

**EXPLANATORY MEMORANDUM TO**  
**THE PUBLIC SERVICE VEHICLES (CONDITIONS OF FITNESS,**  
**EQUIPMENT, USE AND CERTIFICATION) (AMENDMENT) (No. 4)**  
**REGULATIONS 2005**

**2005 No. 3128**

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.
2. **Description**
  - 2.1 These new regulations amend the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981 (SI 1981/257) (COIF) to enable a few vintage steam lorries that have been restored as replica steam buses to carry fare paying passengers.
  - 2.2 This amendment will apply an age-related exemption for steam powered vehicles from having to comply with the positional requirement for the exhaust pipe (chimney stack in this case).
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None
4. **Legislative Background**
  - 4.1 The Public Passenger Vehicles Act 1981 requires that a vehicle adapted to carry more than 8 passengers and used as a public service vehicle shall not be used on the road unless a certificate indicating that prescribed conditions of initial fitness have been fulfilled. Part II of COIF prescribes those conditions of initial fitness.
  - 4.2 Due to the position of the stack on these vehicles which is located centrally at the front of the driver's compartment they would not be able to obtain a certificate. By including an age-related exemption for steam powered buses they will be able to obtain one and carry more than 8 passengers for hire and reward.
  - 4.3 This amendment is domestically driven only and not European so scrutiny clearance is not, therefore, required. The amendment is straightforward and uncontroversial and only likely to be used by a very small group of operators (only two at the present time).
5. **Extent**
  - 5.1 This instrument applies to Great Britain.

## **6. European Convention on Human Rights**

No statement is required.

## **7. Policy background**

- 7.1 Two businesses wish to convert and operate, as tourist attractions and for private hire, vintage steam lorries that have been restored as replica steam buses fitted with passenger compartments like those originally found on the steam buses that shared the same chassis as the vintage steam lorries. One is destined to be used mainly on a sightseeing route in the Lake District, the other in Whitby. Their use is supported by local businesses, the National Parks Authority and in Whitby where the local MP owns a similar steam lorry.
- 7.2 The vehicles do not comply with COIF in respect of the direction and location of the exhaust pipe. This cannot be solved by making a modification to the smoke stack without affecting the working of the steam boiler or the authenticity of the vehicle. The solution is to introduce, against this requirement only, an age-related exemption for steam powered buses. We think this is reasonable because it would apply to relatively few vehicles and would not be dangerous for passengers. Once the amendment has been made, the vehicles will be able to obtain a certificate of initial fitness that will allow them, like any other bus or coach, to carry passengers for hire and reward.
- 7.3 Fifty three organisations and interested parties throughout the UK were consulted by the Department on the draft regulations. This was achieved by a letter formally enclosing the draft Statutory Instrument. As no costs would be incurred, other than the administrative ones in making the amendment, a Regulatory Impact Assessment was deemed unnecessary. This package was sent out on 31 March 2005 and replies were required by 23 June 2005.
- 7.4 Those consulted included the Confederation of Passenger Transport, Disabled Persons Transport Advisory Committee, highway authorities, and the police. Organisations concerned with road safety were also included in the consultation, as well as other Government Departments likely to be effected by these changes.
- 7.5 The consultation resulted in the receipt of seven responses of which four had either no comments or accepted the proposals fully.
- 7.6 Only two organisations made minor points that would have no effect on the making of these regulations.
- 7.7 The results of the consultation will be published through the inclusion of this document on the Department's website.

## **8 Impact**

8.1 This small amendment is straightforward, uncontroversial and welcomed by those affected. Nationally, the benefits from amending this legislation are unlikely to be noticeable, but would be worthwhile for those businesses involved. As operator licensing rules will also control the use of the vehicles, it carries with it no significant road safety risks. The operators concerned say that small businesses in the areas where the vehicles will be used will benefit financially.

## **9. Contact**

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