
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations re-enact with amendments the Public Service Vehicles (Conduct of Drivers, Conductors and Passengers) Regulations 1936 as amended.

2. The duty of a conductor to take whatever steps are necessary to enforce the provisions of the regulations relating to the conduct of passengers to the best of his ability is replaced by a duty on a driver, inspector or conductor to take all reasonable steps to ensure compliance with such provisions.

3. The requirement that the driver and conductor behave in a civil and orderly manner is omitted as uncivil and disorderly conduct on their part could constitute offences under the Public Order Act 1986 (c. 64). Requirements that the driver and conductor shall not cause the vehicle to remain stationary longer than reasonably necessary except at permitted places are omitted as following the repeal of s.3(4) of the Road Traffic Regulation Act 1984 (c. 27) traffic regulation orders made by local authorities under the 1984 Act may impose prohibitions or restrictions on waiting by public service vehicles. The requirement that drivers and conductors shall not deceive or refuse to inform any passenger as to the destination or route of the vehicle or the fare is also omitted.

4. The requirement that the conductor ensure the display of details of the service is omitted as the Public Service Vehicles (Registration of Local Services) Regulations 1986 (S.I. 1986/1671), lay such a requirement on operators of “services” (local services which are neither London local services nor services provided where a railway service has been temporarily interrupted).

5. The requirement that drivers or conductors shall not obstruct or neglect to give information and assistance to persons having authority to examine the vehicle is omitted. Section 8(2) of the Public Passenger Vehicles Act 1981 (c. 14) makes it an offence to intentionally obstruct certifying officers or public service vehicle examiners.

6. The requirement that the driver shall not when the vehicle is in motion speak to any person except where necessary on safety grounds (provided that wireless telegraphy communications on operational matters or in an emergency are permitted) is replaced. The new requirements are that the driver shall not when his vehicle is in motion hold a microphone unless it is necessary to speak into it in an emergency or on safety grounds, or speak directly or through a microphone to any other person. It is provided that the prohibition on speaking directly or through a microphone shall not prevent a driver from—

- (a) speaking in circumstances when he must do so because of an emergency or on safety grounds; or
- (b) speaking to fellow employees etc about the operation of the vehicle without being distracted from his driving.

In addition the driver of a “relevant service” is not prevented from making short statements from time to time indicating the location of the vehicle or on operational matters, again without being distracted. The definition of “relevant service” excludes an excursion or a tour.

7. The requirement that drivers and conductors shall not smoke in or on a vehicle during a journey or when it has passengers on board is replaced by a requirement that drivers, conductors or inspectors shall not smoke in or on a vehicle except—

- (a) when the vehicle is not available for the carriage of passengers and in any part of the vehicle where smoking is not prohibited; and

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(b) with the permission of the operator and the agreement of the hirer when the vehicle is hired as a whole.

8. Requirements that passengers shall not use obscene or offensive language or conduct themselves in a riotous or disorderly manner or that they shall not spit upon or from or wilfully damage, soil or defile any part of the vehicle are omitted, as such conduct could constitute offences under either the Public Order Act 1986 or the Criminal Damage Act 1971 (c. 48).

9. The requirement that passengers shall not travel on the upper deck of a vehicle unless they are seated is omitted as the Public Service Vehicles (Carrying Capacity) Regulations 1984 (S.I. 1984/1406), provide that no person shall stand on the upper deck of a double-decked public service vehicle.

10. New requirements for passengers are as follows.

(a) A passenger shall not without reasonable cause, obstruct the driver's vision or give any signal which might reasonably be interpreted by the driver as a signal to stop the vehicle in an emergency.

(b) A passenger may not remain on a vehicle when directed to leave by the driver, inspector or conductor on the ground that he has been causing a nuisance.

11. The requirement that passengers shall not use or operate noisy instruments is replaced by a requirement that passengers shall not play or operate musical instruments or sound reproducing equipment to the annoyance of any person on the vehicle or in a manner likely to cause annoyance to such a person.

12. A requirement that passengers shall not travel in any vehicle with loaded firearms is omitted, as such conduct could constitute an offence under the Firearms Act 1968 (c. 27).

13. The requirements concerning passengers with bulky articles etc or animals are amended. Passengers with such articles or animals must put them where directed if so directed. If they are requested to remove them from the vehicle they must remove them. The bearer of a card issued by the Guide Dogs for the Blind Association who has a guide dog with him however is not obliged to remove the dog if requested unless there are already two or more dogs on the vehicle or, in the case of a single-decked vehicle of less than 8.5 metres length, there is already one dog or more than one dog on the vehicle.

14. The requirement that no passenger shall without reasonable excuse leave or attempt to leave a vehicle without having paid the fare for the journey he has taken is replaced by a new requirement as follows. A passenger who has failed to pay his fare before the end of his journey shall pay it to the driver, inspector or conductor on request and in any case before he leaves the vehicle unless otherwise agreed.

15. There are other minor and drafting amendments, and a consequential amendment in the Community Bus Regulations 1986 (S.I. 1986/1245).

Changes to legislation:

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