

**2005 No. 2986**

**ROAD TRAFFIC**

**The Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification)(Amendment)(No. 3) Regulations 2005**

<i>Made</i> - - - -	<i>27th October 2005</i>
<i>Laid before Parliament</i>	<i>2nd November 2005</i>
<i>Coming into force</i> - -	<i>12th December 2005</i>

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

In accordance with section 61(2) of the Public Passenger Vehicles Act 1981 and section 195(2) of Road Traffic Act 1988 he has consulted 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) (No.3) Regulations 2005 and shall come into force on 12th December 2005.

**Modification of the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations**

2. After regulation 4, in Part II, of the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981(c) there shall be added—

**“Alternative prescribed conditions**

**4A.** The prescribed conditions as to the fitness of a vehicle contained in Part II may alternatively be met by a vehicle satisfying the requirements in such of the Annexes to Directive 2001/85/EC of the European Parliament and of the Council of 20 November 2001, relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the drivers seat, and amending Directives 70/156/EEC and 97/27/EC(d), as apply to it.”.

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(a) 1981 c.14; section 6 was amended by the Road Traffic (Consequential Provisions) Act 1988 (c.54), section 4 and Schedule 3, and by the Road Traffic Act 1991 (c.40), section 48 and Schedule 4 paragraph 14.  
(b) 1988 c. 52 to which there are amendments not relevant to these Regulations.  
(c) S.I. 1981/257, as amended by S.I. 1982/1058, 1989/2359, 1995/305 and 2002/335.  
(d) O.J. L 42 13.2.2002 p1.

Signed by authority of the Secretary of State

27th October 2005

*S.J. Ladyman*  
Minister 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 indicating that prescribed conditions of initial fitness have been fulfilled. These prescribed conditions may be found in Part II of the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981 (S.I.1981/257) (“the 1981 Regulations”).

It is necessary that the 1981 Regulations are modified so that requirements of Directive 2001/85/EC (OJ L42 13.2.2002 p1.) (“the Directive”) are offered as an alternative, as article 2 of the Directive provides that member States shall not refuse or prohibit sale or entry into service of a bus or coach, or of bodywork intended to be part of the bus or coach which may be type approved separately, if the requirements of the Directive and its Annexes are met.

*Regulation 2* provides that the requirements in Part II of the 1981 Regulations may alternatively be met by a vehicle satisfying such of the Annexes of the Directive as apply to it.

A Regulatory Impact Assessment has been produced and a copy placed in the library of both Houses of Parliament. It also covers the Public Service Vehicles Accessibility (Amendment) (No.3) Regulations 2005 (S.I. 2005/2988) and the Road Vehicles (Construction and Use) (Amendment) (No.3) Regulations 2005 (S.I. 2005/2987). Copies can be obtained from the Department for Transport, Great Minster House, 76 Marsham Street, London, SW1P 4DR. Alternatively, copies can be obtained from the Department’s website which is at [www.dft.gov.uk](http://www.dft.gov.uk). The Directive can be obtained from the Stationery Office (telephone: 0870 2600 5522, website: [www.tsoshop.co.uk](http://www.tsoshop.co.uk)).

This Explanatory Note incorporates the Transposition Note that would otherwise be required.

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