

1984 No. 1406**PUBLIC PASSENGER VEHICLES****The Public Service Vehicles (Carrying Capacity) Regulations 1984**

<i>Made</i>	- - - -	30th August 1984
<i>Laid before Parliament</i>		12th September 1984
<i>Coming into Operation</i>		4th October 1984

ARRANGEMENT OF REGULATIONS

Commencement and citation	1
Revocation	2
Interpretation	3
Maximum seating capacity	4
Carriage of seated passengers	5
Maximum standing capacity	6
Carriage of standing passengers	7
Markings on vehicles	8
Notification of increase of seating capacity	9
Forms of certificate	10
Exemptions	11
Appeals	12

SCHEDULE

Regulations revoked by Regulation 2

The Secretary of State for Transport, in exercise of the powers conferred by section 26(1) and 60(1) of the Public Passenger Vehicles Act 1981(a), and of all other enabling powers, and after consultation with representative organisations in accordance with section 61(2) of that Act, hereby makes the following Regulations:-

Commencement and citation

1. These Regulations shall come into operation on 4th October 1984 and may be cited as the Public Service Vehicles (Carrying Capacity) Regulations 1984.

Revocation

2. The Regulations specified in the Schedule hereto are hereby revoked.

(a) 1981 c.14.

Interpretation

3.—(1) In these Regulations—

“the Act” means the Public Passenger Vehicles Act 1981;

“certificate of conformity” means a certificate issued in pursuance of section 10(2) of the Act;

“certificate of initial fitness” has the same meaning as in section 6(1) of the Act;

“certifying officer” has the same meaning as in section 7(1) of the Act;

“crew seat”, “deck”, “double-decked vehicle”, “gangway” and “half-decked vehicle” have the meanings given to those expressions in Regulation 3(1) of the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981(a); and

“vehicle” means a public service vehicle to which section 1(1)(a) of the Act applies.

(2) Unless the context otherwise requires, any reference in these Regulations to—

(a) a numbered Regulation is a reference to the Regulation of these Regulations bearing that number;

(b) a numbered paragraph is a reference to the paragraph bearing that number in the Regulation in which the reference appears.

Maximum seating capacity

4.—(1) Save as provided in paragraph (2), the maximum seating capacity of a vehicle is—

(a) in a case where on or after 1st April 1981 there is issued in respect of the vehicle a certificate of initial fitness or a certificate of conformity either—

(i) the seating capacity specified in such certificate, or

(ii) such greater or lesser capacity than that so specified as is authorised by a certifying officer either pursuant to a notification under Regulation 9 or otherwise;

(b) in a case where no certificate of a kind mentioned in sub-paragraph (a) is issued on or after 1st April 1981, either—

(i) the seating capacity calculated in accordance with Regulation 42 of the Road Vehicles (Registration and Licensing) Regulations 1971(b), whether or not the vehicle is one to which that Regulation applies; or

(ii) such greater or lesser capacity than that so calculated as is authorised by a certifying officer either pursuant to a notification under Regulation 9 or otherwise.

(2) The maximum seating capacity of a vehicle as mentioned in paragraph (1) does not include a driver's seat or a crew seat.

(a) S.I. 1981/257; the relevant amending instrument is S.I. 1982/1058.

(b) S.I. 1971/450, to which there are amendments not relevant to these Regulations.

Carriage of seated passengers

5.—(1) Save as provided in paragraph (2), no person shall drive, or cause or permit to be driven, on a road a vehicle if the number of seated passengers exceeds the number of seats available for passengers.

(2) For the purposes of paragraph (1)—

- (a) a child under 5 years of age who is not occupying a seat does not count as a passenger; and
- (b) (i) until 1st September 1985 three seated children each of whom is under 15 years of age shall count as two passengers, and
- (ii) on and after 1st September 1985 three seated children each of whom is under 14 years of age shall count as two passengers.

(3) For the purposes of paragraph (2)(b)(i) a child whose fifteenth birthday occurs during a term of a school which he attends shall be deemed to be under 15 years of age for the whole of that term. For the purposes of paragraph (2)(b)(ii) a child shall be deemed to be under 14 years of age until the last day of August next following his fourteenth birthday.

Maximum standing capacity

6.—(1) Save as provided in paragraph (2), the maximum standing capacity of a vehicle is—

- (a) in a case where on or after 1st April 1981 there is issued in respect of the vehicle a certificate of initial fitness or a certificate of conformity, either—
 - (i) the number of standing passengers specified in such certificate, or
 - (ii) such greater or lesser number than that so specified as is authorised by a certifying officer either pursuant to a notification under Regulation 9 or otherwise;
- (b) in a case where no certificate of a kind mentioned in sub-paragraph (a) is issued on or after 1st April 1981, either—
 - (i) one third of the number of passengers for which the vehicle, or, in the case of a double-deck vehicle, the lower deck, has seating capacity, or 8, whichever is the less; or
 - (ii) such greater or lesser number than that mentioned in sub-paragraph (i) as is authorised by a certifying officer either pursuant to a notification under Regulation 9 or otherwise.

(2) The maximum standing capacity of—

- (a) a vehicle with a seating capacity for less than 13 passengers,
- (b) a vehicle with a gangway any part of the height of which is less than 1.77 metres, and
- (c) a half-decked vehicle

is nil.

Carriage of standing passengers

7.—(1) No person shall drive, or cause or permit to be driven, on a road a vehicle if the number of standing passengers exceeds the maximum specified in relation to that vehicle in Regulation 6.

- (2) No person shall stand on—
- (a) the upper deck or on any step leading to the upper deck of any double-decked vehicle,
 - (b) any part of a gangway of a vehicle forward of the rearmost part of the driver's seat; or
 - (c) any part of a vehicle in which the operator has indicated by a notice, the letters on which are at least 10 millimetres tall and in a colour contrasting with the colour of their background, that no standing shall occur.

Markings on vehicles

8. The operator of a vehicle shall mark on the inside of the vehicle with letters not less than 25 millimetres in height, in a colour contrasting with the colour of their background, and which may be read from inside or outside the vehicle—

- (a) (i) the maximum seating capacity of the vehicle as specified in Regulation 4, or, if it be less and the operator so wishes,
- (ii) the number of passenger seats with which the vehicle is fitted; and
- (b) (i) the standing capacity (be it nil or otherwise) of the vehicle as specified in Regulation 6, or, if it be less,
- (ii) the number of standing passengers which the operator of the vehicle is willing to have on the vehicle.

Notification of increase of seating or standing capacity

9. Any person who increases the seating or standing capacity of a vehicle which is being used by virtue of a PSV operator's licence shall, when the increase occurs, in writing notify the traffic commissioners who granted that licence of the increase, and the vehicle shall not be used on a road as a public service vehicle after such increase has been made until such notification has been made and a certificate has been issued in pursuance of such notice.

Forms of certificate

10. Any authorisation of a kind mentioned in Regulation 4(1)(a)(ii) or (b)(ii) issued on or after 4th October 1984 and any authorisation of a kind mentioned in Regulation 6(1)(a)(ii) or (b)(ii) issued on or after 4th October 1984 shall be in writing and signed and dated by the person giving the authorisation.

Exemptions

11. Nothing in these Regulations applies to a vehicle to which Part III of the Road Transport (International Passenger Services) Regulations 1980(a) or the Road Transport (Northern Ireland Passenger Services) Regulations 1980(b) applies.

Appeals

12. Where the owner of a vehicle is aggrieved by the refusal of a certifying officer to issue a certificate as mentioned in Regulation 4(1)(a)(ii) or (b)(ii) or 6(1)(a)(ii) or (b)(ii) or by the issue of such a certificate, he may appeal to the Secretary of State and on any such appeal the Secretary of State may make such order as he thinks fit.

Nicholas Ridley,
Secretary of State for Transport.

30th August 1984.

SCHEDULE (see Regulation 2)
REGULATIONS REVOKED BY REGULATION 2

Title	Year and Number
The Public Service Vehicles and Trolley Vehicles (Carrying Capacity) Regulations 1954.	S.I. 1954/1612
The Public Service Vehicles and Trolley Vehicles (Carrying Capacity) (Amendment) Regulations 1958.	S.I. 1958/472
The Public Service Vehicles and Trolley Vehicles (Carrying Capacity) (Amendment) Regulations 1966.	S.I. 1966/674
The Public Service Vehicles and Trolley Vehicles (Carrying Capacity) (Amendment) Regulations 1980.	S.I. 1980/76
The Public Service Vehicles and Trolley Vehicles (Carrying Capacity) (Amendment) Regulations 1981.	S.I. 1981/260

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These Regulations revoke the Public Service Vehicles and Trolley Vehicles (Carrying Capacity) Regulations 1954 and the Instruments by which those Regulations were amended (see Regulation 2 and the Schedule).

2. These Regulations impose new provisions as to the carrying capacity of public service vehicles adapted to carry more than 8 passengers.

3. Regulation 3 deals with interpretation.

4. Regulation 4 prescribes the maximum seating capacity. In respect of a vehicle for which a certificate of initial fitness or certificate of conformity has been issued on or after 1st April 1981 that capacity is either the seating capacity stated on that certificate or a greater or lesser capacity authorised by a certifying officer. In respect of other vehicles that capacity is as calculated in accordance

with Regulation 42 of the Road Vehicles (Registration and Licensing) Regulations 1971 or a greater or lesser capacity authorised by a certifying officer. Regulation 5 provides that the number of seated passengers carried on a vehicle shall not exceed the number for which the vehicle has capacity. This regulation also makes special provisions for children.

5. Regulation 6 prescribes the maximum standing capacity. In respect of a vehicle for which a certificate of initial fitness or a certificate of conformity has been issued on or after 1st April 1981 that capacity is either the standing capacity stated on that certificate or a greater or lesser capacity authorised by a certifying officer. In respect of other vehicles that capacity is one third of the number of passengers for which the vehicle has seating capacity (on the lower deck in the case of a double-decked vehicle) or 8, whichever is the less, or such greater or lesser number as is authorised by a certifying officer. The standing capacity of vehicles with a seating capacity for less than 13 passengers, vehicles with a gangway height of less than 1.77 metres and of half-decked vehicles is nil. Regulation 7 imposes restrictions on the carriage of standing passengers.

6. Regulation 8 requires a vehicle to be marked to show its maximum seating capacity or its number of seats, and its standing capacity or the number of standing passengers which the operator is willing to carry. Regulation 9 requires increases in seating or standing capacity to be notified to the traffic commissioners. Regulation 10 requires authorisations of increased capacity to be written. Regulation 11 provides for exemptions as to certain international and Northern Irish passenger services. Regulation 12 provides for appeals to the Secretary of State against certification by a certifying officer in certain circumstances.

7. These Regulations make the following main changes to the law contained in the Instruments specified in the Schedule:—

- (1) there are no specific provisions for trolley vehicles;
- (2) a child under 5 who does not occupy a separate seat is not counted as a passenger;
- (3) from 1st September 1985, the maximum age at which three children may be counted as two passengers in certain circumstances has been reduced from 15 to 14;
- (4) increases in seating and standing capacity must be notified to the traffic commissioners; and
- (5) general restrictions on the carriage of standing passengers have been relaxed.

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