

2004 No. 2682

**PUBLIC PASSENGER TRANSPORT, ENGLAND AND
WALES**

**The Public Service Vehicles (Traffic Regulation Conditions)
(England and Wales) Regulations 2004**

<i>Made</i> - - - -	<i>13th October 2004</i>
<i>Laid before Parliament</i>	<i>22nd October 2004</i>
<i>Coming into force</i> - -	<i>19th November 2004</i>

The Secretary of State, in exercise of the powers conferred upon him by section 5(1) and 60(1) of the Public Passenger Vehicles Act 1981(a) and sections 7(6), (9) and (11) and 9(3) of the Transport Act 1985(b), and after consultation with the representative organisations in accordance with section 61(2) of the Public Passenger Vehicles Act 1981(c) and with the Council on Tribunals in accordance with the requirements of section 8 of the Tribunals and Inquiries Act 1992(d), hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Public Service Vehicles (Traffic Regulation Conditions) (England and Wales) Regulations 2004 and shall come into force on 19th November 2004.

(2) These Regulations extend to England and Wales(e).

Disapplication of Regulations

2.—The Public Service Vehicles (Traffic Regulation Conditions) Regulations 1986(f), regulation 9(1) of the Public Service Vehicles (Traffic Commissioners: Publication and Inquiries) Regulations 1986(g) and the Public Service Vehicles (Traffic Regulation Conditions) (Amendment) Regulations 1994(h) shall cease to apply in England and Wales.

(a) 1981 c.14 (in the footnotes called the “1981 Act”). Section 5 was amended by the Transport Act 1985 (c.67) (in the footnotes called “the 1985 Act”); section 60(1) was amended by the 1985 Act, sections 134 and 139, Schedule 7, paragraph 21(1) and (9), and Schedule 8, and by the Deregulation and Contracting Out Act 1994 (c.40), section 66(5). For the definition of “prescribed” see section 60(2) of the 1981 Act as amended by section 134 of the 1985 Act.

(b) 1985 c.67.

(c) Section 61(2) was amended by the 1985 Act, section 139(3) and Schedule 8. By virtue of sections 134(1) and 135(1) of the 1985 Act, sections 60 and 61 of the 1981 Act have effect as if Part I of the 1985 Act (including sections 7 and 9) were contained in the 1981 Act.

(d) 1992 c.53.

(e) Competence to make regulations in respect of Scotland has been devolved by virtue of section 53 of the Scotland Act 1998 (c. 46).

(f) S.I. 1986/1030, amended by 1986/1629 and 1994/3272.

(g) S.I. 1986/1629, to which there are amendments not relevant to these Regulations.

(h) S.I. 1994/3272.

Interpretation

3.—(1) In these Regulations—

“Notices and Proceedings” has the meaning given by regulation 2 of the Public Service Vehicles (Traffic Commissioners: Publication and Inquiries) Regulations 1986; and

“traffic authority” and “traffic regulation conditions” have the meanings given by subsections (15) and (1) respectively of section 7.

(2) Any reference to a numbered section is a reference to the section so numbered in the Transport Act 1985.

Purposes of traffic regulation conditions

4. In addition to the purposes set out in section 7(6)(a), (b) and (c), traffic regulation conditions may be determined for the purposes of—

- (a) regulating the roads to be used and the manoeuvres to be performed when turning a vehicle in the provision of a service;
- (b) limiting the number of vehicles which may be used, or the frequency at which vehicles may be operated, in the provision of a service along all or part of its route whether generally or during particular periods or at particular times;
- (c) regulating the emission levels of vehicles used in providing services; and
- (d) regulating the noise pollution levels that may result from the operation, in vehicles used in providing services, of a loudspeaker or other type of public address system.

Publication

5. A traffic commissioner shall publish in Notices and Proceedings notice of—

- (a) any request for the determination, variation or revocation of traffic regulation conditions except where the traffic commissioner is satisfied that the request should be granted without delay;
- (b) the name and address of the person making such a request; and
- (c) the determination, variation or revocation of traffic regulation conditions and the date on which the conditions so determined or varied have effect or (if revoked) cease to have effect.

Requests for Inquiries

6.—(1) The period prescribed for the purposes of section 7(9) (within which a request for the traffic commissioner to hold an inquiry before making a determination of traffic regulation conditions must be received) is the period of 28 days commencing immediately after the date of publication in Notices and Proceedings of the request for such a determination.

(2) The period prescribed for the purposes of section 7(11) (within which a person must ask the traffic commissioner to hold an inquiry after he has made a determination of traffic regulation conditions) is the period of 28 days commencing immediately after the date of publication in Notices and Proceedings of the determination.

Appeals

7.—(1) An appeal under section 9 shall—

- (a) state the reference number given by the traffic commissioner to the relevant traffic regulation conditions, or, in the case of an appeal against a refusal of a traffic commissioner to determine traffic regulations conditions, the reference number given by him to the request; and
- (b) state the grounds on which it is made.

(2) Such an appeal shall be made so as to be received by the Secretary of State before the expiry of 28 days commencing with the day immediately following the date on which either—

- (a) notice of the refusal by a traffic commissioner to comply with a request to determine, vary or revoke any traffic regulation conditions is sent to the person making the request; or
- (b) notice of the determination, variation or revocation of any such conditions is published in Notices and Proceedings.

(3) At the same time as he makes such an appeal, the appellant shall send a copy of that appeal to—

- (a) the traffic commissioner against whose decision the appeal is made;
- (b) if the traffic commissioner held an inquiry in connection with that decision, any person who attended the inquiry and made representations at it to the traffic commissioner; and
- (c) any traffic authority (other than the appellant) likely to be affected by the traffic regulation conditions.

(4) Where a traffic commissioner, in reliance on section 7(10), has determined any traffic regulation conditions without first holding an inquiry, then the Secretary of State shall not determine an appeal until either—

- (a) an inquiry has been held; or
- (b) the period prescribed for the purposes of section 7(11) by regulation 6(2) of these Regulations has expired without any request for an inquiry being made.

(5) On the determination of an appeal, the Secretary of State shall give notice of his decision, and the reasons for it, to the appellant.

Requirements for writing and delivery

8. All notices, requests or appeals mentioned in these Regulations shall be in writing, and any such notices as are referred to in regulation 7(2)(a) or (5) of these Regulations shall be sent to the address last notified to the traffic commissioner in question or (as the case may be) the Secretary of State by the person making the request or appeal as his business address.

Computation of time

9.—(1) No period of time prescribed in these Regulations shall include Christmas Day, Good Friday or any day which is a bank holiday under the Banking and Financial Dealings Act 1971(a).

(2) Where a person has made—

- (a) a request for an inquiry pursuant to regulation 6; or
- (b) an appeal pursuant to regulation 7(2);

which is required to be received by the traffic commissioner or the Secretary of State (as the case may be) within a period expiring on a day on which the principal office of the recipient is closed for normal business, that period shall be extended so as to expire on the next day on which that office is open for such business.

Signed by authority of the Secretary of State

Charlotte Atkins
Parliamentary Under Secretary of State
Department for Transport

13th October 2004

(a) 1971 c.80.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate, with amendments, for England and Wales only the Regulations referred to in regulation 2.

Sections 7 to 9 of the Transport Act 1985 provide for the determination and application of traffic regulation conditions which relate to local services subject to registration under the Act. The provisions made by these Regulations relate to—

- (a) purposes, additional to those set out in section 7(6) of the Act, for which such conditions may be made (regulation 4);
- (b) the publication of notices regarding conditions by the traffic commissioners (regulation 5);
- (c) the period in which requests for inquiries must be made to traffic commissioners (regulation 6);
- (d) appeals to the Secretary of State (regulation 7); and
- (e) supplementary provision regarding requirements for writing and delivery and the computation of periods of time (regulations 8 and 9).

The amendments made by these Regulations are in regulations 4(c) and 4(d), which allow traffic commissioners to determine traffic regulations conditions for the purposes of regulating the emission levels of vehicles that provide local bus services and of regulating the noise pollution levels created by loudspeaker systems or other public address systems used in those vehicles.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business is available from the Buses and Taxis Division of the Department for Transport, Zone 3/13, Great Minster House, 76 Marsham Street, London SW1P 4DR.

£3.00

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