

**EXPLANATORY MEMORANDUM TO THE  
PUBLIC SERVICE VEHICLES (CONDITIONS OF FITNESS, EQUIPMENT,  
USE AND CERTIFICATION) (AMENDMENT) REGULATIONS 2005**

**2005 No. 1403**

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

2. **Description**

The Regulations covered by this Explanatory Memorandum remove the additional test fee for non-mandatory seat belt anchorage inspections. The Regulations amend The Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981 (the Principal Regulations).

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

None.

4. **Legislative Background**

4.1 The Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) (Amendment) Regulations 2005 are made under sections 52(1) and 60(1) of the Public Passenger Vehicles Act 1981 and by virtue of the Department of Transport (Fees) Order 1988.

4.2 The Principal Regulations set out the standards to which public service vehicles are built and prescribe the various fees paid by applicants for a Certificate of Initial Fitness for a public service vehicle.

5. **Extent**

The Regulations extend to Great Britain

6. **European Convention on Human Rights**

Not applicable.

7. **Policy background**

7.1 The Secretary of State for Transport, through his Executive Agency, the Vehicle and Operator Services Agency (VOSA), recovers the cost of carrying out his function of vehicle inspections by charging fees.

7.2 These Regulations streamline the fee regime to remove the separate inspection fee where additional seat belts are fitted to a public service vehicle

(PSV). A PSV is a bus or coach with over 8 passenger seats used for the carriage of passengers for hire or reward. The cost of ensuring additional belts meet the statutory requirements is small and can be covered by the revenue derived from the fee for the application for a Certificate of Initial Fitness.

7.3 The Principal Regulations were amended in 1998 to create a separate and higher fee for examination of public service vehicles where additional non mandatory seat belts had been fitted. At this time there was no statutory requirement to fit all seats in minibuses and coaches with seat belts, only to a small number of specified seats within the vehicle (the drivers seat, front passenger seats and seats that did not have directly in front of it another high backed seat). The introduction of regulations concerning the carriage of school children and the wearing of belts, coupled with the public perception of seat belts on coaches following accidents, increased the number of vehicles already in service having seat belts fitted to all seats.

7.4 In 2001, further changes to the Principal Regulations required the installation of seat belts to all seats in those public service vehicles (mostly coaches) that do not carry standing passengers. These changes mean that, where required, virtually all public service vehicles entering service have type approved seat belts and anchorages fitted at the time of construction. The fee for the application for a Certificate of Initial Fitness has been increased to take account of the extra work involved. It is now rare for VOSA to receive an application to inspect a vehicle already in service where additional seat belts have been fitted. The resources required to inspect any that the Agency does encounter can be accommodated within the income generated by applications for Certificates for new vehicles.

## **8. Impact**

8.1 A full regulatory impact assessment was not deemed to be required as the change concerns de-regulation.

8.2 There is no impact on the public sector.

## **9. Contact**

The official within the Department for Transport who can be contacted with any queries on the Regulations is Roger Trubridge, Vehicle Operator Services Agency Product Strategy and Policy Office, Berkeley House, Croydon Street, Bristol, BS5 0DA; Tel 0117 954 3272, e-mail [Roger.Trubridge@vosa.gov.uk](mailto:Roger.Trubridge@vosa.gov.uk).