

Licensing of Public Bus Passenger Services

A Brief Guide for Bus Operators





WHAT?

Public bus passenger services may only be provided in accordance with a licence issued by the National Transport Authority (the Authority). If you are in any doubt as to whether a service that you provide or intend to provide requires a licence, you must contact the Authority.

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What is a public bus passenger service?

A public bus passenger service is defined in section 2 of the Public Transport Regulation Act, 2009 (PTR Act, 2009). In simple terms, a public bus passenger service means the use of a bus or buses for the carriage of passengers in such a manner that:

- a. each journey is open to use by members of the public;
- b. a charge or charges are paid in respect of each passenger. Charges may be paid prior to, during or after the journey has been taken. These include, for example, cash, online payments, pre-paid journey cards and pre-paid tickets;
- c. the service is usually provided on a regular and scheduled basis and
- d. carriage is usually provided for passengers between specified terminal points or along a specified route or otherwise in accordance with a published timetable.

Please note that the Authority has the discretion to decide whether points c and d above are applicable.

Buses solely carrying children to or from school are excluded from the definition of public bus passenger services and therefore do not require a licence from the Authority. Please note that this exclusion does **not** apply to third level institutions.

In practice, this means that regular scheduled services (including student services), services to go to a specific event or venue (e.g. concerts) and services that are targeted to a specific group of passengers (e.g. tourists, social event attendees) all require a licence.

WHY?

Why would you need to apply for a licence or a licence amendment? 4 main reasons

1. Because it is an offence under the PTR Act, 2009 to:

- Provide an unlicensed service.
- Not comply with the licensing conditions of any existing licences.
- Alter the provision of a service without obtaining an amended licence beforehand.

A person who commits an offence is liable on summary conviction to a fine **up to €5,000 per offence**. Both the person committing the offence and the body corporate is liable to be prosecuted. The Authority may bring proceedings and prosecute the offence(s).

Any public bus passenger service that you wish to provide which is not explicitly licensed should be the subject of:

- a new licence application if you do not have a licence; or
- an amendment application if you already have a licence and you wish to change the service you are providing (e.g. timetable, route, stops, nominate a subcontractor or add extra buses).

The licensing process allows the Authority to make essential checks including whether the service you propose is safe for passengers.

2. Because it is good for your business.

Being fully compliant with the licensing regime gives you access to a range of initiatives provided by the Authority which have the potential to cut down on your business costs (e.g. advertising) and increase your customer base. These could include:

- the addition of your service to the National Journey Planner, which currently has approx. 1 million trip searches each month, is published on www.transportforireland.ie and linked to Google Transit and other web services; and/or

- the ability to apply for inclusion in the LEAP scheme (integrated ticketing). The LEAP scheme includes a reporting function which can help you monitor your business. New LEAP ticket machines will be rolled out by the Authority from the middle of 2015.

However, please note that the Authority will only consider licensed public transport services for inclusion in the above initiatives when it is satisfied that these services are fully compliant and meet the other criteria for the initiatives.

3. Because any non-compliance with the law may affect your future applications for licences or amendments or the renewal of your current licence(s).

Under the PTR Act, 2009, the Authority may not consider an application unless the applicant establishes to the Authority's satisfaction that he/she has complied with national and international legislation on road transport.

On applying to renew a licence a signed statement of compliance, to confirm adherence with all the conditions of the licence, must be submitted.

In considering an application to renew an existing licence the Authority takes into account the degree to which the public bus passenger service has been provided in line with licence conditions.

4. Because another operator may apply and be granted a licence before you.

When deciding whether to grant a licence for a particular public bus passenger service, the Authority has to take into consideration the demand or potential demand for that particular service and how this demand is being met by the existing licensed or contracted public transport services. The Authority cannot take into consideration any services which are unlicensed or not explicitly included on an existing licence.

Having a licence does not guarantee you exclusivity on the route, but it does guarantee that the Authority will consider the service you are providing as part of its determination of the demand or potential demand for any additional services.

HOW ?

How do I apply for a public bus passenger service licence or to amend an existing licence?

All forms and information can be found on the Authority's website at www.nationaltransport.ie. The indicative timescale for application processing is 8 weeks upon receipt of a valid new licence application and 4 weeks upon receipt of a valid amendment application.

To make a complete and valid application for a new or amended public bus passenger service licence, you must supply the following:

- the completed relevant application form, signed and dated, for either a new application or an amendment application;
- the appropriate application fee;
- a copy of your valid Tax Clearance Certificate as issued by the Revenue Commissioners;
- a copy of a valid Road Passenger Transport Operators Licence or a valid European Community Licence, both of which are issued by the Department of Transport, Tourism & Sport;
- a complete timetable for the proposed service - **ALL** stops where passengers are proposed to be picked-up or set-down must be listed on the timetable;
- a complete map of the proposed route showing each individual stop (this applies only if the route and/or stops are being changed in the case of an amendment application to an existing licence and may not be necessary if times or service frequency is being altered);
- complete fare table and
- where possible, a factually based case identifying the demand or potential demand for the proposed service.

Incomplete applications will not be considered.

When considering an application for the grant or amendment of a licence, the Authority under the PTR Act, 2009 and the pursuant Guidelines on the Licensing of Public Bus Passenger Services (the Guidelines), takes into consideration a number of criteria. Please see Section 5 of the Guidelines for further details.

It is advisable that you familiarise yourself with these criteria so as to present your application in the best way possible.

It is also in your interest to provide in your application to the Authority as much detailed information as you can about the service you intend to provide e.g.

- the market it will serve;
- how it will add value for public transport users;
- any information you have regarding the number of potential passengers;
- how it differs from the existing public transport services and
- information about your vehicle(s) or services' accessibility to people with disabilities.



WHEN?

When can I start?

Where an application for a licence or an amendment is made, you must wait for the licence or amendment to be granted by the Authority before you start.

The existence of an application for a new licence or an application to amend an existing licence does not confer any rights to provide the public bus passenger service while the application is under consideration by the Authority. This would be in contravention of the PTR Act, 2009.

In other words, you cannot commence a public bus passenger service or change the licensed service you already provide without a licence being granted by the Authority.

If an offer for a licence is made, you still have to provide a few documents before you can start

An offer is not a licence. What is offered to you by the Authority may be different to what you have applied for. This will be explained to you at this stage (e.g. offered timetable). Acceptance of an offer must be in writing. An offer is indicative and not legally binding as the granting of a licence is conditional on receipt of any outstanding documentation and/ or payments which will be notified to the applicant. These may include:

- the appropriate issue fee for the licence;
- approval from the relevant Road Authority or landowner (in the case of private property) for all of the proposed bus stops;
- details of any subcontracting arrangements proposed;
- copy of valid insurance for the provision of the licensed service;
- copy of Commercial Vehicle Roadworthiness Test (CVRT) Certificate(s) for all vehicles;
- copy of Public Service Vehicle (PSV) licence(s) for all vehicles and/or
- details confirming the livery, capacity & accessibility of vehicles to be used.

Where a licence is granted, you must commence the service and comply with all the conditions attached to the licence

Once all outstanding documents and/ or payments have been received, the licence or an amendment to an existing licence is granted and issued. The licence includes the approved route, timetable and all other licence conditions for the service. A licence does not confer any exclusive right to provide services on the route.

You must give the public and the Authority a minimum of 10 working days' notice prior to commencing the service. Failure to commence the service in full within 4 months of the licence being granted will result in the licence being revoked. The conditions of a licence apply to the licence holder and any subcontractor acting on behalf of the licence holder. Please note that all licences are issued on the understanding that one bus only will be used to operate each departure and that this bus will be used to serve the entire timetabled route.

Have you any questions?

This document is intended only as an overview and summary guide to aid Bus Operators. Complete details of all public bus passenger service licence requirements and the Authority's processes are contained in the PTR Act, 2009 and the Guidelines, which are available to download from our website www.nationaltransport.ie. The Guidelines also include detailed descriptions of licence categories & applicable fees. All application forms, a list of all current licence holders and the routes of their licences are also available on our website. Should you have any further queries regarding the above, please do not hesitate to contact the Authority by e-mail buslicensing@nationaltransport.ie or by telephone 01 879 8300.



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