

1986 No. 1629

PUBLIC PASSENGER TRANSPORT

The Public Service Vehicles (Traffic Commissioners: Publication and Inquiries) Regulations 1986

Made - - - - 22nd September 1986

Laid before Parliament 2nd October 1986

Coming into Operation 26th October 1986

The Secretary of State for Transport, in exercise of the powers conferred by sections 5(1) and (2)(b), 54(3), (4), (5) and (6), 56(1) and 60(1) of the Public Passenger Vehicles Act 1981(a), and of all other enabling powers, and after consultation with representative organisations in accordance with section 61(2) of the said Act of 1981(b) and with the Council on Tribunals in accordance with section 10(1) of the Tribunals and Inquiries Act 1971(c), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Public Service Vehicles (Traffic Commissioners: Publication and Inquiries) Regulations 1986 and shall come into operation on 26th October 1986.

Interpretation

2. In these Regulations:

“the 1981 Act” means the Public Passenger Vehicles Act 1981;

“the 1985 Act” means the Transport Act 1985(d);

“Notices and Proceedings” has the meaning given in regulation 3 of these Regulations; and

“traffic regulation conditions” has the meaning given in section 7(1) of the 1985 Act.

(a) 1981 c.14; sections 5 and 54 were substituted respectively by sections 3(2) and 4 of the Transport Act 1985 (c.67); section 56(1) was applied by section 126(3) of, and amended by paragraph 4(16) of Part II of Schedule 2 and paragraph 21(8) of Schedule 7 to, that Act; and section 60(1) was amended by section 134 of, and by paragraph 4(18) of Part II of Schedule 2 and paragraph 21(9) of Schedule 7 to, that Act.

(b) Section 61(2) was amended by section 135(1) of the Transport Act 1985.

(c) 1971 c.62.

(d) 1985 c.67.

Notices and Proceedings

3. Every traffic commissioner shall publish not less frequently than once a fortnight a statement to be known as “Notices and Proceedings” which shall include the following:

- (1) (a) in respect of any registration under section 6 of the 1985 Act which has not been cancelled prior to publication, a notice containing —
 - (i) the name and address of the person who made the application and the serial number allocated to the registration by the traffic commissioner;
 - (ii) the starting date of the service;
 - (iii) the terminal points of the service;
 - (iv) a description of the route by reference to the principal places served;
 - (v) an indication of the frequency of the service and of the days on which it will run; and
 - (vi) the types of vehicle to be used;
- (b) in respect of a variation or cancellation under section 6 of the 1985 Act of such a registration, a notice containing —
 - (i) the name and address of the person who made the application and the serial number allocated to the registration by the traffic commissioner;
 - (ii) details of the variation in the registered particulars, or a statement of the cancellation of the registration; and
 - (iii) the effective date of the variation or cancellation;
- (2) in respect of PSV operators’ licences, notices as to —
 - (a) applications for the grant of such licences (including names and addresses of applicants) and decisions on such applications;
 - (b) the exercise of any of the traffic commissioner’s powers under section 17(1) or (2) of the 1981 Act (revocation, suspension etc. of licences) (a);
 - (c) the exercise of any of the traffic commissioner’s powers under section 16(1), (3), (5) or (6) of the 1981 Act (b) or section 26(1), (3) or (5) of the 1985 Act (conditions attached to licences); and
 - (d) the exercise of the traffic commissioner’s powers under section 28(1) of the 1985 Act (disqualification of PSV operators);
- (3) in respect of any determination under section 111 of the 1985 Act (unregistered and unreliable local services: reduction of fuel duty grant), a notice containing —
 - (a) the name of the operator; and
 - (b) a statement as to whether the determination is that the operator failed to operate a local service registered under section 6 of the 1985 Act, or to a significant extent operated a local service in contravention of that section; and

(a) Section 17(1) was amended by paragraph 4(8) of Part II of Schedule 2 to the Transport Act 1985.

(b) Section 16 was amended by paragraph 4(7) of Part II of Schedule 2 and paragraph 21(4) of Schedule 7 to the Transport Act 1985.

(4) a notice as to the date and place at which he proposes to hold any inquiry into any application or proposal under the 1981 Act or the 1985 Act.

4.—(1) Copies of “Notices and Proceedings” shall be made available by the traffic commissioner by whom they were issued for inspection at his offices free of charge.

(2) The fee for any copy of “Notices and Proceedings” supplied pursuant to section 5(2)(b) of the 1981 Act shall be £2.50.

Records

5. Every traffic commissioner shall keep:

(1) a duplicate copy of every licence granted by him under the 1981 Act or the 1985 Act, together with a record of the period of its validity and any change in that period;

(2) a record of every condition (including traffic regulation conditions) attached to any such licence and the date of any alteration thereto or removal thereof;

(3) a record of all traffic regulation conditions determined by him; and

(4) a record of the prescribed particulars of all services registered with him under section 6 of the 1985 Act, and of all variations and cancellations of such registrations.

Postponing or adjourning inquiries

6. The publication of the date of any inquiry shall not prevent a traffic commissioner from postponing or adjourning the consideration of any matter to an inquiry at a later date.

Attendance at inquiries

7. A traffic commissioner may restrict in such manner as he directs attendance of the public at any inquiry so far as that inquiry relates to the financial position of any person, provided that a member of the Council on Tribunals or its Scottish Committee shall be entitled to attend notwithstanding that attendance is restricted.

Costs of inquiries

8.—(1) Subject to paragraph (3) of this regulation, the circumstances in which a traffic commissioner may make an order pursuant to section 54(5) of the 1981 Act as to the payment of costs by a party to an inquiry are that the party has been responsible for frivolous, vexatious, improper or unreasonable conduct in relation to the inquiry.

(2) The maximum amount of costs that may be ordered to be paid under such an order shall be the sum of £125 in respect of each day or part of a day on which the inquiry is held or would have been held if it had not been cancelled or postponed at short notice due to the act or default of the party against whom the order for payment of costs is made.

(3) A traffic commissioner may not make an order as to the payment of costs by a party without first giving that party an opportunity of making representations against the making of the order.

Consequential amendments

9.—(1) In regulation 2(1) of the Public Service Vehicles (Traffic Regulation Conditions) Regulations 1986(a), there shall be substituted, in the definition of “Notices and Proceedings”, for the words “regulation 3 of the Public Service Vehicles (Road Service Licences and Express Services) Regulations 1980”, the words “regulation 2 of the Public Service Vehicles (Traffic Commissioners: Publication and Inquiries) Regulations 1986”.

(2) In rule 2(1) of the Transport Tribunal Rules 1986(b), there shall be substituted in sub-paragraph (b) of the definition of “relevant publication”, for the words “regulation 7 of the Public Service Vehicles (Road Service Licences and Express Services) Regulations 1980”, the words “regulation 3 of the Public Service Vehicles (Traffic Commissioners: Publication and Inquiries) Regulations 1986”.

John Moore,

Secretary of State for Transport.

22nd September 1986.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations make provision with respect to the publication of “Notices and Proceedings” by traffic commissioners and to inquiries. The provisions include —

(1) the publication of “Notices and Proceedings”, the contents of which should include specified details relating to registrations under section 6 of the Transport Act 1985, PSV operators’ licences, determinations under section 111 of the 1985 Act (unregistered and unreliable local services: reduction of fuel duty grant), and notices of the dates and places at which inquiries are to be held (regulation 3);

(2) a requirement that copies of “Notices and Proceedings” be available for inspection at the offices of the traffic commissioners (regulation 4(1));

(3) the fee of £2.50 for the supply of a copy of “Notices and Proceedings” (regulation 4(2));

(4) the records traffic commissioners are required to keep (regulation 5);

(5) the circumstances in which attendance of the public at inquiries can be restricted (regulation 7);

(6) the circumstances in which traffic commissioners can order a party to pay costs incurred by them or the Secretary of State in connection with an inquiry, and the maximum amount of such costs (regulation 8); and

(7) certain amendments consequential on the provision for the publication of “Notices and Proceedings” appearing in these Regulations (regulation 9).

(a) S.I. 1986/1030.

(b) S.I. 1986/1547.

SI 1986/1629
ISBN 0-11-067629-7



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