

2009 No. 365

PUBLIC PASSENGER TRANSPORT

The Section 19 Permit Regulations 2009

Made - - - - *21st February 2009*

Laid before Parliament *27th February 2009*

Coming into force - - *6th April 2009*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 21, 23A(1) and 134 of the Transport Act 1985(a), section 60(2) and (7) of the Local Transport Act 2008(b) and sections 52(1) and 60 of the Public Passenger Vehicles Act 1981(c).

Representative organisations have been consulted in accordance with section 61(2) of the Public Passenger Vehicles Act 1981(d).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Section 19 Permit Regulations 2009 and shall come into force on 6th April 2009.

(2) These Regulations extend to England, Scotland and Wales.

Interpretation

2.—(1) In these Regulations—

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

“the 1985 Act” means the Transport Act 1985;

“the 1988 Act” means the Road Traffic Act 1988(e);

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- (a) 1985 c.67. Sections 19 to 22 were amended by sections 57 to 59 of the Local Transport Act 2008 (c.26) and section 23A was inserted by section 60 of that Act.
- (b) 2008 c.26.
- (c) 1981 c.14. Section 126 of the Transport Act 1985 provides that the power in section 52(1) of the Public Passenger Vehicles Act 1981 (fees for grant of licences etc.) applies to applications for, and the grant of, permits under section 19 or 22 of the Transport Act 1985. Section 52(1)(a) was amended by the Transport Act 1985, section 3(5) and Schedule 2, Part 2, paragraph 4(1) and (14)(a). There are other amendments to section 52(1) which are not relevant to these Regulations. Section 134 of the Transport Act 1985 provides that section 60 of the Public Passenger Vehicles Act 1981 (general power to make regulations for purposes of Act) has effect as if Parts 1 and 2 of the Transport Act 1985 were contained in the Public Passenger Vehicles Act 1981. The powers in section 60 of the Public Passenger Vehicles Act 1981 apply therefore to the making of these Regulations. Section 60 was amended by the Deregulation and Contracting Out Act 1994, section 66(5); the Transport Act 1985, sections 3(5), 134(1) and (2)(a) to (c) and 139(2) and (3) and Schedule 2, Part 2, paragraph 4(1) and (18), Schedule 7, paragraph 21(1) and (9) and Schedule 8. There are other amendments to section 60 which are not relevant to these Regulations.
- (d) As a consequence of the matters described in footnote (c), the requirements in section 61 of the Public Passenger Vehicles Act 1981 (exercise of regulation making powers and parliamentary control thereof) apply to the making of these Regulations. Section 61(2) was amended by the Transport Act 1985, sections 135(1) and 139(3) and Schedule 8.
- (e) 1988 c.52.

“the 1986 Regulations” means the Road Vehicles (Construction and Use) Regulations 1986(a);

“corresponding disc” means the disc issued with a permit, in accordance with regulation 9, bearing the same serial number as that permit;

“corresponding permit” means the permit granted in accordance with regulation 8 which bears the same serial number as the disc issued with that permit;

“designated body” means a body designated in an order made under section 19(7) of the 1985 Act(b);

“holder” means a body to which a permit has been granted;

“issuing body” means the traffic commissioner or, as the case may be, designated body which granted a permit and issued a corresponding disc;

“large bus permit” means a permit granted in accordance with regulation 8 which authorises the use of a large bus;

“public service vehicle other than a bus” means a public service vehicle adapted to carry not more than eight passengers; and

“standard permit” means a permit granted in accordance with regulation 8 which authorises the use of a small bus or a public service vehicle other than a bus.

(2) For the purposes of regulations 3 to 5—

- (a) “full licence”(c) and “Northern Ireland licence”(d) have the meaning given in section 108 of the 1988 Act;
- (b) “PCV Community licence”(e) and “passenger-carrying vehicle”(f) have the meaning given respectively in sections 110 and 121 of the 1988 Act;
- (c) expressions relating to vehicle categories have the meaning given in regulation 4(2)(a) and (b) of the Motor Vehicles (Driving Licences) Regulations 1999(g);
- (d) a person holds a valid full licence granted under Part 3 of the 1988 Act authorising the driving of motor vehicles included in any category or sub-category if that person is authorised to drive such vehicles under section 88(1) of that Act(h).

Conditions to be fulfilled by driver of large bus

3. Any person who drives a large bus while it is being used under a permit must hold—

- (a) a licence to drive a passenger-carrying vehicle,
- (b) a PCV Community licence, or

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- (a) S.I. 1986/1078. There are amending instruments and those which are relevant to this instrument are footnoted to the relevant reference.
 - (b) See the Section 19 Minibus (Designated Bodies) Order 1987 (S.I. 1987/1229), amended by S.I. 1990/1708, 1995/1540 and 1997/535.
 - (c) This definition was inserted by the Road Traffic (Driver Licensing and Information Systems) Act 1989, section 7 and Schedule 3, paragraph 15(c).
 - (d) This definition was inserted by the Road Traffic (Driver Licensing and Information Systems) Act 1989, section 7 and Schedule 3, paragraph 15(e) and amended by the Crime (International Co-operation) Act 2003, section 91(1) and Schedule 5, paragraphs 17 and 25(b).
 - (e) The original section 110 was repealed by the Road Traffic (Driver Licensing and Information Systems) Act 1989, sections 1 and 16 and Schedule 6 and the present section inserted by section 2(1) of, and Schedule 2 to, that Act. This definition was inserted by the Driving Licences (Community Driving Licence) Regulations 1996 (S.I. 1996/1974), regulation 2 and Schedule 1, paragraph 20.
 - (f) The original section 121 was repealed by the Road Traffic (Driver Licensing and Information Systems) Act 1989, sections 1 and 16 and Schedule 6 and the present section inserted by section 2(1) of, and Schedule 2 to, that Act. This definition was amended by the Driving Licences (Community Driving Licence) Regulations 1996 (S.I. 1996/1974), regulation 2 and Schedule 1, paragraph 28(1) and (2)(d).
 - (g) S.I. 1999/2864; there are amending instruments but none is relevant.
 - (h) Section 88(1) was amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989, section 3(1) and (2); the Road Safety Act 2006, section 58(1); the Driving Licences (Community Driving Licence) Regulations 1996 (S.I. 1996/1974), regulation 2 and Schedule 1, paragraph 1(1) and (2); and the Driving Licences (Community Driving Licence) Regulations 1998 (S.I. 1998/1420), regulations 2 and 3(1) and (2).

(c) a Northern Ireland licence corresponding to a licence to drive a passenger-carrying vehicle, which authorises the driving of that vehicle.

Conditions to be fulfilled by driver of small bus

4.—(1) Any person who drives a small bus while it is being used under a permit and who is not the holder of—

- (a) a licence to drive a passenger-carrying vehicle,
- (b) a PCV Community licence, or
- (c) a Northern Ireland licence corresponding to a licence to drive a passenger-carrying vehicle,

which authorises the driving of that vehicle must, if that driver does not fulfil the conditions specified in paragraph (2), fulfil the alternative conditions specified in paragraph (3) and abide by the restrictions set out in paragraph (4).

(2) The conditions are that the driver—

- (a) was first granted a full licence under Part 3 of the 1988 Act authorising the driving of motor vehicles in category B (excepting a licence which only authorises the driving of vehicles in sub-category B1) before 1st January 1997; and
- (b) is the holder of a valid full licence under that Part of that Act authorising the driving of motor vehicles in category B (excepting a licence which only authorises the driving of vehicles in sub-category B1) and sub-category D1 (not for hire or reward).

(3) The alternative conditions are that the driver—

- (a) is the holder of—
 - (i) a valid full licence granted under Part 3 of the 1988 Act,
 - (ii) a valid Northern Ireland licence corresponding to the licence described in subparagraph (a)(i), or
 - (iii) a valid Community licence, authorising the driving of motor vehicles in category B (excepting a licence which only authorises the driving of vehicles in sub-category B1);
- (b) has held such a licence for a period of, or periods amounting in aggregate to, not less than 2 years;
- (c) is aged 21 years or over;
- (d) if aged 70 years or over, is not suffering from a relevant disability in respect of which the Secretary of State would have to refuse that person a licence authorising the driving of vehicles of a class included in sub-category D1; and
- (e) receives no payment or other consideration for driving the vehicle other than out-of-pocket expenses.

(4) The restrictions are that the vehicle—

- (a) must not have a trailer attached;
- (b) must, in a case where the driver's licence only authorises the driving of vehicles with automatic transmission, be fitted with automatic transmission; and
- (c) must satisfy the weight restrictions specified in section 18(4) of the 1985 Act^(a).

(5) For the purposes of this regulation—

- (a) “Community licence”^(b) has the meaning given in section 108 of the 1988 Act; and

^(a) Section 18(4) was inserted by the Driving Licences (Community Driving Licence) Regulations 1996 (S.I. 1996/1974), regulation 4 and Schedule 3, paragraph 1(1) and (3).

^(b) This definition was amended by the Driving Licences (Community Driving Licence) Regulations 1996 (S.I. 1996/1974), regulation 2 and Schedule 1, paragraph 19(1) and (2)(b).

- (b) “relevant disability”(a) has the meaning given in section 92 of the 1988 Act.

Conditions to be fulfilled by driver of public service vehicle other than a bus

5.—(1) Any person who drives a public service vehicle other than a bus while it is being used under a permit and who is not the holder of—

- (a) a licence to drive a passenger-carrying vehicle,
- (b) a PCV Community licence, or
- (c) a Northern Ireland licence corresponding to a licence to drive a passenger-carrying vehicle,

which authorises the driving of that vehicle, must fulfil the conditions specified in paragraph (2).

(2) The conditions are that the driver must—

- (a) hold a valid full licence granted under Part 3 of the 1988 Act authorising the driving of motor vehicles in category B (excepting a licence which only authorises the driving of vehicles in sub-category B1);
- (b) have held such a licence for a period of, or periods amounting in aggregate to, not less than 2 years; and
- (c) be aged 21 years or over.

Conditions of fitness for use of small bus

6.—(1) A small bus used under a permit must comply with the conditions of fitness specified in—

- (a) regulations 41 to 43 of the 1986 Regulations(b); or
- (b) alternatively, if the vehicle was first used before 1st April 1988, regulations 6 to 33, 35 to 44 and 45A of the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981(c).

(2) For the purpose of this regulation the date on which a vehicle is first used is to be determined in accordance with regulation 3(3) of the 1986 Regulations.

Fees

7. Subject to regulation 10(6) and 11(9) the fee for the grant of a permit by a traffic commissioner is—

- (a) £20 for a large bus permit; or
- (b) £11 for a standard permit.

Permits

8.—(1) A permit granted on or after 6th April 2009 must be granted for a period not exceeding five years.

(2) Such a permit must contain—

- (a) the expiry date of the permit;

(a) The definition of “disability” in section 92 of the 1988 Act, which is relevant to this definition, was amended by the Driving Licences (Community Driving Licence) Regulations 1996 (S.I. 1996/1974), regulation 2 and Schedule 1, paragraph 3(1) and (2).

(b) Regulation 41A was inserted by the Road Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 2005 (S.I. 2005/2987), regulations 2 and 3; there are other amending instruments but none is relevant.

(c) S.I. 1981/257, amended by S.I. 1982/1058, regulations 4 to 9; 1989/2359, regulations 4 to 6; 1995/305, regulation 3; 2002/335, regulations 2 and 4 to 10; and 2005/3128, regulation 2(1); there are other amending instruments but none is relevant.

- (b) an indication that, in the case of a permit granted by a traffic commissioner, it was so granted;
- (c) the identity of the designated body that granted the permit, in a case where it was granted by such a body;
- (d) the name of the body to whom the permit was granted;
- (e) the date on which the permit was granted;
- (f) the serial number of the permit;
- (g) an indication as to whether the permit is—
 - (i) a large bus permit; or
 - (ii) a standard permit;
- (h) details of any conditions attached to the permit under section 19(7) or 20(4) of the 1985 Act; and
- (i) an indication of the classes of persons set out in column 2 of the table who may be carried in a vehicle when it is being used under the permit, by reference to the corresponding letter code in column 1.

Table

<i>1</i>	<i>2</i>
A	Members of the body holding the permit.
B	Persons whom the body exists to benefit, and persons assisting them.
C	Disabled persons or persons who are seriously ill, and persons assisting them.
D	Pupils or students of any school, college, university or other educational establishment and staff or other helpers accompanying them.
E	Persons living within a geographically defined local community, or group of such communities, whose public transport needs are not met other than by virtue of services provided by the body holding the permit.
F	Any other class of persons specified in the permit.

(3) For the purposes of this regulation, “disabled person” has the meaning given in section 1 of and Schedule 1 to the Disability Discrimination Act 1995(a).

Discs

9.—(1) Where an issuing body grants a permit that issuing body must, at the same time, issue a corresponding disc.

- (2) Such a disc must contain—
 - (a) the expiry date of the corresponding permit;
 - (b) an indication, in the case of a disc whose corresponding permit was granted by a traffic commissioner, that it was so granted;
 - (c) the identity of the designated body that granted the corresponding permit, where it was granted by such a body;
 - (d) the name of the body to whom the corresponding permit was granted;
 - (e) the date on which the corresponding permit was granted;
 - (f) the serial number; and
 - (g) the appropriate letter codes as referred to in regulation 8(2)(i) indicating the classes of persons who may be carried in any vehicle when it is being used under the corresponding permit.

(a) 1995 c.50, amended by the Disability Discrimination Act 2005 (c.13) sections 18 and 19, Schedule 1, Part 1, paragraphs 1 and 36 and Schedule 2. There are other amendments but none is relevant.

(3) The corresponding disc for a large bus permit must be coloured red and contain the words “large bus disc”.

(4) The corresponding disc for a standard permit must be coloured purple and contain the words “standard disc”.

(5) A legible disc must, at all times when a vehicle is being used under the corresponding permit, be affixed inside the vehicle in such place that the disc—

- (a) does not interfere with the ability of the driver of the vehicle to drive that vehicle safely; and
- (b) can easily be seen and read in daylight from outside the vehicle.

Replacement of certain permits and discs which are lost or destroyed

10.—(1) If a permit granted on or after 6th April 2009, or a corresponding disc, is lost or destroyed the holder must immediately give notice of that fact to the issuing body which granted the permit or issued the disc.

(2) When giving notice under paragraph (1) the holder must—

- (a) surrender to the issuing body any corresponding disc or corresponding permit which has not been lost or destroyed; and
- (b) indicate whether the holder wishes the issuing body to issue a replacement permit.

(3) Where notice is given under paragraph (1) and the issuing body is satisfied that the permit or disc has been lost or destroyed, the issuing body may, if requested to do so under paragraph (2)(b), issue the holder with a replacement permit and corresponding disc.

(4) A replacement permit and corresponding disc issued by virtue of paragraph (3) must bear the same expiry date as the permit and disc which they replace.

(5) If, at any time after notice has been given under paragraph (1), the permit or disc notified as having been lost or destroyed comes into the possession of the holder, the holder must immediately return that permit or disc to the issuing body which granted or issued it.

(6) Regulation 7 does not apply to a replacement permit issued by a traffic commissioner under paragraph (3).

Revocation of permits granted before 6th April 2009 which are lost or destroyed

11.—(1) If a permit granted before 6th April 2009, or a corresponding disc, is lost or destroyed the holder must immediately give notice of that fact to the issuing body which granted the permit or issued the disc.

(2) When giving notice under paragraph (1) the holder must—

- (a) surrender to the issuing body any corresponding disc or corresponding permit which has not been lost or destroyed; and
- (b) indicate whether the holder wishes the issuing body to grant a new permit.

(3) Where notice is given under paragraph (1) and the issuing body is satisfied that the permit has been lost or destroyed, the issuing body may, if requested to do so under paragraph (2)(b), grant a new permit and issue a corresponding disc.

(4) Where the holder requests a new permit under paragraph (2)(b), the revocation date of the permit which has been lost, destroyed, or surrendered to the issuing body is either—

- (a) the date on which the issuing body grants a new permit and issues a corresponding disc; or
- (b) the date on which the issuing body notifies the holder of the decision not to grant a new permit.

(5) Where the holder does not request a new permit under paragraph (2)(b), the revocation date of the permit which has been lost, destroyed, or surrendered to the issuing body is the date on which the notice given under paragraph (1) is received by the issuing body.

(6) A new permit granted by virtue of paragraph (3) must comply with regulation 8, and the corresponding disc must comply with regulation 9.

(7) If, at any time after notice has been given under paragraph (1), the permit or disc notified as having been lost or destroyed comes into the possession of the holder, the holder must immediately return that permit or disc to the issuing body which granted or issued it.

(8) In this regulation the “revocation date” is the revocation date for the purposes of section 60(2) of the Local Transport Act 2008.

(9) Regulation 7 does not apply to a new permit granted by a traffic commissioner under paragraph (3).

Return of permits and discs

12. Where a permit ceases to have effect for one of the reasons described in section 20(7) of the 1985 Act, the holder must return the permit and corresponding disc to either—

- (a) the traffic commissioner who or, as the case may be, designated body which revoked the permit; or
- (b) where the permit was granted by a designated body which has ceased to be so designated, the traffic commissioner for the traffic area in which any vehicle was last used under the permit.

Transitional provisions

13.—(1) Any 1981 Act permit is deemed to have been granted under section 19 of the 1985 Act and any disc issued with such a permit is deemed to have been issued under these Regulations.

(2) A 1981 Act permit only authorises the use of the vehicle specified in it.

(3) Where a 1981 Act permit—

- (a) was granted by a local authority, and
- (b) authorises the use of a large bus,

that permit, and any disc issued with it, are deemed to have been granted and issued respectively by the traffic commissioner for the traffic area in which the vehicle authorised to be used under that permit is ordinarily kept.

(4) A permit, or 1981 Act permit, granted before 6th April 2009 authorising the use of a small bus is, if still in force on that date, deemed to be a standard permit, and any disc issued with it is deemed to bear the words “standard disc”.

(5) For the purposes of this regulation, a “1981 Act permit” means a permit granted under section 42 of the 1981 Act^(a) and, in this context, “permit” does not have the meaning given in section 19(1) of the 1985 Act.

Revocation

14. The Regulations listed in the Schedule are revoked.

Signed by authority of the
Secretary of State for Transport

Paul Clark
Parliamentary Under Secretary of State
Department for Transport

21st February 2009

(a) Section 42 was repealed by the Transport Act 1985, section 139(3) and Schedule 8. Permits issued under that section at the time of its repeal were continued in force by virtue of regulation 10 of the Minibus and Other Section 19 Permit Buses Regulations 1987 (S.I. 1987/1230), which these Regulations revoke.

SCHEDULE
REVOCATIONS

Regulation 14

<i>Regulations revoked</i>	<i>References</i>
The Minibus and Other Section 19 Permit Buses Regulations 1987	S.I. 1987/1230
The Minibus and Other Section 19 Permit Buses (Amendment) Regulations 1996	S.I. 1996/3088
The Minibus and Other Section 19 Permit Buses (Amendment) Regulations 1997	S.I. 1997/2916
The Minibus and Other Section 19 Permit Buses (Amendment) Regulations 2007	S.I. 2007/691

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Minibus and Other Section 19 Permit Buses Regulations 1987. They apply to any vehicle used under a section 19 permit and to the drivers of such vehicles. A section 19 permit is a permit granted under section 19 of the Transport Act 1985 (“the 1985 Act”) under which certain educational and other bodies may carry their members and certain other people on a public service vehicle without having to satisfy the usual public service vehicle operator licensing requirements. Such vehicles may not be used to carry members of the general public and must not be used with a view to profit. Permits may be granted by traffic commissioners, or by bodies designated for this purpose in an order made under section 19(7) of the 1985 Act.

Provisions in the Local Transport Act 2008 amended section 19 of the 1985 Act so as to enable public service vehicles with fewer than 9 passenger seats to be used under a section 19 permit. As a result of these amendments there are two classes of permit: a large bus permit, which authorises the use of a large bus (a vehicle adapted to carry more than sixteen passengers), and a standard permit which authorises the use of a small bus (a vehicle adapted to carry more than eight but not more than sixteen passengers) or a public service vehicle other than a bus (a vehicle adapted to carry fewer than nine passengers).

Regulations 3 to 5 prescribe the conditions that must be met by the drivers of large buses, small buses and public service vehicles other than buses when used under a permit.

Regulation 6 prescribes the conditions of fitness to be satisfied by a small bus used under a permit.

Regulation 7 prescribes the fee to be paid to the traffic commissioner for the grant of a permit. The fee for a standard permit is £11, and for a large bus permit is £20. The fees were last increased on 1st April 2007. Where permits are granted by a designated body, it is for that body to decide whether to charge a fee, and the level of any such fee. No fee is charged for the provision of either a replacement or new permit by the traffic commissioners for permits which are lost or destroyed.

Regulation 8 prescribes the information which such a permit must contain. Amendments to the 1985 Act made by the Local Transport Act 2008 empower the Secretary of State to limit the validity of section 19 permits to a period not exceeding five years. Regulation 8(1) provides for all section 19 permits granted on or after 6th April 2009 to be so limited.

Regulation 9 specifies that a corresponding disc, with an identical serial number, must be issued with every permit. Such a disc must be displayed in the vehicle which is being used to provide a service under a permit, and contain the information prescribed in this regulation.

Regulations 10 to 12 prescribe the procedure to be followed where a permit or disc is lost or destroyed, or when a permit needs to be returned to the issuing body. Where a permit or disc granted or issued before 6th April 2009 is lost or destroyed, the permit is to be revoked and any new permit will be valid only for a period not exceeding five years.

Regulation 13 contains transitional provisions, and *regulation 14* revokes The Minibus and Other Section 19 Permit Buses Regulations 1987, together with three amending instruments. These instruments are listed in the Schedule to these Regulations.

An impact assessment has been prepared and copies can be obtained from the Department for Transport, Great Minster House, 76 Marsham Street, London, SW1P 4DR. The assessment is annexed to the Explanatory Memorandum which can be found alongside the instrument on the Office of Public Sector Information website (www.opsi.gov.uk).

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