EXPLANATORY MEMORANDUM TO THE

PUBLIC SERVICE VEHICLES (TRAFFIC REGULATION CONDITIONS) (ENGLAND AND WALES) REGULATIONS 2004

2004 No. 2682

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 If requested by the local traffic authority, a Traffic Commissioner may impose a Traffic Regulation Condition (TRC) on local bus services in his area for certain prescribed purposes. These regulations will allow traffic commissioners to impose TRCs for two additional purposes, namely to regulate vehicle emissions and loudspeaker noise (particularly in the case of tour buses) from local bus services in a specified area.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 Under the Transport Act 1985, a local traffic authority outside London may ask the Traffic Commissioner to attach TRCs to an operator's Public Service Vehicle (PSV - bus) Operator's Licence. Local traffic authorities are, in England, county councils, metropolitan district councils and non-metropolitan unitary authorities and, in Wales, county and county borough councils.

4.2 A traffic commissioner may only impose TRCs if he is satisfied that the conditions are required to:

- prevent danger to road users;
- reduce traffic congestion in a particular area; or
- reduce or limit noise or air pollution.

4.3. Under current legislation, a TRC can affect:

- The routes and stopping places of services;
- The times vehicles may stop and for how long;
- The turning or reversing manoeuvres vehicles may make; and

- The number of vehicles or their frequency.

4.5 This change, found in regulations 4(c) and 4(d), will add to the matters that can be regulated by a TRC, vehicle emissions and noise from on-vehicle public address systems.

4.6 Competence in relation to TRCs was devolved to the Scottish Parliament by the Scotland Act 1998 and, by virtue of section 53 of that Act, Scottish Ministers have the power to make regulations for Scotland concerning TRCs. The Public Service Vehicles (Traffic Regulation Conditions) Regulations 1986 were made (and amended) prior to devolution. As this is the first amendment to the regulations since devolution, best practice requires that the regulations should be disapplied in respect of England and Wales and re-enacted as a separate set of regulations applying only to England and Wales. Therefore, the regulations are a consolidation of previous amendments to the 1986 regulations and also include minor drafting amendments to regulations 6 and 9 and the additional provisions at regulations 4(c) and (d) described in this Memorandum.

5. Extent

5.1 This instrument applies to England and Wales.

6. Policy background

6.1 The purpose of a TRC is to regulate the operation of local bus services in defined areas where they are causing particular concern. Whilst air pollution caused by vehicles can be reduced to some extent by restricting or re-routing services, it cannot prevent, for example, the use of very old vehicles with poor emissions standards. In the deregulated bus market outside London, bus operators decide on the type and age of vehicles to use on their commercial routes. At present, local authorities can therefore face the dilemma of applying for a TRC to restrict or re-route particular commercial bus services that provide a useful amenity to their communities because of overriding concerns about their environmental impact.

6.2. Pollution from buses can also take the form of intrusive noise. Tourist buses that also act as local bus services can employ amplified speakers to provide music or commentaries to passengers that give information about matters of interest along the route. The regulatory changes allow a TRC to address excessive noise from such loudspeakers. This may be particularly relevant to open-top tour buses.

6.3 Severe problems with bus services requiring action via a TRC are uncommon. Only 24 TRCs are in force in Great Britain. Although we are aware of particular problems in Bath and York, we do not envisage this power will be used widely. A consultation exercise between July and October 2003 showed little public interest in the change, other than from bus operators and local authorities. The change is neither politically nor legally important.

7. Impact

7.1 A Regulatory Impact Assessment is attached to this memorandum.

7.2 The impact on the public sector is minor. Traffic Commissioners will be required to hear any applications and the Secretary of State for Transport is the appeal body against their decisions. However, we envisage that the new powers will not be used widely.

8. Contact

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