
STATUTORY INSTRUMENTS

2015 No. 888

PUBLIC PASSENGER TRANSPORT

The Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) (Amendment) (England and Wales) Regulations 2015

<i>Made</i>	- - - -	<i>24th March 2015</i>
<i>Laid before Parliament</i>		<i>26th March 2015</i>
<i>Coming into force</i>	- -	<i>30th June 2015</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 24(1), 25(1) and 60(1) and (1A) of the Public Passenger Vehicles Act 1981(1) and after consultation with representative organisations in accordance with section 61(2) of that Act(2).

Citation, commencement and extent

1. These Regulations—
 - (a) may be cited as the Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) (Amendment) (England and Wales) Regulations 2015;
 - (b) come into force on 30th June 2015; and
 - (c) extend to England and Wales only.

Amendment of Regulations

2. The Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Regulations 1990(3) are further amended as follows.

- 3.—(1) Regulation 3 (interpretation) is amended as follows.

(1) 1981 c. 14. Section 24 was amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22), Schedule 3, paragraph 2 and Schedule 6. Section 25 was amended by the Transport and Works Act 1992 (c.42), section 61(3). Section 60 was amended by the Transport Act 1985 (c.67), section 134(1) and (2); and has effect as if Parts I and II of the 1985 Act were contained in the Public Passenger Vehicles Act 1981 by virtue of section 134(1) of the 1985 Act. The powers conferred on the Secretary of State in relation to Scotland were transferred to Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

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

(3) S.I. 1990/1020. Amending instruments are S.I. 1995/186, 2002/1724 and 2013/1865.

- (2) In paragraph (1)—
- (a) for the definition of “the 1995 Act”, substitute—
 - ““the 2010 Act” means the Equality Act 2010(4);”;
 - (b) for the definition of “assistance dog”, substitute—
 - ““assistance dog” means a dog which has been trained—
 - (a) to guide a blind person;
 - (b) to assist a deaf person;
 - (c) by a specified charity to assist a person who has a disability for the purpose of section 6(1) of the 2010 Act that—
 - (i) consists of epilepsy; or
 - (ii) otherwise affects the person’s mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects;”;
 - (c) for the definition of “disabled person”, substitute—
 - ““disabled person” means a person who is a disabled person within the meaning of section 6 of the 2010 Act;”;
 - (d) omit the definitions of “guide dog” and “hearing dog”;
 - (e) after the definition of “scheduled service”, insert—
 - ““specified charity” means each of the following charities—
 - (a) “Dogs for the Disabled” registered with the Charity Commission under registration number 1092960;
 - (b) “Dogs for the Disabled” registered with the Charity Commission under registration number 700454;
 - (c) “Support Dogs” registered with the Charity Commission under registration number 1017237; and
 - (d) “Canine Partners for Independence” registered with the Charity Commission under registration number 803680;”;
 - (f) omit the definition of “ticket”.

4.—(1) Regulation 4 (the conduct of drivers, inspectors and conductors) is amended as follows.

- (2) For paragraphs (1) and (2), substitute—
- “(1) The driver of a vehicle in motion must not—
 - (a) subject to paragraph (3), speak directly to any person on board, or
 - (b) hold a microphone or anything attached to a microphone,
 unless it is necessary for him to do so, either in an emergency or on grounds of safety.”
 - (3) For paragraph (3), substitute—
 - “(3) The driver of a vehicle in motion may—
 - (a) speak to a relevant person in relation to the operation of the vehicle, or
 - (b) on a relevant service, make short statements from time to time indicating the location of the vehicle or relating to operational matters,
 provided that the driver can do so without being distracted from driving the vehicle.”

- 5.—(1) Regulation 5 (the conduct of drivers, inspectors and conductors) is amended as follows.
- (2) For paragraph (3), substitute—
- “(3) A driver, inspector or conductor shall, if requested to do so by a constable or other person having reasonable cause, give his name and the name of the person by whom he is employed.”
- (3) Omit paragraphs (4) and (6).
- (4) In paragraph (7), omit “, a guide dog or a hearing dog”.
- 6.—(1) Regulation 6 (the conduct of passengers) is amended as follows.
- (2) Omit paragraph (1)(d), (e) and (f).
- (3) In paragraph (3), omit “, a guide dog or a hearing dog”.
- (4) In paragraph (3A), omit “, guide dog or hearing dog”.
- 7.—(1) Regulation 7 (the conduct of passengers) is amended as follows.
- (2) In paragraphs (1) and (5), for the word “ticket” in each place in which it appears, substitute the words “travel mandate”.
- (3) For paragraph (2)(b)(i), substitute—
- “(i) save as provided in sub-paragraph (ii), as soon as reasonably practicable after boarding the vehicle—
- (aa) pay to the driver the fare for the journey he intends to take;
- (bb) if the vehicle is provided with fare-collection equipment, other than smart equipment, insert in that equipment the money or token required to pay the fare;
- (cc) if he claims to be entitled to any statutory travel concession, or other concession, in respect of the fare, produce to the driver the statutory travel concession permit, or other permit, issued to him in respect of that concession;
- (dd) if the vehicle is provided with smart equipment and any condition of carriage of the operator requires a passenger to present a smart medium which has been issued to that passenger, comply with that condition and any direction as to that requirement given by the driver, an inspector or by any notice displayed on the vehicle; or”.
- (4) In paragraph (2)(b)(ii), omit “shall”.
- (5) For paragraph (2)(c), substitute—
- “(c) “(c) where the vehicle is being operated by the driver with a conductor—
- (i) pay the fare for the journey which he intends to take, is taking, or has taken in the vehicle to the conductor,
- (ii) if he claims to be entitled to any statutory travel concession, or other concession, in respect of the fare, produce to the conductor the statutory travel concession permit, or other permit, issued to him in respect of that concession,
- immediately on being requested to do so by the conductor or an inspector;”.
- (6) For paragraph (2)(e), substitute—
- “(e) “(e) produce during his journey any travel mandate which authorises him to take that journey for inspection by the driver, inspector or conductor on being requested to do so by the driver, inspector or conductor; and”.
- (7) For paragraph (2)(f), substitute—
- “(f) “(f) as soon as he has completed the journey in respect of which he has paid the fare, produced a permit or presented a smart medium, either—

- (i) leave the vehicle; or
 - (ii) pay the fare, produce a permit or present a smart medium in respect of any further journey which he intends to take on the vehicle.”
- (8) After paragraph (5) add—
- “(6) For the purposes of this regulation—
- “present” means—
- (a) insert a smart medium in,
 - (b) swipe a smart medium against,
 - (c) touch a smart medium upon, or
 - (d) otherwise apply a smart medium to,
- smart equipment, in a manner which enables the smart medium to interact with the smart equipment;
- “smart equipment” means any electronic equipment which is capable of interacting with any smart medium for the purpose of—
- (a) authorising a passenger to take the journey which that passenger intends to take;
 - (b) paying the fare for that journey; or
 - (c) evidencing entitlement to any concession in respect of that fare;
- “smart medium” means any electronically enabled medium capable of interacting with smart equipment;
- “statutory travel concession” means any concession to which the holder of any statutory travel concession permit is entitled;
- “statutory travel concession permit” means a statutory travel concession permit within the meaning of section 145A(3) or 145B(11) of the Transport Act 2000(5); and
- “travel mandate” means—
- (a) a smart medium, or
 - (b) a ticket, a statutory travel concession permit, or other permit, none of which is a smart medium,
- together with any related form of identification.”

Signed by authority of the Secretary of State

24th March 2015

Kramer
Minister of State
Department for Transport

(5) 2000 c. 38. Section 145A was substituted, for section 145 as originally enacted, by the Concessionary Bus Travel Act 2007 (c. 13), section 1. Section 145B was inserted by the 2007 Act, Schedule 2, paragraphs 10 and 11.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Regulations 1990 (S.I. 1990/1020) (“the 1990 Regulations”).

Regulation 3 amends regulation 3 of the 1990 Regulations by omitting out-of-date and substituting new definitions.

Regulation 4 amends regulation 4 of the 1990 Regulations by omitting unnecessary repetition and enabling drivers to use hands-free microphones.

Regulation 5 amends regulation 5 of the 1990 Regulations by omitting redundant provisions.

Regulation 6 amends regulation 6 of the 1990 Regulations by omitting redundant provisions.

Regulation 7 amends regulation 7 of the 1990 Regulations by adding provisions which recognise the introduction of travel concessions and electronic methods of fare payment. These provisions extend the types of conduct on the part of passengers which may constitute an offence under section 25 of the Public Passenger Vehicles Act 1981. A person who contravenes, or fails to comply with, a provision of regulations having effect by virtue of section 25 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk.