

2002 No. 1724

PUBLIC PASSENGER TRANSPORT

**The Public Service Vehicles (Conduct of Drivers,
Inspectors, Conductors and Passengers) (Amendment)
Regulations 2002**

Made - - - - - *2nd July 2002*

Laid before Parliament *12th July 2002*

Coming into force - - *1st October 2002*

The Secretary of State for Transport, in exercise of the powers conferred by sections 24(1), 25(1) and 60(1) and (1A) of the Public Passenger Vehicles Act 1981(a), and of all other powers enabling him in that behalf, and after consultation with representative organisations in accordance with section 61(2) of that Act(b), hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) (Amendment) Regulations 2002 and shall come into force on 1st October 2002.

Preliminary

2. The Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Regulations 1990(c) shall be further amended in accordance with the following provisions.

Amendments to regulation 3 (interpretation)

3. Regulation 3, paragraph (1) shall be amended as follows:
- (a) after the definition “the 1985 Act” there shall be inserted—
 - ““the 1995 Act” means the Disability Discrimination Act 1995(d);
 - “the 1984 Regulations” means the Public Service Vehicles (Carrying Capacity) Regulations 1984(e);
 - “the 2000 Regulations” means the Public Service Vehicles Accessibility Regulations 2000(f);”.

(a) 1981 c. 14. Section 24 was amended by paragraph 2 of Schedule 3 and by Schedule 6 to the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22). Section 25 was amended by section 61(3) of the Transport and Works Act 1992 (c. 42). Section 60 was amended by section 134(1) and (2) of the Transport Act 1985 (c. 67) (“the 1985 Act”) and has effect as if Parts I and II of the 1985 Act were contained in the Public Passenger Vehicles Act 1981 (c. 14).

(b) Section 61(2) was amended by section 135(1) of, and Schedule 8 to, the Transport Act 1985 (c. 67) (“the 1985 Act”). Section 61 has effect as if Parts I and II of the 1985 Act were contained in the Public Passenger Vehicles Act 1981 (c. 14) by virtue of section 135(1) of the 1985 Act.

(c) S.I. 1990/1020.

(d) 1995 c. 50.

(e) S.I. 1984/1406.

(f) S.I. 2000/1970 amended by S.I. 2000/3318.

- (b) the following new definitions shall be inserted in the appropriate places according to alphabetical order—
- ““assistance dog” means a dog which—
- (a) is trained by a specified charity to assist a disabled person with a physical impairment for the purpose of section 1 of the 1995 Act which—
- (i) consists of epilepsy; or
- (ii) otherwise affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects; and
- (b) at the time it is providing assistance to a disabled person, is wearing a jacket inscribed with the name of one of the following charities, that is to say—
- (i) “Dogs for the Disabled” registered with the Charity Commission under registration number 700454;
- (ii) “Support Dogs” registered with the Charity Commission under registration number 1017237; or
- (iii) “Canine Partners for Independence” registered with the Charity Commission under registration number 803680;
- “boarding lift” means a lift fitted to a regulated public service vehicle for the purpose of allowing wheelchair users to board and alight from the vehicle;
- “boarding ramp” means a ramp fitted to a regulated public service vehicle for the purpose of allowing wheelchair users to board and alight from the vehicle;
- “disabled person” has the same meaning as in section 1 of the 1995 Act;
- “guide dog” has the same meaning as in section 37(11) of the 1995 Act;
- “hearing dog” has the same meaning as in section 37(11) of the 1995 Act;
- “local service” has the same meaning as in section 2 of the 1985 Act(a);
- “maximum seating capacity” has the same meaning as in regulation 4 of the 1984 Regulations;
- “maximum standing capacity” has the same meaning as in regulation 6 of the 1984 Regulations;
- “portable ramp” means a ramp which is carried on a regulated public service vehicle for the purpose of allowing wheelchair users to board or alight from the vehicle;
- “regulated public service vehicle” means a public service vehicle to which the 2000 Regulations apply;
- “scheduled service” means a service, using one or more public service vehicles, for the carriage of passengers at separate fares—
- (a) along specified routes,
- (b) at specified times, and
- (c) with passengers being taken up and set down at pre-determined stopping points, but does not include a tour service (being a service where a public service vehicle is used for or in conjunction with the carriage of passengers to a particular location, or particular locations, and back to their point of departure);
- “wheelchair restraint system” means a system which is designed to keep a wheelchair restrained within the wheelchair space;
- “wheelchair space” means a space for a wheelchair with which a regulated public service vehicle is fitted in accordance with paragraph 2 of Schedule 1 to the 2000 Regulations;
- “wheelchair user” means a disabled person using a wheelchair; and
- “wheelchair user restraint” means a system which is designed to keep a wheelchair user restrained in the wheelchair.”.

Amendment to regulation 5

4. Regulation 5 shall be amended by the addition after paragraph (6) of the following paragraph—

“(7) A driver, inspector and a conductor shall not, subject to there being a suitable space available, prevent a disabled person accompanied by an assistance dog, a guide dog or a hearing dog, being allowed to board and travel in the vehicle with his dog.”.

(a) ie, the Transport Act 1985 c. 67.

Amendments to regulation 6 (conduct of passengers)

5. Regulation 6 shall be amended as follows—

(a) the following paragraph shall be inserted after paragraph (1)—

“(1A) Paragraph (1)(k)(ii) and (iii) shall not apply to a direction given by a driver, inspector or conductor solely on the grounds that a person is a disabled person.”;

(b) the following paragraph shall be substituted for paragraph (3)—

“(3) Paragraph (2)(b) does not require the removal of an animal where the passenger is a disabled person and the animal is an assistance dog, a guide dog or a hearing dog.”;

(c) the following paragraph shall be inserted after paragraph (3)—

“(3A) Without prejudice to regulation 5(7), a disabled person shall comply with any direction given by a driver, inspector or conductor to remove his assistance dog, guide dog or hearing dog from the gangway.”; and

(d) paragraph (5) shall be omitted.

Further amendments

6. After regulation 10 there shall be inserted as Part IV the following new regulations—

“PART IV

The conduct of drivers and conductors of regulated public service vehicles with respect to wheelchair users and other disabled persons

Interpretation of Part IV

11. In this Part—

“Schedule 1” means Schedule 1 (wheelchair accessibility requirements) to the 2000 Regulations;

“Schedule 2” means Schedule 2 (general accessibility requirements for single-deck and double-deck buses) to the 2000 Regulations;

“Schedule 3” means Schedule 3 (general accessibility requirements for single-deck and double-deck coaches) to the 2000 Regulations;

a “Schedule 1 vehicle” means a regulated public service vehicle which is required to comply with the provisions of Schedule 1; and

a “Schedule 2 or 3 vehicle” means a regulated public service vehicle which is required to comply (as the case may be) with the provisions of either Schedule 2 or Schedule 3.

Duties towards wheelchair users of Schedule 1 vehicles

12.—(1) This regulation applies (subject to regulation 15(1) (duties requiring the proper functioning of equipment)) in relation to a driver and a conductor of a Schedule 1 vehicle.

(2) If there is an unoccupied wheelchair space on the vehicle, a driver and a conductor shall allow a wheelchair user to board if—

(a) the wheelchair is of a type or size that can be correctly and safely located in that wheelchair space, and

(b) in so doing, neither the maximum seating nor standing capacity of the vehicle would be exceeded.

(3) For the purpose of paragraph (2), a wheelchair space is occupied if—

(a) there is a wheelchair user in that space; or

(b) passengers or their effects are in that space and they or their effects cannot readily and reasonably vacate it by moving to another part of the vehicle.

(4) A driver and a conductor shall ensure—

(a) where the carriage of a portable ramp is required by Schedule 1, that a portable ramp is carried on the vehicle where the vehicle is operating on a local service or on a scheduled service;

- (b) that any boarding lift, boarding ramp or portable ramp is in its normal position for vehicle travel and is securely stowed before the vehicle is driven;
 - (c) where the vehicle is operating on a local or a scheduled service and it is fitted with a boarding lift or a boarding ramp which, in order to comply with Schedule 1, requires a means of control for it to be capable of being operated manually in the event of a power failure, that such a separate means of control is carried on the vehicle;
 - (d) that wheelchair users can gain access into and can get out of a wheelchair space;
 - (e) before the vehicle is driven, that any wheelchair user is correctly and safely positioned in a wheelchair space and that any retractable rail (being a rail fitted in accordance with the requirements of paragraph 4(3)(b) of Schedule 1) or any similar device is in a position to restrict the lateral movement of the wheelchair; and
 - (f) where a wheelchair user using a wheelchair space faces the front of the vehicle, that the wheelchair restraint system is attached in accordance with the relevant instructions pursuant to paragraph 8(3) of Schedule 1.
- (5) If the vehicle has a seat in a wheelchair space which is capable of being quickly dismantled or removed, a driver and a conductor shall ensure that any such seat—
- (a) when it is not in use and is stowed on the vehicle, is safely stowed; and
 - (b) whenever it is in position for use within the wheelchair space, is secured.

Duties concerning kneeling systems etc towards disabled persons using Schedule 2 or 3 vehicles

13.—(1) This regulation (subject to regulations 15 (effects of faulty or malfunctioning equipment) and 17 (extent of driver’s and conductor’s duty)) applies in relation to a driver and to a conductor of a Schedule 2 and 3 vehicle where that vehicle is equipped with—

- (a) a kneeling system, or
- (b) a folding or retractable step.

(2) A driver and a conductor shall operate the kneeling system or the folding or retractable step—

- (a) whenever they consider that a disabled person will need the system to be operated or the step to be deployed, or
- (b) if requested to do so,

for the purpose of enabling that person to board or to alight from the vehicle, and in such a manner that the distance between the vehicle and the ground or the vehicle and the kerb is the minimum that is reasonably practicable.

(3) “Kneeling system” means any system which enables the bodywork of the vehicle to be lowered relative to its normal height of travel and a “folding or retractable step” means a step which can either fold or retract and which meets the requirements applicable to external steps pursuant to paragraph 4 of Schedule 2 or Schedule 3 (as the case may be).

(4) A driver and a conductor shall ensure that disabled persons who are not wheelchair users may, when boarding or alighting from the vehicle, use an entrance or an exit which is provided in compliance with (as the case may be) the provisions of either Schedule 2 or Schedule 3.

General duties towards wheelchair users and other disabled persons

14.—(1) Where a wheelchair user wishes to board or to alight from a Schedule 1 vehicle, a driver and a conductor shall first safely deploy (subject to regulation 15(1) (duties requiring the proper functioning of equipment)) any boarding lift, boarding ramp or portable ramp in its correct operating position.

(2) Where a wheelchair user wishes to board or to alight from a Schedule 1 vehicle and requests assistance to do so, a driver and a conductor shall provide assistance to him.

(3) Where a disabled person who is not a wheelchair user wishes to board or to alight from a Schedule 2 or 3 vehicle and requests assistance to do so, a driver and a conductor shall provide assistance to him.

(4) Where a wheelchair user wishes to occupy a wheelchair space in a Schedule 1 vehicle which is fitted with a wheelchair user restraint, a driver and a conductor shall—

- (a) offer to provide such assistance as may be required so as to enable the wheelchair user to wear that restraint, and

- (b) in providing that assistance, apply (subject to regulation 15(1) (duties requiring the proper functioning of equipment)) the wheelchair user restraint only in accordance with the user instructions which are displayed pursuant to paragraph 8(3) of Schedule 1.

Effects of faulty or malfunctioning equipment

15.—(1) Where the fulfilment of a duty owed by a driver or a conductor under—

- (a) regulation 12 (duties towards wheelchair users of Schedule 1 vehicles),
- (b) regulation 13 (duties concerning kneeling systems etc towards disabled persons using Schedule 2 or 3 vehicles) or
- (c) regulation 14 (general duties towards wheelchair users and other disabled persons),

requires the use or operation of any equipment, kneeling system or folding or retractable step and there is a fault in, or a failure in the operation of, that equipment, system or step, the person owing the duty shall not permit a wheelchair user, or other disabled person or any other passenger to board or alight from the vehicle or (if already on board) to travel on the vehicle unless he is satisfied that such persons can do so in safety.

(2) A driver or a conductor shall not be considered to have failed to ensure fulfilment of the duty under either regulation 13(2) (duties concerning kneeling systems etc) or regulation 16 (display of route numbers etc) if, and to the extent that, the performance of that duty involves the proper functioning of equipment on the vehicle but there is a fault in, or a failure in the operation of, that equipment which prevents it being used.

(3) In this regulation—

“equipment” means any equipment fitted to a regulated public service vehicle in order to comply with Schedule 1, Schedule 2 or Schedule 3 and which a driver and a conductor must operate for the safe fulfilment of the relevant duty; and

“kneeling system or folding or retractable step” has the same meaning as in regulation 13(3).

Route numbers etc

16.—(1) Subject to regulation 15(2) (equipment failure preventing use), a driver and a conductor of a regulated public service vehicle shall ensure that—

- (a) a route number (if any) and a destination is displayed in the positions provided for such displays with respect to the vehicle in accordance (as the case may be) with either paragraph 8 of Schedule 2 or paragraph 7 of Schedule 3;
- (b) a route number and a destination displayed in accordance with sub-paragraph (a) which is required to be provided with a means of illumination shall have characters that are kept illuminated between sunset and sunrise; and
- (c) the vehicle shall at all times display the correct route number and destination.

(2) Sub-paragraphs (a) and (b) of paragraph (1) shall not apply to an emergency replacement vehicle or to a temporary service vehicle until 21 days has elapsed from the day when the vehicle is first used as an emergency replacement vehicle or as a temporary service vehicle, provided that—

- (a) the route number (if any) and a destination shall be displayed either on the front or on the nearside of the vehicle as close as practical to the foremost passenger entrance; and
- (b) the requirement of sub-paragraph (c) of paragraph (1) is complied with.

(3) In this regulation, “destination” and “route number” have the same meanings as in paragraph 7(6) of Schedule 3 to the 2000 Regulations and—

“emergency replacement vehicle” means a public service vehicle which has been brought into service on the route in question to provide emergency cover; and

“temporary service vehicle” means a public service vehicle which is in service on a temporary route or service.

Extent of driver's and conductor's duty

17.—(1) Where, in any of the preceding provisions of this Part, a duty is expressed to be owed by the driver and the conductor of a vehicle, but a function to be performed to fulfil that duty is, according to arrangements made by the operator of the vehicle, the responsibility of one only of them, then that one only, and not the other, owes that duty in relation to that function.

(2) The duties which a driver or a conductor owes under regulation 13 (duties concerning kneeling systems etc) and 14 (general duties towards wheelchair users and other disabled persons) are duties—

- (a) to take such care as in all the circumstances of the case is reasonable to see that the wheelchair user or other disabled person will be reasonably safe in boarding or in alighting from the vehicle, and
- (b) shall not oblige the person owing the duty to take any steps if, on reasonable grounds, he considers that—
 - (i) there will be a risk to his health, safety or security or to that of the wheelchair user or other disabled person or to that of any other passenger or member of the public; or
 - (ii) there will be a risk to the safety and security of the vehicle.

(3) The duties which a driver or a conductor owes under regulations 13 (duties concerning kneeling systems etc) and 14 (general duties towards wheelchair users and other disabled persons) are duties to operate the kneeling system or the folding or retractable step, or to deploy the boarding lift, boarding ramp or portable ramp to the extent that it is practicable having regard to the construction of the vehicle and the condition of the road.

Signed by authority of the Secretary of State
for Transport

2nd July 2002

David Jamieson
Parliamentary Under-Secretary of State,
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are consequent upon the introduction by the Public Service Vehicles Accessibility Regulations 2000 (S.I. 2000/1970—“the 2000 Regulations”) of accessibility requirements for disabled persons (including those in wheelchairs) to single-deck and double-deck buses and coaches. Further amendments are accordingly made to the Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Regulations 1990 (SI 1990/1020) to deal with the additional duties of the drivers and conductors of these vehicles towards such persons.

Regulation 5 contains minor consequential amendments to regulation 6 (conduct of passengers) to deal with the conduct of passengers who are disabled

The principal amendments are made by adding in a new Part IV further provisions setting out additional duties for drivers and conductors with respect to passengers who are disabled (including wheelchair passengers).

Regulation 12 (duties towards wheelchair users of Schedule 1 vehicles) adds new duties towards wheelchair users of regulated public service vehicles required to comply with the wheelchair accessibility requirements of Schedule 1 to the 2000 regulations.

Regulation 13 (duties towards persons using Schedule 2 or 3 vehicles) adds new duties towards disabled persons using regulated public service vehicles required to comply with the general accessibility requirements for single-deck and double-deck buses and single-deck and double-deck coaches.

Regulation 14 (general duties towards wheelchair users and other disabled persons) contains provisions relating to duties in the deployment of boarding lifts and ramps and, when it is requested, in the providing of assistance to wheelchair users and other disabled persons to board or to alight.

Regulation 15 (effects of faulty or malfunctioning equipment) provides in paragraph (1) that where a driver and a conductor carrying out duties under regulations 12 to 14 uses equipment, a kneeling system or a folding or retractable step that is faulty or fails, he must not allow wheelchair users, other disabled persons or any other persons to board or alight from the vehicle unless he is satisfied that they can do so in safety; and paragraph (2) excuses a driver and a conductor for failure to perform his duty with regard to the operation of kneeling systems or folding or retractable steps and to the display of a route number and destination if that failure is due to a fault in the equipment or system.

Regulation 16 is concerned with the display of a route number and destination.

Regulation 17 (extent of driver's and conductor's general duty) defines the duty of a driver or conductor as being one of reasonable care but not one as to oblige him to take any steps if, on reasonable grounds, he considers there to be a risk to the health or safety of the wheelchair user or other disabled passenger or to that of other passengers, members of the public or to himself.

A Regulatory Impact Assessment of the costs and benefits of the making of these Regulations has been prepared and copies can be obtained from the Department of Transport, Local Government and the Regions, Zone 1/18, Great Minster House, 76 Marsham Street, London SW1P 4DR (telephone 020 7944 4914). A copy has been placed in the library of each House of Parliament.

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