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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 613**

**PUBLIC PASSENGER TRANSPORT**

**The Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Amendment (Scotland) Regulations 2006**

*Made* - - - - *20th December 2006*  
*Laid before the Scottish* *22nd December*  
*Parliament* - - - - *2006*  
*Coming into force* - - *1st February 2007*

The Scottish Ministers, in exercise of the powers conferred by sections 24(1) and 25(1) of the Public Passenger Vehicles Act 1981(1) and of all other powers enabling them in that behalf, and after consultation with representative organisations in accordance with section 61(2) of that Act(2), hereby make the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Amendment (Scotland) Regulations 2006 and shall come into force on 1st February 2007.

(2) These Regulations extend to Scotland only.

**Amendment of the Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Regulations 1990**

2. The Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Regulations 1990(3) are amended in accordance with regulations 3 and 4.

3. In regulation 5 (the conduct of drivers, inspectors and conductors)—

(a) in paragraph 3, omit sub paragraph (b); and

(b) omit paragraph 4.

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(1) 1981 c. 14. The powers conferred on the Secretary of State were transferred to Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46). See section 60(2) of the Public Passenger Vehicles Act 1981 for the definition of “regulations”. Section 60(2) was amended by section 134(2)(b) of the Transport Act 1985 (c. 67).

(2) Section 61 was amended by sections 135(1) and 139(3) of, and Schedule 8 to, the Transport Act 1985 (c. 67).

(3) S.I.1990/1020.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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4. In regulation 6(1) (the conduct of passengers), omit sub-paragraph (d).

St Andrew's House,  
Edinburgh  
20th December 2006

*TAVISH SCOTT*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Regulations 1990 (“the 1990 Regulations”) to omit the requirement that drivers, inspectors and conductors shall not smoke in or on a vehicle except—

- (a) when the vehicle is not available for the carriage of passengers in any part of the vehicle where smoking is not prohibited; or
- (b) with the permission of the operator and the agreement of the hirer when the vehicle is hired as a whole.

Similarly omitted is the requirement on passengers not to smoke or carry lighted tobacco or light a match or a cigarette lighter in or on any part of the vehicle where passengers are by a notice informed that smoking is prohibited, unless the vehicle has been hired as a whole and both the operator and the hirer have given their permission to the contrary.

Regulation 3 of and Schedule 1 to the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 ([S.S.I. 2006/90](#)) prescribe a public transportation vehicle as a class of premises which are no-smoking premises for the purposes of Part 1 the Smoking, Health and Social Care (Scotland) Act 2005 and so are regulated by that. Accordingly smoking by drivers, inspectors, conductors or passengers on such vehicles no longer requires to be regulated by the 1990 Regulations.