

1978 No. 1684

## ROAD TRAFFIC

**The Public Service Vehicles (Lost Property) Regulations 1978***Made* - - - - 23rd November 1978*Laid before Parliament* 6th December 1978*Coming into Operation* 1st January 1979

The Secretary of State for Transport, in exercise of the powers conferred by section 160 of the Road Traffic Act 1960(a), and now vested in him(b), and of all other enabling powers, and after consultation with representative organisations in accordance with section 260(2) of that Act, hereby makes the following Regulations:—

*Commencement and citation*

1. These Regulations shall come into operation on 1st January 1979 and may be cited as the Public Service Vehicles (Lost Property) Regulations 1978.

*Revocation and saving*

2. The Regulations specified in Schedule 1 are hereby revoked, but without prejudice to the operation of section 38 of the Interpretation Act 1889(c) (which relates to the effect of repeals) as it applies for the purposes of these Regulations by virtue of Regulation 3(5), the said revocation shall not affect—

- (a) the operation of these Regulations before the date of coming into operation of these Regulations, or the validity after that date of anything done or suffered under those Regulations.
- (b) the right of a conductor to an award under Regulations 8 and 11 of the 1934 Regulations in relation to property handed to an operator or his representative before that date;
- (c) the right of a person who establishes to the satisfaction of the operator or his representative his ownership of any property, claimed in pursuance of Regulation 9 of the 1934 Regulations before that date, to have the property returned to him on payment of a fee in accordance with the said Regulation 9.

*Interpretation*

3.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“operator” means, in relation to a vehicle, or to any property accidentally

(a) 1960 c. 16.

(b) S.I. 1970/1681.

(c) 1889 c. 63.

left in a vehicle, the person providing the service upon which the vehicle is being used as a public service vehicle;

“owner” means in relation to any property which is the subject of an agreement for hire, hire-purchase or loan, the person entitled to possession of the property under that agreement and the expressions “owned” and “ownership” shall be construed accordingly;

“vehicle” means a public service vehicle;

“the 1934 Regulations” means the Public Service Vehicles (Lost Property) Regulations, 1934(a).

(2) Any reference in these Regulations to the conductor of a vehicle shall, as respects a vehicle which has no conductor, be construed as a reference to the driver of the vehicle.

(3) Any reference in these Regulations to any enactment or instrument shall be construed, unless the context otherwise requires, as a reference to that enactment or instrument as amended, re-enacted or replaced by any subsequent enactment or instrument.

(4) Any reference in these Regulations to a numbered Regulation or Schedule is a reference to the Regulation or Schedule bearing that number in these Regulations except where otherwise expressly provided.

(5) The Interpretation Act 1889 shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament and as if, for the purposes of Section 38 of that Act, these Regulations were an Act of Parliament and the Regulations revoked by Regulation 2 were Acts of Parliament thereby repealed.

#### *Application of Regulations*

4.—(1) Subject to paragraph (2) below, these Regulations apply in relation to the safe custody and redelivery or disposal of property accidentally left in any vehicle whether before or after these Regulations come into operation.

(2) These Regulations do not apply in relation to the safe custody and redelivery or disposal of any property accidentally left in a vehicle belonging to and under the control of the London Transport Executive.

#### *Lost property to be handed to conductor*

5. Any person who finds property accidentally left in a vehicle shall immediately hand it in the state in which he finds it to the conductor of the vehicle or, where this is not practicable, deliver it to the operator's lost property office.

#### *Search of vehicles for lost property and delivery to operator or his representative*

6.—(1) Immediately before, or on, the termination of any journey of a vehicle the conductor of the vehicle shall search the vehicle so far as practicable for any property accidentally left in the vehicle.

(2) The conductor of a vehicle to whom any property is handed, in accordance with Regulation 4 of the 1934 Regulations or Regulation 5 above, or who himself finds any property in a vehicle shall, as soon as possible and in any case within 24 hours (unless the property has been returned to its owner under paragraph (3) below), deliver the property for safe custody in the state in which it came into his possession to the operator of the vehicle or his representative.

(3) If any such property as is referred to in paragraph (2) above is claimed by a person who satisfies the conductor that he is the owner of the property, it shall be returned to that person forthwith, without charge, on that person giving his name and address to the conductor who shall, as soon as may be, report the facts and give the claimant's name and address and a description of the property to the operator or his representative.

*Safe custody and recording of property*

7.—(1) An operator's representative to whom any property is delivered in pursuance of the 1934 Regulations or these Regulations, shall either (a) within 48 hours deliver it to the operator in the state in which he received it, together with particulars of the property the circumstances in which it was found and the name of the conductor into whose possession it first came, or (b) forward to the operator such particulars as aforesaid and the address of the place at which he has custody of the property.

(2) Any operator or any operator's representative to whom any property is delivered under these Regulations or the 1934 Regulations shall keep it in safe custody until it is returned to its owner or otherwise disposed of in pursuance of these Regulations:

Provided that:—

- (a) official documents, including licences passports and alien's identity books, shall wherever practicable be returned forthwith to the appropriate government department, local authority or other body or person responsible for issuing or for controlling or dealing with them;
- (b) where the name and address of a person who may be the owner of any property other than the documents referred to in the preceding proviso are readily ascertainable, the operator or his representative shall forthwith notify him that the property is in his possession and may be claimed in accordance with these Regulations.

(3) An operator to whom particulars of any property are given under paragraph (1) of this Regulation or Regulation 6 of the 1934 Regulations shall, whether or not the property is delivered to him, keep for a period of not less than twelve months a record of such particulars and the ultimate disposal of each item of property under these Regulations or the 1934 Regulations, and such record shall at all reasonable times during the said period be available for inspection by a constable or any person authorised in that behalf by the traffic commissioners for the area in which the record is kept.

*Return of lost property to owner on payment of charges*

8. If any property accidentally left in a vehicle is claimed while it is in the custody of an operator or his representative, and the claimant gives his

name and address and satisfies such operator or representative that he is the owner thereof, it shall thereupon be returned to him on payment to such operator or representative of a charge of the amount specified, or at the rate specified, in column (2) of Schedule 2 for property of that kind.

*Disposal of property by operator or his representative*

**9.**—(1) If any such property in the custody of an operator or his representative is not claimed within one month of the date when it was delivered to the operator or his representative in pursuance of the 1934 Regulations or these Regulations, and proved to the satisfaction of the operator or his representative to be owned by the claimant, or if the claimant shall refuse or neglect to pay to the operator or his representative the charge specified in Schedule 2 for property of that kind or to take delivery of the property, then the property shall thereupon vest in the operator who shall (save in the case of money) without undue delay, sell the property:

Provided that—

- (a) property the value of which in the opinion of the operator or his representative exceeds 50p and any property which for any reason in the opinion of the operator or his representative should be retained for a longer period than one month, shall not vest in the operator and shall not be disposed of until the expiration of such longer period, not being less than three months, as the operator or his representative may think fit;
  - (b) any official documents which it has not been practicable to return to the appropriate body or person in accordance with provisions (a) of Regulation 7, and any other documents which have not been claimed by a person entitled, in accordance with these Regulations, to their return within the period of three months specified above, shall be dealt with or disposed of in such manner as the operator may deem appropriate.
- (2) Where property vests in an operator in accordance with paragraph (1) above, he may dispose of the property (in the case of money) or the proceeds of sale as he thinks fit.

*Perishable property*

**10.** Notwithstanding the foregoing provisions of these Regulations, if any property held by an operator or his representative under these Regulations appears to such operator or representative to be of a perishable nature, and if, within 48 hours from the time when it was found, it has not been claimed and proved to the satisfaction of such operator or representative to be owned by a person who has paid the charge payable under Regulation 8 and taken delivery of the property, then the property shall thereupon vest in the operator who may destroy or otherwise dispose of it as he thinks fit.

Provided that any property which is, or which becomes, objectionable may be destroyed or disposed of at any time in the discretion of the operator or his representative having custody of it.

*Cost of packing and carriage*

**11.** Where any property is to be forwarded to a claimant by the operator or his representative all costs of packing and carriage reasonably incurred shall be paid in advance by the claimant to the operator or his representative.

*Examination of property*

12. Where any property is contained in a package, bag or other receptacle the operator or his representative may cause such receptacle to be opened and the contents examined, or require any claimant to open it and submit it and its contents for examination, if the operator or his representative deems it necessary for the purpose—

- (a) of identifying and tracing the owner of the property, or
- (b) of ascertaining the nature of the contents or valuing the property.

*William Rodgers,*  
Secretary of State for Transport.

23rd November 1978.

## SCHEDULE 1

## REGULATIONS REVOKED BY REGULATION 2

Title	Year and number
The Public Service Vehicles (Lost Property) Regulations, 1934 ...	S.R. & O. 1934/1268.
The Public Service Vehicles (Lost Property) (Amendment) Regulations, 1958 ... ..	S.I. 1958/2262.
The Public Service Vehicles (Lost Property) (Amendment) Regulations, 1960 ... ..	S.I. 1960/2397.

## SCHEDULE 2

## CHARGES PAYABLE UNDER REGULATION 8 BEFORE DELIVERY OF PROPERTY TO OWNER

(1) Article	(2) Amount
1. Handbag or purse (including contents if any) not containing money. Glove or pair of gloves. Key or bunch of keys. Hat. Mackintosh (Plastic or nylon). Scarf. Book. Smokers' requisites. Spectacles or sunglasses. Umbrella. Walking Stick. Article of small value.	50p
2. Money, purse, handbag or other receptacle (including contents if any) containing money.	10% of value of money, subject to a minimum charge of 50p and a maximum of £20
3. Pushchairs or perambulator or baby buggy. Items of clothing not being articles of small value and not otherwise specified.	£1
4. Livestock. Pet or other animal.	£1
5. Additional daily charge for keeping animal.	£1
6. Article, not otherwise provided for, of value not exceeding £50.	£2.50
7. Article, not otherwise provided for, of value exceeding £50.	£5

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations make provision as respects property accidentally left in or on public service vehicles. They replace with amendments the Regulations specified in Schedule 1. The principal changes are:—

- (1) the provision in Regulations 8 and 9 of the Regulations of 1934 for an award to the conductor to whom the property is first handed or who finds the property is not reproduced;
- (2) the provision in Regulation 9 of those Regulations for the charge to be paid by the owner of the property on its return to be calculated by reference to the value of the property, is replaced (in Regulation 8 of these Regulations) by a provision for the payment of a specified charge or a charge at a specified rate for articles of descriptions specified in Schedule 2 or where no description is specified of an amount related to the value of the article;
- (3) the amount of the charges is increased.

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