
STATUTORY INSTRUMENTS

2009 No. 141

PUBLIC PASSENGER TRANSPORT

The Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) (Amendment) Regulations 2009

<i>Made</i>	- - - -	<i>29th January 2009</i>
<i>Laid before Parliament</i>		<i>3rd February 2009</i>
<i>Coming into force</i>	- -	<i>3rd March 2009</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 6 and 60(1) and (1A) of the Public Passenger Vehicles Act 1981(1) and by section 41(1) of the Road Traffic Act 1988(2).

In accordance with section 61(2)(3) of the Public Passenger Vehicles Act 1981 and section 195(2) of the Road Traffic Act 1988 he has consulted with such representative organisations as he thinks fit.

Citation and commencement

1. These Regulations may be cited as the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) (Amendment) Regulations 2009 and shall come into force on 3rd March 2009.

Amendment of the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981

2.—(1) The Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981(4) are amended as follows.

(2) In regulation 3—

(a) for the definition of “ECE Regulation 36” substitute—

(1) 1981 c. 14; section 6 was amended by the Road Traffic (Consequential Provisions) Act 1988 (c. 54), Schedule 3, paragraph 22, and by the Road Traffic Act 1991 (c. 40), section 48 and Schedule 4, paragraph 14; section 60(1) was amended by the Transport Act 1985 (c. 67) (“the 1985 Act”), section 134(2), Schedule 2, Part 2, paragraph 4(18) and Schedule 8; section 60(1A) was inserted by the 1985 Act, section 134(2). “Prescribed” is defined in section 60(2). Section 60(2) was amended by the 1985 Act, section 134(2).

(2) 1988 c. 52.

(3) 1981 c. 14; section 61(2) was amended by the 1985 Act, Schedule 8.

(4) S.I. 1981/257; relevant amending instruments are S.I. 1982/1058, 1986/1812, 1989/2359, 2002/335 and 2005/2986.

“ECE Regulation 36” means ECE Regulation No. 36 (uniform provisions concerning the construction of public service vehicles) which came into force on 1st March 1976 as an Annex to the UNECE Agreement;

“ECE Regulation No. 52” means ECE Regulation No. 52 (uniform provisions concerning the approval of M2 and M3 small capacity vehicles with regard to their general construction) which came into force on 1st November 1982 as an Annex to the UNECE Agreement;

“ECE Regulation No. 52.01” means ECE Regulation No 52 as amended by the 01 series of amendments on 12th September 1995;

“ECE Regulation No. 107” means ECE Regulation No. 107 (uniform provisions concerning the approval of M2 and M3 vehicles with regard to their general construction) which came into force on 18th June 1998 as an Annex to the UNECE Agreement;

“ECE Regulation No. 107.01” means ECE Regulation No. 107 as amended by the 01 series of amendments on 12th August 2004;

“ECE Regulation No. 107.02” means ECE Regulation No. 107 as amended by the 02 series of amendments on 10th November 2007;”;

(b) after the definition of “type approval certificate” insert—

““the UNECE Agreement” means the Agreement of the United Nations Economic Commission for Europe concluded at Geneva on 20th March 1958 as amended concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or used on wheeled vehicles and the conditions for the reciprocal recognition of approvals granted on the basis of these prescriptions, to which the United Kingdom is a party by virtue of an instrument of accession dated 14th January 1963 deposited with the Secretary General of the United Nations on 15th January 1963;”.

(3) In regulation 4A—

(a) that regulation shall be re-numbered as paragraph (1); and

(b) after that re-numbered paragraph insert—

“(2) The prescribed conditions as to the fitness of a vehicle contained in regulations 6 to 33 in Part 2 may alternatively be met by a vehicle satisfying such requirements of ECE Regulation 107.01 or 107.02 as apply to it.

(3) The prescribed conditions as to the fitness of a vehicle contained in regulations 13, 15 to 17, 20 to 28A and 31 in Part 2 may alternatively be met by a vehicle satisfying such requirements of ECE Regulation 52.01 as apply to it.”.

Signed by authority of the Secretary of State

29th January 2009

Jim Fitzpatrick
Parliamentary under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Public Passenger Vehicles Act 1981 requires that a vehicle adapted to carry more than eight passengers and used as a public service vehicle shall not be used on a road unless a certificate has been issued in respect of it indicating that the prescribed conditions of fitness have been fulfilled. The prescribed conditions of fitness may be found in Part 2 of the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981 (“the 1981 Regulations”).

Regulation 2 re-numbers regulation 4A of the 1981 Regulations as paragraph (1) of that regulation and then inserts paragraphs (2) and (3). These paragraphs provide that the specified requirements in Part 2 of the 1981 Regulations may alternatively be met by a vehicle satisfying the requirements of ECE Regulations No. 52.01 (concerning the approval of M2 and M3 small capacity vehicles with regard to their general construction), 107.01 or 107.02 (concerning the approval of M2 and M3 vehicles with regard to their general construction), as apply to it. It also inserts definitions of the ECE Regulations into regulation 3 of the 1981 Regulations.

An impact assessment has not been produced for this instrument as no impact on the costs of business, the public sector, third sector organisations, regulators or consumers is foreseen.

Copies of the ECE Regulations referred to in these Regulations can be obtained from the Stationery Office (telephone: 0870 2600 5522, website www.tsoshop.co.uk) or from the UNECE website <http://www.unece.org/trans/main/wp29/wp29regs101-120.html>.