STATUTORY INSTRUMENTS

1981 No. 262

ROAD TRAFFIC

The Public Service Vehicles (Exemptions from Prohibitions) 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 section 160(1) of the Road Traffic Act 1960(**a**) and section 18(9) of the Transport Act 1980(**b**), and now vested in him(**c**), and of all other enabling powers, and after consultation with representative organisations in accordance with section 260(2) of the Road Traffic Act 1960(**d**), 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 (Exemptions from Prohibitions) Regulations 1981.

2. The following cases are hereby prescribed for the purposes of section 18(9) of the Transport Act 1980:—

(*a*) the case of a vehicle being driven on a road solely for the purpose of testing whether or not repairs which have been carried out as a result of a prohibition under section 18(1) of the Transport Act 1980 are likely to enable a certifying officer or public service vehicle examiner to remove the prohibition:

Provided that this exemption shall not apply so as 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; and

(*b*) the case of a vehicle being driven on a road solely for the purpose of its being submitted by previous arrangement with a certifying officer or public service vehicle examiner for him to test the vehicle to ascertain whether or not he can remove a prohibition under section 18(1) of the Transport Act 1980.

Norman Fowler,
Minister of Transport.

23rd February 1981.

(**a**) 1960 c.16; section 160(1) of which Act has been amended by section 43 of, and paragraph 11 of Part I of Schedule 5 to, the Transport Act 1980 (c.34.).
(**b**) 1980 c.34.
(**c**) As regards 1960 c.16 by virtue of S.I. 1970/1681 and 1979/571.
(**d**) 1960 c.16; section 260(2) of which Act has been amended by section 43 of, and paragraph 15 of Part I of Schedule 5 to, the Transport Act 1980.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. Section 18(9) of the Transport Act 1980 provides that, except in such cases as may be prescribed, a person who knowingly drives a vehicle in contravention of a prohibition to drive the vehicle on a road or causes or permits a vehicle to be so driven shall be liable on summary conviction to a fine not exceeding £1000.

2. By these Regulations two cases are prescribed under that section, namely the case of a vehicle being driven (within a distance of three miles except where a certifying officer or public service vehicle examiner is driving) to ascertain whether repairs carried out as a result of the prohibition would enable the prohibition to be removed, and the case of a vehicle being driven to a place where a public service vehicle examiner or a certifying officer will test the vehicle to ascertain whether a prohibition can be removed.

3. Although a vehicle whilst being driven in either of these prescribed cases will, by virtue of section 2(2) of the Transport Act 1980, be a public service vehicle it will not be necessary, by virtue of section 144(9) of the Road Traffic Act 1960, for the driver to hold a public service vehicle driver's licence whilst the vehicle is being so driven as the vehicle will not be in use as a stage, express or contract carriage.

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