**EXPLANATORY MEMORANDUM TO**

**THE ROAD TRAFFIC, PUBLIC PASSENGER TRANSPORT AND VEHICLES (REVOCATIONS) REGULATIONS 2013**

**2013 No. 2987**

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

**2. Purpose of the instrument**

These Regulations revoke 16 sets of Regulations. They are being revoked because they are redundant, have been superseded or are no longer required.

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

None

**4. Legislative Context**

4.1 These Regulations revoke the following Regulations (in chronological order):

- The Motorcycles (Sound Level Measurement Certificates) Regulations 1980 (S.I. 1980/765)
- The Public Service Vehicles (London Local Service Licences) Regulations 1986 (S.I. 1986/1691)
- The Public Service Vehicles (London Local Service Licences) (Amendment) Regulations 1988 (S.I. 1988/408)
- The Motorcycles (Sound Level Measurement Certificates) (Amendment) Regulations 1988 (S.I. 1988/1640)
- The Motorcycles (Sound Level Measurement Certificates) (Amendment) Regulations 1989 (S.I. 1989/713)
- The Motorcycles (Sound Level Measurement Certificates) (Amendment) (No.2) (S.I. 1989/1591)
- The Cycle Racing on Highways (Tour de France 1994) Regulations 1994 (S.I. 1994/1226).

4.2 These Regulations also revoke the following Regulations to the extent indicated (listed in chronological order):

- The Vehicles (Conditions of Use on Footpaths) Regulations 1963 (S.I. 1963/2126) (England)
- The Vehicles (Conditions of Use on Footpaths) (Amendment) Regulations 1966 (S.I. 1966/864) (England)
- The Public Service Vehicles (Lost Property) Regulations 1978 (S.I. 1978/1684) (England and Wales)
- The Public Service Vehicles (Lost Property) (Amendment) Regulations 1981 (S.I. 1981/1623) (England and Wales)

- The Road Traffic (Carriage of Dangerous Goods and Substances) (Amendment) Regulations 1992 (S.I. 1992/1213) (England, Wales and Scotland)
- The Road Traffic (Training of Drivers of Vehicles Carrying Dangerous Goods) (Amendment) Regulations 1993 (S.I. 1993/1122) (England, Wales and Scotland)
- The Parking Attendants (Wearing of Uniforms) (London) Regulations 1993 (S.I. 1993/1450) (England and Wales)
- The Public Service Vehicles (Lost Property) (Amendment) Regulations 1995 (S.I. 1995/185) (England and Wales)
- The Drivers' Hours (Passenger and Goods Vehicles) (Exemption) Regulations 1996 (S.I. 1996/240) (England and Wales)

4.3 These Regulations form part of the implementation of the Government's 'Red Tape Challenge' initiative. More information about this programme of work, and the instruments revoked by these Regulations, is provided below.

## 5. Territorial Extent and Application

This instrument applies to the United Kingdom. Where powers of the Secretary of State have been devolved or transferred, the territorial extent of the instrument is limited to the power of the Secretary of State. In such circumstances it will be for the devolved administrations to determine whether to revoke the provisions for their territories.

## 6. European Convention on Human Rights

As this instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

## 7. Policy background

- ***What is being done and why***

7.1 In May 2011, the Department for Transport published on-line hundreds of statutory instruments applying to the road transport sector as part of the Government's 'Red Tape Challenge' initiative, inviting comments on whether each instrument should be revoked, retained or improved. The Department also led a workshop involving the Minister and over fifty representatives from industry groups and motoring organisations. The objective was to re-examine all the instruments and gather views on how the objectives of existing regulations can be fulfilled in the least burdensome way possible. The initiative also considered how the statute book might be tidied up through the revocation of instruments which are spent, have been superseded, or are no longer required.

7.2 Following detailed examination, it was concluded that around a third of the instruments were suitable for either revocation or improvement. These 16 sets of Regulations were identified as suitable for revocation.

7.3 *The Motorcycles (Sound Level Measurement Certificates) Regulations 1980* (and three amending instruments) implemented certain requirements of Council Directive 78/1015/EEC (on the permissible sound level and exhaust system of motorcycles). The Directive was repealed and replaced in 1998 by Directive 97/24/EC, as implemented by the Motor Cycles Etc. (EC Type Approval) Regulations 1999 (S.I. 1999/2920). These implementing instruments are therefore redundant.

7.4 *The Public Service Vehicles (London Local Service Licences) Regulations 1986* (and one amending instrument) regulated the London Local Service Licence regime, which applied to certain local bus services in London. This regime was replaced (by virtue of the Greater London Authority Act 1999) by the London Service Permit system and these Regulations are redundant.

7.5 *The Cycle Racing on Highways (Tour de France 1994) Regulations 1994* authorised two stages of the Tour de France in England in 1994. As they relate to a one-off event which took place in 1994 the Regulations are spent and can be revoked.

7.6 *The Vehicles (Conditions of Use on Footpaths) Regulations 1963* (and one amending instrument) place restrictions on the driving of local authority vehicles on footpaths for the purposes of cleaning, maintaining and improving such footpaths. Government policy is to remove such restrictions and has decided to enable individual authorities in England to determine local requirements.

7.7 *The Public Service Vehicles (Lost Property) Regulations 1978* (and two amending instruments) regulate the way bus companies deal with lost property. Government policy is to remove such restrictions and has decided to allow companies in England and Wales to make their own arrangements.

7.8 *The Road Traffic (Carriage of Dangerous Goods and Substances) (Amendment) Regulations 1992* and the *Road Traffic (Training of Drivers of Vehicles Carrying Dangerous Goods) (Amendment) Regulations 1993* amended three instruments which have been revoked. They are therefore redundant.

7.9 *The Parking Attendants (Wearing of Uniforms) (London) Regulations 1993* prescribe functions which can only be carried out by a parking attendant when in uniform. These provisions were extended to civil enforcement areas in England and Wales following an amendment to the enabling power (see paragraph 8.8). However they have now been superseded by regulations made under section 76(3)(a) of the Traffic Management Act 2004 (see the Civil Enforcement Officers (Wearing of Uniforms) (England) Regulations 2007 (S.I. 2007/3485) and the Civil Enforcement Officers (Wearing of Uniforms) (Wales) Regulations 2008 (S.I. 2008/616)) and can be revoked.

7.10 *The Drivers' Hours (Passenger and Goods Vehicles) (Exemption) Regulations 1996* granted an emergency relaxation from the drivers' hours rules for drivers affected by severe weather conditions in February 1996. They are now spent and can be revoked.

- ***Consolidation***

7.11 This instrument revokes 16 sets of Regulations and no consolidation is required.

## 8. Consultation outcome

8.1 The Department consulted Transport for London ("TfL") and London Travelwatch on proposals to revoke the Public Service Vehicles (London Local Service Licences) Regulations (and an amending instrument). Both TfL and London Travelwatch agreed that the regulations had lapsed and should be revoked.

8.2 The Department consulted British Cycling, the Cyclists' Touring Club and Sustrans on the proposal to revoke the Cycling on Highways (Tour de France 1994) Regulations 1994. The Department received no responses and is satisfied that the Regulations are spent.

8.3 The Department consulted English local authorities on proposals to revoke the Vehicles (Conditions of Use on Footpaths) Regulations 1963 (and one amending instrument) which set out the conditions under which local authorities may use certain vehicles on footpaths for cleaning, maintaining or improving such footpaths. The Regulations set a maximum weight and loading gauge, and a maximum speed limit. It consulted specifically on removing these restrictions and then leaving it to local authorities to act proportionately and fairly. A total of 32 authorities responded to the consultation and 29 were in favour of the revocation. However, one respondent was concerned how this would affect private vaults, cellars, or coal holes and another was concerned whether the revocation was removing the ability for such vehicles to mount the pavement. The two concerns were addressed separately.

8.4 The Department consulted the representatives of bus operators, passengers (Passenger Focus and Bus Users UK) and the Traffic Commissioners on proposals to repeal the Public Service Vehicles (Lost Property) Regulations 1978 (and the instruments which amend it). Industry bodies and the Traffic Commissioners agreed with the proposal. The response from passenger bodies was that, if the Regulations were revoked, certain duties should remain on drivers to check for lost property, legislation should be amended to restrict what operators can charge in relation to lost property, and a requirement should be placed on operators to include lost property procedures in the Conditions of Carriage which apply when travelling on their vehicles.

8.5 The existing Regulations do not apply to items that are lost in bus stations, unless they are left on the bus itself. In such cases the handling of lost property is left to the common law and local arrangements made by operators. The Department sees no reason why the same arrangements should not apply to property left on buses. To simply move some or all of the requirements to another piece of legislation would be contrary to Government policy on reducing regulatory burdens to business.

8.6 The Department is aware that some operators already set out their lost property procedures in their Conditions of Carriage. The Department intends to write to the main industry representative body setting out that, once this legislation has been

revoked, it expects all operators to do this. Furthermore the Department's guidance on Bus and Coach Security already includes an expectation that staff should check each vehicle for items of lost property. The Department considers that these measures will provide appropriate protection for passengers in relation to lost property.

8.7 The Department consulted the Health and Safety Executive ("HSE") on proposals to revoke the Road Traffic (Carriage of Dangerous Goods and Substances) (Amendment) Regulations 1992 and the Road Traffic (Training of Drivers of Vehicles Carrying Dangerous Goods) (Amendment) Regulations 1993. As the regulations are redundant the HSE was content for them to be revoked.

8.8 The Department consulted local authorities about proposals to revoke the Parking Attendants (Wearing of Uniforms) (London) Regulations 1993. When these regulations were made, the enabling power (section 63A(4) of the Road Traffic Regulation Act 1984) applied only in relation to parking attendants in Greater London. This enabling provision was amended by the Traffic Management Act 2004 and now applies to any area which is a civil enforcement area in England and Wales. The regulations therefore now similarly apply. The respondents (which were mainly London councils) agreed with our proposal on the basis that these requirements have been superseded by Regulations made under the Traffic Management Act 2004.

## 9. Guidance

Specific guidance on this Statutory Instrument is unnecessary because it is revoking legislation which is either redundant, has been superseded or is no longer considered to be required. The Department will, however, inform relevant local authorities and bus operators, as appropriate, that the Vehicles (Conditions of Use on Footpaths) Regulations 1963 and the Public Service Vehicles (Lost Property) Regulations 1978 have been revoked.

## 10. Impact

10.1 An Impact Assessment in respect of the revocation of the Public Service Vehicles (Lost Property) Regulations 1978 and the instruments which amend it is attached to this memorandum and will be published alongside it on www.legislation.gov.uk. The assessment received validation from the Regulatory Policy Committee.

10.2 A full regulatory impact assessment has not been produced for the other measures in this instrument as no impact on the private, public or voluntary sector is foreseen. However, the revocation of the restrictive requirements in the Vehicle (Condition of Use on Footways) Regulations 1963 may provide benefits to local authorities as they will be able to determine the conditions (based on local circumstances) for the use of vehicles on footpaths for the purposes of cleaning and maintenance.

## 11. Regulating small business

The legislation does not apply to small business.

## 12. Monitoring & review

This instrument revokes 16 sets of Regulations so no monitoring or review is necessary.

## 13. Contact

Renata Williams-White at the Department for Transport Tel: 020 7944 6483 or email: Renata.williams-white@dft.gsi.gov.uk can answer any queries regarding the instrument.