STATUTORY INSTRUMENTS

1981 No. 260

ROAD TRAFFIC

The Public Service Vehicles and Trolley Vehicles (Carrying Capacity) (Amendment) Regulations 1981

Made - - - -	23*rd February* 1981
Laid before Parliament	10*th March* 1981
Coming into Operation	1*st April* 1981

The Minister of Transport, in exercise of the powers conferred by sections 148(1) and 160(1) of the Road Traffic Act 1960 (**a**) and now vested in him (**b**), and of all other enabling powers, and after consultation with representative organizations in accordance with section 260(2) of the said Act (**c**), hereby makes the following Regulations:—

1. These Regulations shall come into operation on 1st April 1981 and may be cited as the Public Service Vehicles and Trolley Vehicles (Carrying Capacity) (Amendment) Regulations 1981.

2. The Public Service Vehicles and Trolley Vehicles (Carrying Capacity) Regulations 1954(**d**) shall be amended in accordance with the following provisions of these Regulations.

3. In Regulation 1, in paragraph 2,—

(*a*) in the definition of "appropriate officer", for the words "section 69 of the Road Traffic Act 1930" substitute the words "section 128(1) of the Road Traffic Act 1960(**e**)";

(*b*) for the definition of "certificate of fitness" substitute the following new definitions:—

" "certificate of fitness" means a certificate issued for the purposes of section 129 of the Road Traffic Act 1960(**f**);

"certificate of initial fitness" means a certificate of initial fitness issued by a certifying officer under section 17(1) of the Transport Act 1980(**g**)";

(**a**) 1960 c.16; section 160(1) of which Act has been amended by section 43 of, and paragraph 11 of Part 1 of Schedule 5 to, the Transport Act 1980 (c. 34).
(**b**) S.I. 1970/1681 and 1979/571.
(**c**) 1960 c.16, section 260(2) of which Act has been amended by section 43 of, and paragraph 15 of Part 1 of Schedule 5 to, the Transport Act 1980.
(**d**) S.I. 1954/1612 as amended by S.I. 1958/472 and 1966/674.
(**e**) 1960 c.16; section 128(1) of which Act has been amended by section 43 of, and paragraph 1 in Part 1 of Schedule 5 to, the Transport Act 1980.
(**f**) 1960 c.16; section 129 of which Act has been repealed by virtue of section 69 of, and Schedule 9 to, the Transport Act 1980 and S.I.1981/256.
(**g**) 1980 c.34.

(*c*) in the definition of "contract carriage", "express carriage" and "stage carriage" for the words "Road Traffic Acts 1930 to 1947" substitute the words "section 3 of the Transport Act 1980";

(*d*) for the definition of "Licensing Authority" substitute the following new definition:—

" "Licensing Authority" means the traffic commissioners for any traffic area;".

4. For Regulation 2 substitute the following new Regulation:—

"**2.**—(1) The seating capacity of every vehicle not being a vehicle to which paragraph (2) below applies shall be calculated in accordance with the provisions of Regulation 42 of the Road Vehicles (Registration and Licensing) Regulations 1971(**a**) for determining the seating capacity of vehicles for the purposes of those Regulations whether or not the vehicle is a vehicle to which those Regulations apply.

(2) The seating capacity of every vehicle in respect of which there is issued on or after 1st April 1981 either—

(*a*) a certificate of initial fitness, or

(*b*) a certificate under section 130(2) of the Road Traffic Act 1960,

shall be either—

(i) the seating capacity stated on such certificate, or

(ii) such greater or lesser capacity than that stated on such certificate as is authorised in writing by the appropriate officer.".

5. In Regulation 7, after paragraph (2), add the following new paragraph:—

"(3) The provisions of Regulations 4, 5 and 6 shall apply to a vehicle in respect of which a certificate of fitness or a certificate under section 130(2) of the Road Traffic Act 1960 is issued before 1st April 1981, but not to any other vehicle.".

6. After Regulation 7 insert the following new Regulation:—

"**7A.**—(1) This Regulation applies to every vehicle in respect of which there is issued on or after 1st April 1981 either—

(*a*) a certificate of initial fitness, or

(*b*) a certificate under section 130(2) of the Road Traffic Act 1960.

(2) No vehicle to which this Regulation applies shall carry more standing passengers than—

(i) the number of standing passengers specified on such certificate, or

(**a**) S.I.1971/450.

(ii) such greater or lesser number than that stated on such certificate as is authorised in writing by the appropriate officer: Provided that no standing passengers shall be carried in the circumstances mentioned, in relation to Regulations 4, 5 and 6, in Regulation 7(1) above.".

7. In Regulation 8, in paragraph (2), after sub-paragraph (*b*) insert the following new sub-paragraph:—

"(*bb*) in the case of a vehicle to which the provisions of Regulations 2(2) and 7A of these Regulations apply, indicate the seating capacity ascertained in accordance with Regulation 2(2) and the number of standing passengers which the operator of the vehicle is willing to carry, such number being either nil or another number not exceeding the maximum number ascertained in accordance with Regulation 7A;".

8. For Regulation 9 substitute the following Regulation:—

"**9.** Nothing in these Regulations shall apply to a public service vehicle to which the provisions of Part III of the Road Transport (International Passenger Services) Regulations 1980(**a**) applies.".

Norman Fowler,
23rd February 1981. Minister of Transport.

(**a**) S.I. 1980/1459.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These Regulations further amend the Public Service Vehicles and Trolley Vehicles (Carrying Capacity) Regulations 1954 by up-dating certain references, by amending the provisions as to the number of seated passengers and by introducing new restrictions on the number of standing passengers which may be carried on public service vehicles in certain circumstances.

2. The existing provisions will apply only to a vehicle in respect of which a certificate of fitness or a certificate of conformity is issued before 1st April 1981. By virtue of the new provisions the maximum permitted number of seated passengers and the maximum permitted number of standing passengers will be the number specified on the certificate of initial fitness or certificate of conformity relating to the vehicle or such greater or lesser number than that on such certificate as is authorised in writing by the appropriate officer. The requirements as to the marking of particulars on vehicles are amended accordingly.

3. These amendments are brought into operation on 1st April 1981, the date on which by virtue of the Transport Act 1980 (Commencement No. 4) Order 1981 (S.I. 1981/256), section 17 of the Transport Act 1980 (which deals, amongst other things, with certificates of initial fitness for public service vehicles adapted to carry more than 8 passengers) is to be brought into operation, it being the case that certificates of initial fitness will specify the maximum number of seated passengers and of standing passengers.

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