Introduction to bus operator licensing

The Department for Infrastructure is the licensing authority for bus operators in Northern Ireland. The Passenger Transport Licensing Division (PTLD) within the Driver and Vehicle Agency (DVA) carries out the licensing function on the Department's behalf.

The main purpose of bus operator licensing is to ensure the safe and proper use of passenger carrying vehicles for the benefit of all road users. In particular the licensing regime aims to achieve:

- a high level of professional competence for operators:
- fair competition within the industry;
- an improved quality of service; and
- improvements in road safety

This Bus Operator Handbook has been developed to act as a quick reference guide for existing bus and coach operators and to assist those wishing to enter the industry. It is not a legal document, nor is it meant to be a comprehensive manual, but is intended to provide information which will help both new and existing operators to understand the licensing procedures and the legal requirements and undertakings that need to be met. The handbook sets out, in broad terms, the procedures used when making decisions on licence applications and regulating the activities of licence holders. It also provides general guidance to applicants applying for a licence including the standards that is expected from licence holders in the conduct of their business.

Do I need a bus operator's licence?

You will need a bus operator's licence if your vehicle is designed or adapted to carry more than 9 persons, including the driver, and payment is taken for carrying passengers (this is called 'hire or reward'). You will need a bus operator's licence even if you only intend using the vehicle for hire or reward for a short period.

Hire and reward

Hire and reward means a payment in cash or kind to enable a passenger to use the service. Payment may be a direct payment, (such as a fare) or an indirect payment, e.g. an exchange for services such as a club membership fee or the entrance fee paid for an event where travel is included. Payment can be made to the driver or anyone representing the operator and may be paid by the passenger or by someone else on the passenger's behalf. A vehicle is still considered as being used for hire and reward even when no profit is made from the payments received.

Exemptions from bus operator licensing

The following activities do not require a bus operator licence:

- (a) Non-commercial organisations providing transport under a Section 10B permit;
- (b) Hotel owner transporting guests and their luggage to or from the hotel or to or from a railway station, bus stop, quay or airport;
- (c) Ambulance carrying persons to or from a hospital;
- (d) Funeral undertaker for the purposes of funerals;
- (e) Where the vehicle is constructed to carry 8 passengers or less (not including the driver). This would be classed as a taxi. Further information about taxis and their services is available from the website at: [Taxi vehicle licensing | nidirect](#)

What type of bus operator's licence will I need?

There are three kinds of licence:

- national licence;
- international licence; and
- restricted licence

National licence

A national licence allows you to carry passengers for hire and reward only within the UK.

International licence

You will need an international licence if you intend to carry passengers for hire and reward within the UK and on international journeys.

Important Note

If you are applying for an international licence, your Transport Manager must hold the relevant international professional competence. See Annex B for further information.

Restricted licence

You can apply for a restricted licence if your vehicles are constructed or adapted to carry not more than 17 persons, including the driver and your main business is not the carriage of passengers for hire and reward.

See Annex A for further information about restricted licences.

Important Note

A restricted licence only allows you to carry passengers for hire and reward within the UK. It cannot be used for international journeys.

What do I need to apply for a bus operator's licence?

If you intend to apply for a national or international licence you must:

- have an 'effective and stable' establishment in Northern Ireland;
- be of good repute;
- have appropriate financial standing;
- have a professionally competent Transport Manager who has continuous and effective responsibility for managing the vehicle operations;

Important Note

These are all requirements which you must continue to meet during the currency of a licence. Failure to satisfy any or all of them may lead to regulatory action, which can include refusal, suspension or revocation of your operator's licence.

More information on these requirements is detailed below.

Effective and stable establishment in Northern Ireland

You must have an 'effective and stable' establishment in Northern Ireland with premises where you keep your core business documents at all times, in particular your accounting documents, personnel management documents, tachograph records and documents relating to drivers hours. The use of a Post Office, third party or accommodation address is not acceptable.

Good repute

You, and everyone named on your application, including Transport Manager(s), Directors, partners, employees, must be of good repute. In considering repute, the Licensing Manager will take any relevant matters into consideration, but in particular will look at convictions, fixed penalties and serious infringements.

See Annex C for further information.

You will be required to send in a basic disclosure certificate, dated within the last 3 months, for each person named on your application, such as partners, directors or transport managers. Applicants can apply for a basic disclosure certificate online from the following link: [Apply online for a basic check | nidirect](#)

If anyone named on your application is or has been resident outside Northern Ireland, they may also be required to provide a criminal record check from the country of residence.

You are required to disclose convictions incurred by any person named in your application within 28 days from the date of conviction. Failure to do so may result in regulatory action.

Convictions which are 'spent' under the Rehabilitation of Offenders (NI) Order 1978 need not be declared and will not be taken into account when considering repute.

Important Notes

Any previous conduct in the carriage of passengers and the outcome of any previous compliance audits will also be taken into consideration.

Loss of repute can result in the refusal, suspension or revocation of a Bus Operator's Licence.

Financial standing

You must be able to demonstrate that you have adequate financial resources to launch and run your business. The amount of financial resources required is calculated based on the number of buses in your fleet. The financial levels are subject to change every year, effective from 1st January. The current financial levels are available from the website at: [Bus operator licensing | nidirect](#)

See Annex D for more information on financial requirements, including acceptable documentary evidence.

Important Note

Your financial standing will be routinely reviewed on a periodic basis. You should be aware that the Licensing Manager can require you to demonstrate that you continue to have appropriate financial standing at any time.

Transport Manager

You must have at least one designated person, the transport manager, who has the necessary professional competence and can demonstrate continuous and effective control of your transport operations.

There are 2 types of transport manager – internal and external.

Internal Transport Manager Requirements

To be considered as an internal transport manager, a person must:

- be of good repute;
- have the necessary professional competence;
- effectively and continuously manage your transport activities;
- have a genuine link to your business, for example, be a full-time or part-time employee, director or partner; and
- be resident in the European Community.

A person can be designated as an 'internal' transport manager for more than one operator, however, the requirements as set out above need to be met in each case.

External Transport Manager Requirements

You may hire a qualified person from outside your business to carry out the role of transport manager. An external transport manager must:

- be of good repute;
- have the necessary professional competence;
- have a contract with you, the operator, which specifies the tasks to be performed on an effective and continuous basis;
- act solely in your interests and independently of any other business for which he/she provides a service.
- work for no more than 4 different operators, with a maximum combined fleet size of 50 vehicles (including bus and goods vehicles); and
- be resident in the European Community.

Professional competence

To be considered professionally competent, a person must hold one of the following:

- (a) an international Certificate of Professional Competence;
- (b) a Certificate of Acquired Rights;
- (c) a national Certificate of Professional Competence, obtained before 4 December 2011; or
- (d) a third party professional qualification exemption.

See Annex B for more information about Transport Managers.

What else do I need to apply for a bus operator's licence?

Company Details

You will need to supply the details about your company, which includes your business name. If your company is registered with Companies House you will need to include your company registration number with your application. If your company is a partnership, then you will need to include a partnership agreement with your application.

Operating Centre

You need at least one operating centre in Northern Ireland. Your operating centre is the place where your vehicles are normally kept when not in use. If you do not own

the premises you will be required to provide evidence to show that you are entitled to use them, such as a lease agreement.

Enforcement officers will carry out an operating centre assessment at your operating centre(s) to ensure that it is suitable for your fleet. The purpose of the operating centre assessment is to check if you have sufficient space to safely accommodate your fleet and will, in particular, check the access and egress at the premises.

Important Notes

Your vehicles must not be parked overnight on a public road.

You must ensure that each operating centre meets the requirements of planning law. Details of your operating centre may be sent to Planning Service for consideration.

You must also be able to satisfy the Department that you can fulfil the PSV licence condition to keep your vehicles, accessories and equipment in good order and repair.

You must also ensure that the relevant requirements for public service vehicle accessibility are satisfied.

How and when can I apply for a bus operator's licence?

Whether you are a first time applicant, or an existing licence holder who wants to apply to renew your licence, you need to submit your application online. To access the online service you will need a nidirect account and have had your identity verified. Information about identity assurance and the documents you need to verify your identity is available from the website: [Identity assurance | nidirect](#)

First time applicants

How do I apply?

To apply for a bus operator's licence for the first time you can apply online from the website at: [Bus operator licensing | nidirect](#)

When do I apply?

You should submit your **completed** application and **all** required supporting documentation **at least two months** before you want your licence to start to allow all the necessary checks to be completed.

Important Notes

You are not licensed to operate until you have received your licence.

Operating without a licence is an offence and starting to operate before a licence has been granted may result in refusal of the application.

Every effort will be made to consider your application in a timely manner; however, you should be aware that legislation allows 3 months for a decision, from the date of receipt of all documentation. Where there are exceptional circumstances this deadline can be extended by a further month.

What happens when I submit my online application?

Approval in principle

The first stage of the licensing process is 'approval in principle'. This part of the process considers your overall suitability as an operator and will include a check on any previous enforcement history, where applicable, including details of any fixed penalty notices, prohibitions, defect notices, serious infringements, results of any compliance audits, and any previous conduct as a bus operator for anyone named on your application, such as partners, directors, transport managers, etc.

If it is decided that, in principle, you satisfy the requirements for a bus operator's licence you will receive a message in your online account which will advise you of the next steps.

Important Notes

When you submit your application you need to make sure it is correct and complete.

All first time applicants are required to attend an interview. You may also be required to bring your Transport Manager with you to the interview.

Next Steps - grant of licence

To complete the online application you will need to apply for the grant of your licence by selecting your vehicles and paying the fee. We will send you a link with your 'Approval in Principle' message to facilitate this process. Only vehicles which have a valid public service vehicle (PSV) licence issued in Northern Ireland in your name can be added to your licence. You should aim to complete the application process as quickly as possible. An 'approved in principle' will only be valid for a maximum of **12 weeks** otherwise the application may be deemed to have been withdrawn and you will have to start the process from the beginning again.

Fee

The fee for a bus operator's licence is based on the number of vehicles to be listed on your licence. The fee is £78 for each vehicle. Payment must be made by credit or debit card.

Period of Licence

A bus operator's licence is normally issued for 1 year, however, the decision may be taken to issue you with a licence for a shorter period of time, such as 3 or 6 months. Where a shorter period licence is issued its purpose is to give you time to resolve any issues or shortcomings.

Your buses

It is your responsibility to ensure that your vehicles are correctly registered, licensed (taxed), insured and have a valid PSV licence in place. If you or your company own the vehicles they should be registered in your name or the company name. If the vehicles are the subject of a hire purchase agreement, you will be required to provide a copy of the agreement with your application. Before a vehicle can be added to your licence it must have a valid PSV licence, issued in Northern Ireland, in your name.

You can apply online to transfer a PSV licence into your name.

Important Note

You should note that you must have at least one vehicle available to carry out your operations

Timescales for issue of your licence

When you have completed the 'Grant' process online and paid the fee, your bus operator's licence will be available immediately on your account for you to view or print.

Licence conditions

There are certain conditions attached to a bus operator's licence. Your licence will clearly document the conditions that apply to you. You must familiarise yourself with these conditions.

Important Note

Failure to comply with a licence condition is an offence and may result in regulatory action.

You must ensure that your drivers hold the correct driving entitlement and certificate of professional competence. Further information is available from the website at:

[Buses and lorries you can drive and minimum ages | nidirect](#)

Publication of information

Information about bus operators is published on the website:

[Bus operator licensing | nidirect](#)

This includes information about applications submitted, licensed operators and also the details of those who have had a bus operator's licence refused, suspended or revoked.

Notification of changes

If, during the application process, there are any changes which may impact on your ability to meet the licensing requirements you are required to notify the Bus Licensing Team immediately.

False statements

It is an offence to knowingly make any false statement for the purpose of obtaining a licence, preventing the granting of a licence or influencing the conditions on a licence.

Referral to Case Panel

If you do not fulfil the licensing requirements then your application will be referred to Case Panel and your application for a bus operator's licence may be refused or issued for a shorter period.

See Annex H for more information on the Case Panel process.

What services can I operate?

Your bus operator's licence will allow you to operate the following services:

➤ Private Hire

Private hire is a service which is provided either on an occasional basis (for example, a day trip), or on a more regular basis. The service involves the carriage of a group of passengers from one location to another and (usually) back again. In some instances the service may be provided under a contract. It is expected that, for any regular private hire service, you will receive a lump sum payment from the organiser/contractor no more frequently than weekly and therefore no money should be collected on board the vehicle – to do so could bring the service into conflict with another service operating (under a Service Permit or Service Agreement) along the same route. However, the organiser may collect separate fares from the passengers in advance of the service running

Important Note

If you are providing the service under contract you should ensure a copy of the contract is held in the vehicle(s) to assist with any compliance or enforcement investigations.

➤ Tours

A Tour is an occasional or scheduled advertised service (for the purposes of tourism) to advertised destinations with the United Kingdom, for the carriage of passengers at separate fares. Typically, passengers will commence the journey together at a single pick-up point. However, in some instances it may be more appropriate for passengers to be picked up en route to the advertised destination(s), (for instance, at specified hotels). You will only be able to pick up passengers on the outward

journey, and drop off passengers on the return journey. The stopping time for each advertised destination should not normally be less than 20 minutes.

➤ **Closed Regular Services**

A Closed Regular Service is only available to a specific group of passengers. For example, pupils from a specific school or employees at a specific location. These services are not available to the general public.

Operators are advised to obtain a written agreement that shows the passenger group the service is provided for.

Operators running a service of this type will be required to comply with Public Service Vehicle Accessibility Regulations (NI) 2003 (PSVAR).

Further details of PSVAR can be found on NI Direct at the following link:

<https://www.nidirect.gov.uk/articles/public-service-vehicle-accessibility-certificate>

Important Notes

You are required to adhere to any relevant road or parking restrictions at the pick-up and/or set-down points where your service operates.

The Department has enforcement powers which will be exercised should there be any attempt to use such services to disguise what are, in effect, services which should be operating under a Service Permit.

Services which also require a commercial bus service permit

If you wish to operate one of the following types of service, you will need to apply for a commercial bus service permit **in addition to your bus operator's licence**:

- Regular stopping;
- Express;
- Hop on hop off;
- Event specific;
- Demand responsive.

Commercial bus service permits are issued by the Department for Infrastructure's Public Transport Services Division. Further information about the permit scheme and how to apply is available on the website at:

<https://www.infrastructure-ni.gov.uk/articles/commercial-bus-service-permits>

How and when do I apply to renew my licence?

Reminders

We will send you a message approximately 8 weeks before your licence is due to expire advising you to log in to your account and submit your renewal application. You can choose to receive the message either to your email account or via text message. The renewal reminder will tell you what supporting documentation you need to include with your online application.

How do I apply?

To access the online service you will need a nidirect account and have had your identity verified. Information about identity assurance and the documents you need to verify your identity is available on nidirect:

[Identity assurance | nidirect](#)

To renew your bus operator's licence you can apply online from the following link:

[Bus operator licensing | nidirect](#)

Important Note

Responsibility for renewing your licence in good time is yours alone. You must make sure that you submit a complete and valid application before your previous licence expires. Incomplete applications may not be accepted and could mean that your licence will lapse and you will not be licensed to operate.

Continuous licensing

The law provides for continuous licensing provided that your renewal application has been received before your previous licence expires. Where the renewal application is received before the previous licence expires, the old licence will stay in force until a decision is made on your new application and you will be able to continue to operate. You will receive a notification when your new licence has been granted.

Important Note

If you have allowed your licence to lapse before sending in your application, then you will be unlicensed and you will not be covered to operate until you receive your new licence. In these cases you will be required to apply as a 'New Applicant' and your new licence will commence from the date the decision was taken to grant your new licence. Licences will be not be backdated in these cases.

Can I make changes to my licence?

Managing my Licence

You can make a number of changes to your licence from your online account by selecting the 'manage my licence'. Guidance to help you use the online system is

available from the following link: [Driver Vehicle Agency - Customer Guides to DVA Online | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://www.infrastructure-ni.gov.uk/dva/customer-guides)

Adding a vehicle

You can apply to increase the number of vehicles in your fleet from your online account. You can only add a vehicle to your licence if it has a current PSV licence issued in Northern Ireland in your name. The fee will be calculated at £6.50 per vehicle, for each full or part month remaining on your licence.

Important Note

It is your responsibility to ensure that your vehicles are correctly registered, licensed (taxed), insured and have a valid PSV licence in place. If you or your company own the vehicles they should be registered in your name or the company name. If the vehicles are the subject of a hire purchase agreement, you will be required to provide a copy of the agreement with your application. Before a vehicle can be added to your licence it must have a valid PSV licence, issued in Northern Ireland, in your name.

You can apply to transfer a PSV licence from another operator into your name using your online account.

Your financial standing may need to be reviewed to confirm that you continue to meet the necessary requirements for the increased number of vehicles. You must also ensure that your operating centre is adequate to accommodate the increased number of vehicles in your fleet. This may require a further check of your operating centre(s).

Important Note

You are not authorised to operate any vehicles until they have been added to your bus operator's licence.

Removing a vehicle

You can apply to have a vehicle removed from your licence at any time. You should note that you must have at least one vehicle available to carry out your operations.

If a refund is payable it will be automatically sent out to you.

Important Note

If you want to continue to operate but you do not have at least one vehicle available to you, legislation allows a time limit of up to 6 months for you to acquire a vehicle.

Amend your licence from 'National' to 'International'

You can apply online to amend your bus operator's licence from a National licence to an International licence, or vice versa. You need to ensure that your Transport Manager holds the correct professional competence.

See Annex B for more information.

Important Note

If you are changing to an International licence you will also need a Community licence to operate in another EU Member State.

Add or remove operating centre

You can apply online to add or remove an operating centre during the currency of your licence. You are required to have at least one operating centre which is suitable for keeping vehicles when not in use.

Add or remove transport manager

You can apply online to add or remove a transport manager during the currency of your licence. You should always aim to have at least one transport manager who is responsible for effectively and continuously managing operations.

Important Note

Legislation allows a time limit not exceeding 6 months for the recruitment of a replacement transport manager where the transport manager no longer satisfies the good repute or professional competence requirements. (This may be extended by a further 3 months in the event of death or physical incapacity).

Change of business address

You can apply online to change the address for your establishment (business premises). You must have an 'effective and stable' establishment in Northern Ireland.

Notifying changes in my circumstances?

It is a condition of your bus operator's licence that you are required to notify any of the following changes in circumstances, within 28 days. You can notify any of the changes listed below online:-

- If the company or anyone involved in the operation of the company is declared bankrupt or if the business goes into liquidation;
- If a seizure order is made against the property or a receiver is appointed;
- If anyone named on the licence, such as the owner, partners, directors or transport manager, have incurred any convictions;
- Any other change that is relevant to your bus operator's licence, for example, a change to the Directors in a limited company.

If my business entity changes can I transfer my licence?

You cannot transfer your licence to any other business entity. If you want to change your business entity, for example, if you change from a sole trader to a partnership, a sole trader or partnership to a limited company, or if there is material change to your company, such as a change in structure of a limited company resulting in a change of registered company number, you will need to apply online for a new licence to operate as a new business entity and you will not be authorised to operate until a new bus operator's licence is issued for the new entity.

In exceptional circumstances, the Department may allow another person or company to continue to operate under the licence for a short period, provided you notify the change in circumstance within 28 days from the date of change. If the Department is not notified in time, no leeway can be given.

Important Note

It is against the law to alter any licence issued, or to allow that licence to be used by another party.

Retaining your licence - complying with licensing requirements

The decision will be taken to grant you a bus operator's licence if you meet all the licensing requirements; however, it is equally important that you make sure that you comply with all the requirements during the currency of your licence. Failure to do so could result in your licence being suspended, revoked, or refused at renewal.

In general terms, to ensure that you do not put your licence at risk, you need to:

- comply with licence conditions at all times;
- continue to meet the operator licence requirements regarding establishment; good repute, financial standing and professional competence on an ongoing basis;
- ensure that the transport activities of your operation are continuously and effectively managed at all times;
- comply with EU and national legislation, as appropriate, in relation to the following:
 - health and safety;
 - road traffic and road transport legislation;
 - commercial and insolvency laws;
 - disability discrimination;
 - Passenger rights.

See Annex G for more information about passenger rights.

- have sufficient facilities or agreements for maintaining your vehicles;

See Annex E for more information

- ensure you maintain your vehicles in a roadworthy condition at all times;
- ensure the vehicles in your fleet are correctly registered, taxed, insured and have in place a valid PSV licence, issued in Northern Ireland, in your name;
- ensure any drivers that you use hold the correct driving entitlements and drivers Certificate of Professional Competence (CPC)

Further information is available from the website at: [Buses and lorries you can drive and minimum ages | nidirect](#)

- notify the Bus Licensing Team online, of any changes which may affect your licence, within 28 days;
- have management structures, monitoring, auditing and reporting systems in place to ensure that your vehicles, accessories and equipment are kept in a fit and serviceable condition and rules are adhered to, for example, rules governing drivers hours and tachographs

See Annex F for further information

- keep the required records, namely:
 - Core documents including records on accounting, personnel management, drivers' hours, vehicle maintenance and all other records necessary to show that you are complying with operator licence conditions;
 - Tachograph records and records required under the Working Time Directive. These must be kept for at least 2 years after the end of the period covered. More information on Drivers' Hours and Tachographs can be accessed from the following link:

[Rules on Drivers' Hours and Tachographs - Passenger Vehicles in Northern Ireland and Europe | Department for Infrastructure \(infrastructure-ni.gov.uk\)](#)

- Defect reports and records of safety inspections. These must be retained for at least 15 months;

Compliance check

At any stage as part of the application process or during the currency of your licence you may be scheduled for a compliance check. A compliance check may be scheduled due to roadworthiness issues detected at roadside encounters. In addition, the Regulator may refer your licence for a compliance check at renewal of your licence, or at any stage during the currency of your licence if any cause for concern has been identified.

See Annex I for more information about compliance checks.

Regulatory Action

If you are unable to meet the licensing requirements or if your previous conduct in operating passenger carrying services gives rise to concern or if concerns are raised during the currency of your licence, then you will be referred to the Regulator.

This process applies anytime you are applying for a bus operator's licence, either as a first time applicant or if you are applying to renew your licence, or during the currency of your licence.

The Regulator will consider each application, taking account of the legal requirements and procedures. The Regulator may ask you to send in further information, require you to attend for interview, or trigger a compliance check at your premises.

See Annex I for more information on compliance checks.

Each case will be considered on its own merit and the Regulator may decide to refer your case to the Case Panel.

See Annex H for more information on Case Panel.

If the decision is taken to refuse your application or suspend or revoke your licence you will receive a Notice which will set out the reasons for the decision and advise you of your right of appeal, to the County Court, within 28 days.

International bus and coach services

International occasional services to and from the EU

Occasional services are services which are not regular or shuttle services, and are broadly regarded as excursions, tours and private hire. From 1 January 2021, you will continue to be able to run international occasional services between the UK and all other members of the Interbus Agreement, including the EU. (The Interbus Agreement covers all EU countries, Albania, Andorra, Bosnia and Herzegovina, Montenegro, Moldova, North Macedonia, Turkey, Ukraine and the UK.) You will not be able to transport passengers between two points within the EU (cabotage) under the Interbus Agreement.

You will be required to carry the following documents when operating these services:

- The top copy of the Interbus waybill for the journey, which can be obtained from the Confederation of Passenger Transport (CPT);
- A copy of the vehicle log book (V5C);
- A certified true copy of the operator's licence.

International occasional services on the island of Ireland

UK passenger transport operators will be able to run services between any two points on the island (cabotage). You will be required to carry different documentation when running these services. These are:

- A completed Trade Co-operation Agreement Journey Form, which can be obtained from the Confederation of Passenger Transport (CPT);
- A copy of the vehicle log book (V5C);
- Your operator's licence, or a certified copy,

International occasional services to countries which are not part of Interbus

You will be able to run a service through the EU to reach a non-Interbus country, but you will not be able to transport passengers between two stops within the EU en route. For example, Switzerland is not a member of the EU or the Interbus Agreement but the UK has a Road Transport Agreement with Switzerland, so you can continue to run occasional services to Switzerland which transit the EU.

You will be required to carry new documentation when operating these services. These are:

- A completed Trade Co-operation Agreement Journey Form, which can be obtained from the Confederation of Passenger Transport (CPT);
- A copy of the vehicle log book (V5C);
- Your operator's licence, or a certified copy.

International regular services

From 1 January 2021, you will not be able to move passengers between two points within the EU (cabotage), except as part of a service in the island of Ireland.

When running international regular services, you should continue to carry:

- Your operator's licence, or a certified copy.
- A copy of the vehicle log book (V5C);
- Your authorisation, or a certified copy.

If your authorisation expires on or after 1 July 2021, the process for renewing an authorisation will take up to six months. You should take this into account when applying to renew your authorisations. For authorisations expiring before 1 July 2021, the process for renewal will continue to take up to 4 months.

The facility to apply for international bus and coach services is not yet available online.

To apply for a new authorisation, or renew an existing authorisation, you can download the application form at the following link: [International regular or special regular service application and renewal form | nidirect](#)

Once completed, return it by email to DVA at:

taxiandbuslicensing@infrastructure-ni.gov.uk

DVA will contact you directly to obtain the necessary payment.

International special regular services

A special regular service is a regular service which provides for the carriage of specified categories of passengers, such as services which take school pupils to and from school, or workers between home and their place of work.

From 1 January 2021, you will not be able to move passengers between two points within the EU, except as part of a service on the island of Ireland.

From 1 July 2021, all special regular services will need to be authorised, including on the island of Ireland. The process for obtaining an authorisation can take up to 6 months. You can download the application form at the following link: [International regular or special regular service application and renewal form | nidirect](#)

When running international special regular services, you should carry:

- Your operator's licence, or a certified copy;
- A copy of the vehicle log book (V5C);
- Your contract with the organiser (or a copy);
- A document evidencing that the passengers constitute a specific category to the exclusion of other passengers;
- From 1 July 2021, your authorisation, or a certified copy.

For more information and guidance, visit [Run international bus or coach services and tours - GOV.UK \(www.gov.uk\)](#)

Operators running a service of this type will be required to comply with Public Service Vehicle Accessibility Regulations (NI) 2003 (PSVAR).

Further details of PSVAR can be found on NI Direct at the following link:

<https://www.nidirect.gov.uk/articles/public-service-vehicle-accessibility-certificate>

Cabotage

Cabotage is the transport of passengers between two places in the same country by a transport operator from another country.

Cabotage operations are defined in EC Regulation 1073/2009 as:

'National road passenger services for hire and reward carried out on a temporary basis by a carrier in a host member state, or

The picking up and setting down of passengers within the same member state, in the course of a regular international service, in compliance with the provisions of the EC Regulation, provided that it is not the principal purpose of the service.'

See Annex J for further information.

Own Account Certificates

Own account transport operations are those carried out for non-commercial and non-profit making purposes by a person or organisation, where:

- the transport activity is not the main business of that person or organisation;
- the vehicles used are the property of that person or organisation; or have been obtained by the person on deferred terms; or are the subject of a long-term leasing contract; and
- the vehicles are driven by a member of the staff or by the person himself or by personnel employed by, or put at the disposal of, the person or organisation under contract

Own account operators do not require cross border authorisation or Journey Forms but they must hold an own account certificate. Certificates are vehicle specific and cost £6 for each year that the certificate is valid.

Annexes

Annex A – Restricted Licence

You can apply for a restricted licence if your vehicles are constructed or adapted to carry not more than 17 persons, including the driver and your main business is not the carriage of passengers for hire and reward. A restricted licence only allows you to carry passengers for hire and reward within the UK. It cannot be used for international journeys.

Example

Your main business is running a car parking service but you operate a shuttle bus service from your car park to an airport terminal where the charge for running the service is included as part of the car parking fee.

Whether you are a first time applicant, or an existing licence holder who wants to apply to renew your licence, you need to submit your application online. To access the online service you will need a nidirect account and have had your identity verified. Information about identity assurance and the documents you need to verify your identity are available from the website: [Identity assurance | nidirect](#)

How do I apply?

To apply for a restricted bus operator's licence you can apply online from the website at: [Bus operator licensing | nidirect](#)

When do I apply?

You should submit your **completed** application online and upload **all** required supporting documentation **at least two months** before you want your licence to start to allow all the necessary checks to be completed.

Application process

You should note that applicants for a restricted bus operator's licence are exempt from the requirements listed below.

- Basic disclosure certificate
- Evidence of financial standing
- Evidence of professional competence

Important Note

You are not licensed to operate until you have received your licence.

Operating without a licence is an offence and starting to operate before a licence has been granted may result in refusal of the application.

Every effort will be made to consider your application in a timely manner; however, you should be aware that legislation allows 3 months for a decision,

from the date of receipt of all documentation. Where there are exceptional circumstances this deadline can be extended by a further month.

Annex B – Transport Manager Guidance

Genuine Link

An internal transport manager must have a genuine link to the business. He/she may be:

- the applicant/licence holder;
- a partner;
- a company director;
- a full or part-time employee

Employment may be demonstrated in a number of ways, e.g. through tax returns, employee contributions etc. The Department may request proof of employment (e.g. a contract of employment) at any stage during the application process or during the currency of a licence.

Effective and Continuous Responsibility

A transport manager must ensure that transport operations comply with statutory undertakings and licence conditions at all times.

There must be an agreement (internal transport managers) or contract (external transport managers) between the operator and transport manager specifying the responsibilities and tasks to be performed on an effective and continuous basis that will include those tasks relating to:

- vehicle maintenance management;
- verification of transport contracts and documents;
- basic accounting;
- assignment of loads and services to drivers and vehicles; and
- the verification of safety procedures

Ensuring Effective and Continuous Management

In deciding whether an applicant has made adequate provision to ensure the effective and continuous management of the transport operation, the Department will consider the following factors;

- the previous conduct, if any, of the transport manager in providing a passenger transport service;
- the nature of the contract between the applicant and the transport manager;
- the proportion of time the transport manager will spend working for the applicant (see working hours guide below);

- the number of operator licences and vehicles for which the nominated transport manager will be responsible;
- the total number of operating centres for which the transport manager will be responsible;
- the geographical location of the transport manager's base, the applicant's operating centres and any other centres for which the transport manager has responsibility;
- any other work undertaken by the transport manager;
- the previous compliance history of any licences with which the transport manager has been involved;

The operator must supervise the actions of the transport manager and carry out checks on: maintenance inspections; road worthiness test pass rates; arrangements for securing compliance with drivers' hours rules etc. Further information on drivers' hours is available from the following link:

[Rules on Drivers' Hours and Tachographs - Passenger Vehicles in Northern Ireland and Europe | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://www.infrastructure-ni.gov.uk/rules-on-drivers-hours-and-tachographs-passenger-vehicles-northern-ireland-and-europe)

Important Note

A transport manager retains legal responsibility for transport activities even when activities are delegated.

Working Hours

The table below provides a broad guide as to the amount of time that the Department might expect a transport manager to devote to the transport activities of a specific operator.

Vehicles	Proposed Hours (per week)
2 or less	4
3 to 8	8
9 to 16	16
17 to 29	25
15 to 29	Full time
30 and above	(Full Time) Additional assistance required

Additional hours may be required for trailers.

Professional Competence

The nominated transport manager must be professionally competent. To be considered professionally competent, a person must hold one of the following:

- (a) an international Certificate of Professional Competence;
- (b) a Certificate of Acquired Rights;
- (c) a national Certificate of Professional Competence, obtained before 4 December 2011; or
- (d) a third party professional qualification exemption.

(a) International Certificate of Professional Competence (CPC)

A transport manager must have the required level of knowledge in the subjects listed below and to have demonstrated this by passing the Transport Manager CPC examination.

- Civil law;
- Commercial Law;

- Social Law;
- Fiscal Law;
- Business and financial management of a business;
- Access to the market;
- Technical standards and technical aspects of operation; and
- Road Safety;

The following options are available for anyone seeking assistance in preparing for the examination:

- attending a residential or non-residential course;
- studying with the aid of a special learning pack; or
- by correspondence course.

Awarding Organisation

The following examination board is currently approved to offer the Transport Manager CPC examination:

OCR Examinations Board

Progress House

Westwood Way

Coventry

CV4 8JQ

Telephone: 02476 851509

E-mail: www.ocr.org.uk

Details of examination dates, test and syllabus can be obtained directly from the Board.

(b) Certificate of Acquired Rights

A Transport Manager Acquired Rights certificate is acceptable as proof of professional competency.

(c) National CPC

The National Transport Manager CPC examination was discontinued on 4 December 2011. The qualification remains valid for **national** operations.

(d) Other Professional Qualifications

A number of other qualifications, if obtained prior to 4 December 2011, are also acceptable as proof of professional competence. These qualifications are listed below.

For national and international operations:

- Fellow (FCILT) or Chartered Member (CMILT) of the Chartered Institute of Logistics and Transport by examination and/or formal accreditation in road passenger transport, on production of an exemption certificate issued by the Institute;
- Member or Associate Member of the Institute of Road Transport Engineers;
- Holder of the Institute of Logistics and Transport Certificate in Logistics and Transport with an endorsement in road passenger transport, on production of an exemption certificate issued by the Institute; or
- Associate of the Institute of Transport Administration by examination.

For national operations only:

- Holder of the Royal Society of Arts Certificate in Road Passenger Transport, if obtained after May 1984;
- Member (MILT) of the Chartered Institute of Logistics and Transport by examination and/or formal accreditation in road passenger transport, on production of an exemption certificate issued by the Institute;
- Associate of the Institute of Road Transport Engineers, by examination; or
- Holder of the Institute of Logistics and Transport Certificate in Logistics and Transport with an endorsement in passenger transport co-ordination, on production of an exemption certificate issued by the Institute.

A transport manager holding one of these qualifications must also have a CPC exemption certificate.

If you do not have an exemption certificate but think you may qualify for one, you should contact your examining body.

Proving professional competence in other EU Member States

If you need to prove your professional competence in another EU country, you must hold an international qualification.

An OCR or RSA professional competence certificate, issued no earlier than March 1992 (national or international) is valid in any EU country.

If you hold any other qualification, you will also need a mutual recognition certificate.

Retraining

A nominated transport manager, who holds a certificate of professional competence but has not managed transport activities in the previous 5 years, may be required to undertake retraining to update their knowledge on changes in legislation.

Declaration of Unfitness

Where a transport manager is found to have lost their reputation, the Department will issue an order declaring the person unfit to manage transport activities. The order will detail the measures required to remedy the situation and the right of appeal. Unless and until those remedial measures are implemented, the transport manager's Certificate of Professional Competence will be invalid.

Further Guidance

The Department has produced detailed guidelines on The Role of the Transport Manager which includes examples of case law, relevant legislation and further information. The document can be accessed from the following link:

[Guides for Bus Service Operators | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://www.gov.uk/guides/bus-service-operators)

Annex C – Good Repute – Convictions, Penalties and Referrals

This section summarises the requirement to be of good repute. It is equally applicable to new applicants, those renewing their licence or at any time during the currency of a licence.

In determining Good Repute, the Department has discretionary powers to consider any matter in determining whether individuals or companies are of good repute either on application or at any time during the currency of the licence.

Section 46 (B) of the Act states that the Department 'shall' determine that a person is not of good repute if that person has:

- Been convicted of a serious offence
- Incurred a conviction or penalty for one of the most serious infringements of Community rules as set out in Annex IV of EC 1071 2009, or
- Been convicted of, or incurred a penalty for, a road transport offence.

A serious criminal offence is defined in the Act as any conviction where one of the following punishments has been imposed:

- Imprisonment exceeding 3 months;
- A fine exceeding level 4 on the standard scale (currently £2500)
- A community service order (or equivalent) requiring unpaid work for more than 60 hours;
- Any punishment outside the UK corresponding to the above.

A road transport offence is defined in the Act as an offence under the law of any part of the United Kingdom relating to road transport including, in particular

- An offence as listed under Article 6(1)(a)(iv) or Article 6(1)(b) of Regulation (EC) No 1071/2009, or;
- Any corresponding offence under the law of a country or territory outside the United Kingdom

Regulation (EC) 1071/2009 - Serious infringements

Annex IV of the Regulation (EC) 1071/2009 identifies the most serious infringements that must be considered by the Department for the purposes of Article 6(2)(a) relating to good repute. They are as follows:

- Exceeding the maximum 6-day or fortnightly driving time limits by margins of 25 % or more

- Exceeding, during a daily working period, the maximum daily driving time limit by a margin of 50 % or more without taking a break or without an uninterrupted rest period of at least 4,5 hours
- Not having a tachograph and/or speed limiter, or using a fraudulent device able to modify the records of the recording equipment and/or the speed limiter or falsifying record sheets or data downloaded from the tachograph and/or the driver card
- Driving without a valid roadworthiness certificate if such a document is required under Community law and/or driving with a very serious deficiency of, inter alia, the braking system, the steering linkages, the wheels/tyres, the suspension or chassis that would create such an immediate risk to road safety that it leads to a decision to immobilise the vehicle
- Transporting dangerous goods that are prohibited for transport or transporting such goods in a prohibited or non-approved means of containment or without identifying them on the vehicle as dangerous goods, thus endangering lives or the environment to such extent that it leads to a decision to immobilise the vehicle
- Carrying passengers or goods without holding a valid driving licence or carrying by an undertaking not holding a valid Community licence
- Driving with a driver card that has been falsified, or with a card of which the driver is not the holder, or which has been obtained on the basis of false declarations and/or forged documents
- Carrying goods exceeding the maximum permissible laden mass by 20 % or more for vehicles the permissible laden weight of which exceeds 12 tonnes, and by 25 % or more for vehicles the permissible laden weight of which does not exceed 12 tonnes

EC 2016/403

Regulation EC 2016/403 sets out the classification of serious infringements. The regulation can be accessed from the following link:

[COMMISSION REGULATION \(EU\) 2016/403](#)

Previous Conduct

When deciding whether to grant an operator licence or whether to attach conditions to the licence, the Department will also take into account:

- any previous conduct of the applicant in providing passenger services;
- the revocation or suspension of any other bus operator licence held by the applicant or by a company in which the applicant or anyone named on the application has had a controlling interest,
- any previous refusal of a licence;

- previous conduct in providing passenger services of any person for whom the applicant is acting as nominee or agent or revocation or suspension of a licence held by that person ; and/or
- where application is made by a corporate body, the previous refusal of a licence or the suspension or revocation of a licence held by any other corporate body that has a controlling interest in the applicant company or in which the applicant company has/had a controlling interest. A director or shareholder with a controlling interest will be assessed in the same manner.

Repute Check

The Department will request the Compliance & Enforcement team to complete a repute check for an operator and their transport manager(s) each time an application for a bus operator licence is received. This arrangement applies to new applicants and equally where an existing operator is applying to renew their licence. A licence will not be granted until a repute check has been received and considered. Where the repute of an operator and/or transport manager raises cause for concern, the application may be referred to the Regulator for consideration.

Compliance & Enforcement Referral

The Department may receive a bus operator referral from the Compliance & Enforcement team if the bus operator has incurred infringements or issues have been raised during a roadside encounter. All referrals are referred to the Regulator for consideration.

Further Guidance

The Department has produced detailed guidelines on Good Repute and Fitness which includes examples of case law and relevant legislation and guidelines. The document can be accessed from the following link:

[Guides for Bus Service Operators | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://www.infrastructure-ni.gov.uk/guides-for-bus-service-operators)

National register

EU legislation requires that Member States hold details of licensed operators on national electronic registers which are interconnected to aid cooperation and exchange of information between authorities. The Driver and Vehicle Standards Agency in GB hold the national register on behalf of the UK government. The UK register includes information about bus operators and transport managers licensed in Northern Ireland.

The national register allows us to:

- carry out checks on transport managers who have previously operated in other Member States;
- share the details of any Most Serious Infringements (MSIs) committed in Northern Ireland by operators from other Member States;

- receive information from other Member States detailing regulatory action taken against operators who have committed MSIs in Northern Ireland;
- receive notification of any MSIs committed by a Northern Ireland operator in another Member State; and
- provide details of any regulatory action taken against a Northern Ireland operator for an MSI committed in another Member State.

Important Note

The register will also hold details of any person who has previously had regulatory action taken against them in another Member State which has resulted in the person being declared unfit to manage transport activities or has had a licence suspended or withdrawn.

Annex D – Financial Standing

You must be able to demonstrate that you have adequate financial resources to launch and run your business. You will therefore be required to provide documentary evidence to confirm that you meet the current financial requirements. You may also be required to provide evidence that you continue to meet the required financial standing during the currency of a licence.

Names on Financial Evidence

All financial documents should be in the name of the applicant or the licence holder. In the case of partnerships, it is acceptable to provide financial documents either in the name of one partner, or all partners. In the case of a limited company the financial documents should be in the name of the company.

Documents submitted in a different name, however, may be acceptable, but in these cases further evidence will be required to confirm that the funds are available to the applicant or licence holder.

Acceptable Evidence

- Original bank or building society statements for the past 28 days the last balance of which must not be more than 2 months from the date of receipt of the application. Should there be a delay in approving the application, for example, due to other outstanding documentation, then up to date financial records will have to be resubmitted prior to approval to grant the licence.
- Online bank statements that meet the same requirements as original statements. Printed online accounts must show the account holder's name, account number, the name of the bank and all transactions within the 28 day period. These online statements will only be accepted if they have been signed and dated by the bank to verify they show a true record.
- Building society accounts will be accepted provided there is evidence that the funds can be withdrawn within one month.
- Credit card accounts in the name of the licence holder or applicant are acceptable, to meet the same requirements as for the bank statements above, provided you include original documentation.
- If you are starting up a new company and cannot show statements for the 28 day period, confirmation of the opening balance together with an explanation of how your business will be financed may be acceptable. In these circumstances you will be required to provide further evidence of financial standing during the currency of your licence.
- Evidence from the bank etc., of an overdraft or credit facility at your disposal.
- Audited accounts (for limited companies) can be used as a substitute for bank statements, provided the financial year end is not more than 18 months prior to the date of application.

- Smaller companies who do not have audited accounts may opt to submit their annual accounts as additional evidence to support their application.

Important Notes

If you are unable to provide evidence of the required financial standing using any of the acceptable documents listed above, you should contact the Bus Licensing Team to discuss your particular circumstances and the evidence available to support your application.

The financial evidence submitted will be scrutinised. Unusually large deposits or withdrawals, or an overly heavy reliance on credit facilities, might lead to further enquiries and you may be asked to submit further evidence.

Further Guidance

The Department publishes the Financial Standing levels annually. The document can be accessed from the following link:

[Guides for Bus Service Operators | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://www.gov.uk/guides/guides-for-bus-service-operators)

Annex E – Keeping Your Vehicles Maintained

You must have the technical equipment and facilities required to conduct your operations and maintain your fleet or you must have satisfactory arrangements with a third party for the proper maintenance of your vehicles.

A Guide to Maintaining Roadworthiness has been produced which explains the responsibilities and systems involved in maintaining vehicles in a roadworthy condition, regardless of operating conditions, fleet size or vehicle type. The procedures and systems explained in the Guide are useful for operators, drivers and all those who are responsible for operating, maintaining or providing passenger carrying vehicles.

The guide can be accessed from the following link:

[Guide to Maintaining Roadworthiness November 2020 \(infrastructure-ni.gov.uk\)](https://www.infrastructure-ni.gov.uk/guide-to-maintaining-roadworthiness-november-2020)

Best practice

It is not enough to rely on a maintenance system alone, because this cannot ensure that vehicles are roadworthy. To ensure best practice, you will need to combine good quality maintenance practices and skills with supervision and effective management of the system.

New operators

If you are a new operator, you will find practical advice on how to devise, install and monitor a system for ensuring roadworthiness. If you follow the advice given in this Guide you can make sure you are complying with the law and that your compliance can be monitored and controlled.

Experienced operators

If you are an established or experienced operator, you will be able to use this Guide as a benchmark to assess whether your systems are sufficiently comprehensive or should be reviewed and improved in order to do it your way. This guidance applies to you whether you carry out your own maintenance, contract out maintenance or do a combination of both.

There must be a firm management commitment to review and improve maintenance systems where defects are found on vehicles or when the fleet size or the nature of your business is changing. As a licensed operator, you can also be assured that the maintenance systems described in this Guide will be accepted provided that the resulting condition of your vehicles remains satisfactory. If this is not the case, however, more stringent arrangements may be required from you (e.g. shorter periods between inspections). The competence of the persons who carry out safety checks or safety inspections may also be challenged.

The following summarises the key points of a good maintenance system. Use these important key points as a guide to help you plan and set up a compliant and effective maintenance system for your vehicles.

- A responsible person must undertake a daily walkaround check, preferably immediately before a vehicle is used.
- First-use inspections are essential for operators who lease, hire or borrow vehicles. These are especially important where vehicles and trailers have been off the road for some time.
- Drivers must be able to report promptly any defects or symptoms of defects that could adversely affect the safe operation of vehicles. Reports must be recorded and provision should be made to record details of any rectification work done.
- Drivers' defect reports, used to record any faults and rectification work, must be kept for at least 15 months.
- Operators must ensure that regular checks are carried out on items that may affect roadworthiness.
- Safety inspections must include those items covered by the appropriate DVA annual test.
- Safety inspections should be pre-planned, preferably using a time-based programme.
- The system of safety inspections must be regularly monitored, especially in the early stages.
- Any remedial work carried out as a result of safety inspections must be recorded.
- The safety inspection record must include:
 - name of owner/operator;
 - date of inspection;
 - vehicle identity;
 - odometer (mileage recorder) reading, if appropriate;
 - a list of all the items to be inspected;
 - details of any defects;
 - name of inspector;
 - details of any remedial/rectification or repair work and by whom it was done;
 - a signed declaration that any defects have been repaired satisfactorily and the vehicle is now in a safe roadworthy condition.

- On some types of vehicles and operations, intermediate safety checks may be necessary.
- Records of safety inspections must be kept for at least 15 months for all vehicles including vehicles that have been removed from the operator's licence.
- Staff carrying out safety inspections must be competent to assess the significance of defects. Assistance must be available to operate the vehicle controls as necessary.
- There must be an internal system to ensure that unroadworthy vehicles are removed from service with someone responsible to take vehicles off the road.
- Operators who undertake their own safety inspections must have the correct tools and facilities for the size of the fleet and type of vehicle operated.
- All operators should have access to a means of measuring brake efficiency and setting headlamp aim. For vehicles showing signs of visible exhaust smoke a diesel smoke meter should be used to ensure that the level of smoke emission is within legal requirements.
- Operators are responsible for the condition of vehicles and trailers that are inspected and/or maintained for them by agents, contractors or hire companies.
- Operators who have contracted out their safety inspections must draw up a formal written contract with an inspection agency or garage. Such operators should have a means of regularly monitoring the quality of work produced for them.
- The dates when safety inspections are due must be the subject of forward planning. A maintenance planner or wall chart should be used to identify inspection dates at least six months before they are due. Computer-based systems are equally acceptable.
- Any system of maintaining the roadworthiness of vehicles should be effectively and continually monitored.
- Drivers must be given clear written instructions about their responsibilities.

Annex F – Monitoring procedures and systems

As an operator, it is your responsibility to put proper arrangements in place to make sure that, where relevant, each vehicle and driver complies with all the requirements.

The table below provides you with a summary of best practice advice on the procedures and systems that you need to put in place in order to comply with the law. The Safe Operator's Guide has been produced which explains the operator's licensing system and to help make sure that all passenger carrying vehicles are used safely and legally.

The full guide can be accessed from the following link: [Driver Vehicle Agency - The safe operator's guide | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://www.infrastructure-ni.gov.uk/safe-operator-guide)

It is recommended that each item in the list has a related procedure for checking the standard of compliance and a system for immediately acting on any non-compliance. It is important to have a system for immediate action so that the situation can be corrected, procedures can be introduced for training, and control measures can be introduced to prevent non-compliance happening again.

You must make sure that vehicles are operated as safely as possible. There is little point in having a good monitoring system in place if faults and bad behaviour (minor or serious) are seen and acknowledged but just allowed to continue.

All monitoring systems should make sure that you or the responsible manager are aware of all critical dates for mandatory and safety checks on vehicles and components.

Items to be monitored	Action/information available
Tachographs	When installed and when last calibrated, check for malfunction or repairs needed.
Speed limiters	When fitted or repaired, check for malfunction.
Record keeping	Issue, return, check/analyse, store/file tachograph charts or manual record books including duty rosters and timetables for certain services. Download, store and analyse digital data from driver smart cards and digital tachographs. Ensure that adequate numbers of company cards are available to manage and download data on digital tachographs.
Drivers	Check driving licences, driver smart cards, training, scheduling of duties and rotas, hours of work, record keeping and control measures around non-compliance. Also check drivers other employment and in particular other driving.
Testing	Check dates and details of vehicle tests and storage of current certificates.
Insurance	Check extent and relevance of cover, and check dates of expiry for each vehicle.
Vehicle excise duty	Check that correct duty has been paid. Check reduced pollution certificates.
Operator licensing	Update authorisation and specification of current vehicles. Monitor public service vehicle (PSV) licences on vehicles in service or being used to carry passengers. Check that all sub-contracted operators hold operators' licences.
Vehicle condition and maintenance	Complete records of safety maintenance inspections and repairs should be retained to demonstrate that the vehicles have been kept in a roadworthy condition. This is equally important when the maintenance is contracted out. Ensure you are aware of any prohibition or defect notices issued to vehicles and any issues are rectified with paper records maintained. Check and retain driver walk round records.

Annex G – Passenger rights

You must comply with the provisions on the rights for bus and coach passengers as set down in:

- EU Regulation 181/2011; and
- The Bus and Coach Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2014.

This means that bus operators must:

- provide non-discriminatory ticket prices and conditions;
- not refuse to accept a reservation from or provide a ticket to a person on the grounds of disability or reduced mobility
- (except where necessary to meet safety requirements or where the design of the vehicle or infrastructure make it physically impossible to take on board, alight or carry the person in a safe or feasible manner);
- offer reservations and tickets at no additional cost to disabled people and those with reduced mobility;
- provide compensation where they have caused loss of or damage to wheelchairs, other mobility equipment/assistive devices equal to the cost of replacement or repair;
- provide adequate information to passengers throughout their travel;
- ensure that passengers are provided with appropriate and easily understood information regarding their rights under the regulations. The information to be provided:
 - at terminals;
 - where applicable, on the internet; and
 - (i) on request from a disabled person or person with reduced mobility, in an accessible format;
- have an appropriate mechanism in place to handle complaints.

Where a complaint has not been satisfactorily resolved within 3 months, a passenger may appeal to the Department.

Failure to comply with all the relevant requirements within these regulations will constitute a breach of your licence and could result in regulatory action.

Annex H – Referrals to Case Panel

Legislation gives the Department the powers to grant a licence when the requirements and conditions have been met, however, the Department also has the power to refuse, revoke, suspend and in certain circumstances curtail a licence on occasions when the requirements/conditions have not been fully met. For Bus Operator Licences when the Department is not minded to grant a licence at application, the case is referred to Case Panel for consideration and recommendation. Equally, during the currency of a licence cases may also be referred to Case Panel. The Case Panel will consider each case on its own merit and recommend a course of action which will include, but is not restricted to, the following outcomes: refusal, suspension, revocation, curtailment, warning, interview, compliance audit, no further action or grant.

Individual cases will always be referred to Case Panel in the following instances:-

- Where, upon application, an applicant has failed to meet the requirements to grant an operator licence and the Licensing Manager is not minded to grant the licence and refusal needs to be considered;
- Where, upon application, a 'Repute Check' raises concern and refusal needs to be considered;
- Where, upon application, an applicant's previous enforcement and/or licence history has led to an earlier refusal, suspension, revocation or curtailment of an operator licence;
- Where, during the currency of a licence, the case is referred to the Regulation Unit and regulatory action, including suspension, revocation or curtailment should be considered;
- Where there has been a change in Transport Manager and the company fails to employ the services of a Transport Manager within the appropriate time;
- Where information is received via the National Register
- Where the licence holder has had an unsatisfactory compliance check which has given cause for concern

Individual cases may also be referred to Case Panel for any other reason, at the Licensing Manager's discretion.

Timescales

Where possible any cases which need to be referred to Case Panel will be dealt with in a timely and appropriate manner. However, it is understood that the complexity of individual cases may vary considerably and consequently, the timescales required to complete each or any stage may differ. That said, every effort will be made to bring each case to a resolution promptly using the following timescales as a guideline.

Action	Target
Prepare Case Panel Files	10 working days from documentation complete
Schedule Case Panel Hearing	20 working days from documentation complete
Produce write-up from Case Panel Hearing	10 working days from date of hearing
Issue Notice (where appropriate)	10 working days from date of referral to Chief Executive

Annex I – What happens at a compliance check?

The Department has a legal duty to make sure that operators comply with legislative requirements. In particular, we need to make sure that operators comply with statutory requirements on bus operator licensing, driver licensing, vehicle road worthiness, drivers' hours of work and record keeping. DVA Enforcement Officers are authorised to carry out a compliance check at operator premises. These visits can be either pre-planned or unannounced and they can be scheduled for a number of different reasons.

Advisory Visits

An advisory visit is designed to provide advice and guidance to operators on how to ensure compliance with current legislative requirements and to share information on best practice. Advisory visits are usually scheduled for new operators.

What triggers a compliance check?

Compliance checks will be triggered by the Bus Licensing Manager for a number of reasons. The list below provides the common reasons for triggering a compliance check, but it is not exhaustive.

- New bus operator applications
- Previous unsatisfactory compliance check
- High vehicle failure rate
- Notification of infringement/roadside encounter
- Referral to Case Panel
- Periodic review for current licence holders

Compliance Check

This type of visit is carried out to check an operator's compliance with requirements. The visit will include an assessment of the operator's policies, systems, processes, record keeping and their implementation, in the following areas:

- vehicle maintenance, equipment and facilities;
- drivers' hours, rest periods and tachographs;
- transport manager; and
- establishment

On the basis of the assessment, the examiner will determine whether the operator is compliant in all areas.

Where an operator is found to be non-compliant in one or more areas, the examiner will make recommendations to the operator regarding the steps that must be taken to become compliant and provide information on best practice.

Follow Up Visits

When an operator has been found to be non-compliant in one or more areas during an initial audit, DVA may decide to carry out a further follow-up audit to ensure that the necessary remedial measures have been introduced and are being implemented.

Non-Compliance

The results of all compliance audits are passed to the Passenger Transport Licensing Division's Regulation Unit for information and, where necessary, appropriate regulatory action.

If at follow-up audit, an operator remains non-compliant, his/her reputation and the reputation and professional competence of the transport manager will be called into question and regulatory action will be considered. This action may involve the suspension or withdrawal of the operator licence and/or the disqualification of the transport manager.

Investigation

DVA also carries out visits to investigate alleged infringements.

Where there is evidence of infringement enforcement action, including court prosecution, will be considered. Where appropriate and proportionate to do so, the operator will be referred to the Regulation Unit and regulatory action may be considered.

Compliance Monitoring

Operators should be aware that an integral part of DVA's monitoring of an operator's compliance level involves not only assessing the number of convictions or penalties issued to the operator and/or their drivers but also the number of vehicle test failures and any prohibition notices which may have been issued against the operator's vehicles.

Enforcement Powers

DVA inspectors have, for the purposes of enforcement, the powers to:

- enter and inspect any motor vehicle used for the carriage of passengers for reward and to stop and detain vehicles for inspection;
- enter and inspect premises where vehicles are kept or which are used in connection with the bus operation;
- require the provision of information in relation to any vehicle that he believes is used for the carriage of passenger for reward;

➤ seize documents believed to be relevant to an offence.

It is an offence to wilfully obstruct an inspector or to fail to provide information required or to provide false information to an inspector.

Annex J – Cabotage

Services permitted under cabotage

Operators may provide the following types of services under cabotage rules:

- **Regular services** carried out in the course of a regular international service, provided that cabotage is not the principal purpose of the service. Operators providing regular services must issue either individual or collective transport tickets indicating the points of departure and arrival and, if appropriate, the return journey, the period for which the ticket is valid and the fare.
- **Special regular services** provided they are covered by a contract between the organiser and the carrier and they are temporary in nature. A Journey Form is required;
- **Occasional services** are self-contained national journeys carried out entirely in another Member State (in which the operator does not have an office or depot). A Journey Form is required.

You can download the application form at the following link: [International regular or special regular service application and renewal form | nidirect](#)

Further information on cabotage is available from the following link:

[Guides for Bus Service Operators | Department for Infrastructure \(infrastructure-ni.gov.uk\)](#)

Annex K – Useful legislation

The following list details the main legislation relating to bus operator licensing:

- **The Transport Act (Northern Ireland) 1967 (as amended); and**
 - **Regulation (EC) No 1071/2009;**
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- Roads Service Licensing Regulations (Northern Ireland) 1989
 - Roads Service Licensing (Amendment) Regulations (Northern Ireland) 2003
 - Transport Act (Northern Ireland) 2011
 - The Road Passenger Transport (Qualification of Operators) Regulations (Northern Ireland) 2014
 - Regulation (EC) No 403/2016

International Transport

- Regulation (EC) No 1073/2009
- Commission Regulation (EU) No 361/2014
- The Road Service Licensing (Community Licences) Regulations (Northern Ireland) 2013

Passenger Rights

- Regulation (EU) No 181/2011
- The Bus and Coach Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2014

Disability Discrimination

- The Disability Discrimination (Transport Vehicles) Regulations (Northern Ireland) 2009

Annex L – Useful Contacts

All correspondence or enquiries concerning bus operator licensing, should be referred to:

Bus Licensing Team

Passenger Transport Licensing Division

Driver and Vehicle Agency

County Hall

Castlerock Road

Waterside

Coleraine

BT51 3HS

Telephone: 028 9025 4100

Email: busoperators@infrastructure-ni.gov.uk

For further information on commercial bus permits:

Service Permit Unit

Public Transport Services Division

Room 329

Clarence Court

10-18 Adelaide Street

Belfast

BT2 8GB

Telephone: 028 9054 0470