STATUTORY INSTRUMENTS

1987 No. 1150

PUBLIC PASSENGER VEHICLES

The Public Passenger Vehicles (Exemptions, and Appeals against Refusals to Issue Certificates or Remove Prohibitions) Regulations 1987

Made - - - -	*3rd July 1987*
Laid before Parliament	*15th July 1987*
Coming into force	*5th August 1987*

The Secretary of State for Transport, in exercise of the powers conferred by sections 9(9), 51(3) and 60 of the Public Passenger Vehicles Act 1981(a), and of all other enabling powers, and after consultation with representative organisations in accordance with section 61(2) of that Act(b), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Public Passenger Vehicles (Exemptions, and Appeals against Refusals to Issue Certificates or Remove Prohibitions) Regulations 1987 and shall come into force on 5th August 1987.

Interpretation

2. In these Regulations–

"the 1981 Act" means the Public Passenger Vehicles Act 1981;

"prohibition" means a prohibition under section 9(1) of the 1981 Act;

"public service vehicle examiner" has the same meaning as in sections 7 to 9 of the 1981 Act;

"referee" has the same meaning as in section 51(2) of the 1981 Act.

Exemptions from section 9(9) of the 1981 Act

3.—(1) The following cases are prescribed for the purposes of section 9(9) of the 1981 Act (which makes it an offence to drive, or cause or permit to be driven, a public service vehicle or other large passenger vehicle (c) in contravention of a prohibition)–

(a) the case of a vehicle being driven on a road solely for the purpose of submitting it by previous arrangement with a certifying officer or public service vehicle examiner at a specified time on a specified date for him to test the vehicle to ascertain whether or not he can remove a prohibition; and

(b) subject to paragraph (2) of this regulation, the case of a vehicle being driven on a road solely for the purpose of testing whether or not repairs which have been

(a) 1981 c.14; section 51 was substituted by the Transport Act 1985 (c.67), section 31; and section 60 was amended by that Act, section 134(2) and Schedule 2, Part II, paragraph 4(18).
(b) Section 61(2) was amended by the Transport Act 1985, section 135(1).
(c) Section 9 of the 1981 Act was extended by section 9A(2), as inserted by section 33 of the Transport Act 1985, to apply to certain passenger vehicles other than public service vehicles.

carried out as a result of a prohibition are likely to enable a certifying officer or public service vehicle examiner to remove the prohibition.

(2) The exemption given in paragraph (1)(b) of this regulation shall not apply to enable a vehicle to be driven on a road by a person other than a certifying officer or public service vehicle examiner at a distance greater than three miles, measured in a straight line, from the place where the repairs have been carried out.

Application of regulations 5 and 6

4. Regulations 5 and 6 apply to appeals to the Secretary of State under subsections (1) (refusal of a certifying officer to issue a certificate under section 6 or section 10 of the 1981 Act) and (2) (refusal of a referee to remove a prohibition under section 9(1) of the 1981 Act) of section 51 of the 1981 Act.

Prescribed time for appeal

5.—(1) Every appeal under subsection (1) of section 51 of the 1981 Act shall be made within 28 days of the date on which the certifying officer refused to issue the certificate in question.

(2) Every appeal under subsection (2) of that section shall be made within 14 days of the date on which the referee refused to remove the prohibition in question.

Prescribed manner of appeal

6. Every appeal to which regulations 5 and 6 apply shall–

(a) be made in writing; and

(b) contain a statement of the grounds on which it is made,

and shall be lodged at the Public Service Vehicle Centre, Welcombe House, 91–92 The Strand, Swansea, West Glamorgan SA1 2DH.

Revocation

7. Regulation 56 of the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981(**a**) and the Public Service Vehicles (Exemptions from Prohibitions) Regulations 1981(**b**) are hereby revoked.

Signed by authority of the Secretary of State.

Peter Bottomley
Parliamentary Under Secretary of State,
Department of Transport

3rd July 1987

(**a**) S.I. 1981/257, to which there are no relevant amending instruments.
(**b**) S.I. 1981/262.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulations 3 and 7 of these Regulations revoke and re-enact, with only drafting amendments, the Public Service Vehicles (Exemptions from Prohibitions) Regulations 1981.

Regulations 4 to 6 apply to appeals to the Secretary of State under section 51(1) – refusal of a certifying officer to issue a certificate of initial fitness or of conformity – or (2) – refusal of a referee to remove a prohibition – of the Public Passenger Vehicles Act 1981. Regulation 5 makes provision for appeals under section 51(1) to be made within 28 days of the date of the refusal, and for those under section 51(2) to be made within 14 days of that date. Regulation 6 provides for all appeals to be made in writing and to contain a statement of grounds, and to be lodged at the Public Service Vehicle Centre, Swansea. Finally, regulation 7 revokes a provision of the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981 which is overtaken by regulations 5 and 6.