

2009 No. 366

PUBLIC PASSENGER TRANSPORT

The Community Bus 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 23(2), (3) and (8), 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 Community Bus 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 1985 Act” means the Transport Act 1985;

(a) 1985 c.67. Section 23 was amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989, sections 7 and 16, Schedule 3 paragraph 5 and Schedule 6; the Driving Licences (Community Driving Licence) Regulations 1996, S.I. 1996/1974, regulation 4 and Schedule 3 paragraph 2; and section 59 of the Local Transport Act 2008 (c.26). 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), 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.

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

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

“corresponding disc” means the disc issued with a permit, in accordance with regulation 10, bearing the same serial number as that permit;

“corresponding permit” means the permit granted in accordance with regulation 9 which bears the same serial number as the disc issued with that permit;

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

“large bus” means a vehicle adapted to carry more than sixteen passengers;

“permit” means a community bus permit(c); and

“small bus” means a vehicle adapted to carry more than eight but not more than sixteen passengers.

(2) For the purposes of regulations 3 and 4—

(a) “full licence”(d) and “Northern Ireland licence”(e) have the meaning given in section 108 of the 1988 Act;

(b) “PCV Community licence”(f) and “passenger-carrying vehicle”(g) 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(h);

(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(i).

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

(c) a Northern Ireland licence corresponding to a licence to drive a passenger-carrying vehicle,

which authorises the driving of that vehicle.

(a) 1988 c.52.

(b) S.I. 1986/1078. There are amending instruments and those which are relevant to this instrument are footnoted to the relevant reference.

(c) The term “community bus permit” is defined in section 22(1) of the Transport Act 1985.

(d) This definition was inserted by the Road Traffic (Driver Licensing and Information Systems) Act 1989, section 7 and Schedule 3, paragraph 15(c).

(e) 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).

(f) 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.

(g) 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).

(h) S.I. 1999/2864; there are amending instruments but none is relevant.

(i) 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).

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

(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).

(c) 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).

Conditions of fitness for use of small bus

5.—(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(a); 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(b).

(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.

Attaching conditions to permits: large buses

6.—(1) A traffic commissioner who granted a permit may at any time attach to it a condition restricting the use of any large bus, or any large bus of a specified description, under the permit.

(2) A condition imposed by virtue of paragraph (1) may, in particular, prohibit the use of any large bus, or any large bus of a specified description, under the permit unless the traffic commissioner is satisfied that adequate facilities or arrangements are in place for maintaining any large bus, or any large bus of the specified description, in a fit and serviceable condition.

(3) In this regulation, “specified” means specified in the permit.

Return of permits for conditions to be attached

7.—(1) A holder must, on receipt of a written notice from the traffic commissioner who granted the permit, produce the permit to the traffic commissioner so that—

- (a) traffic regulation conditions(c), or
- (b) conditions imposed by virtue of regulation 6,

can be attached to that permit.

(2) Notice under paragraph (1) may be given by—

- (a) delivering it to the holder by hand;
- (b) delivering it by post to the proper address of the holder;
- (c) leaving it at the proper address of the holder;
- (d) transmitting it, subject to paragraph (3), in electronic format to the proper address of the holder; or
- (e) any other means as may be agreed between the holder and the traffic commissioner.

(3) A document may be transmitted in electronic format only where the holder—

- (a) has indicated in writing to the traffic commissioner, and has not subsequently withdrawn the indication, that receipt of notices in electronic format will be accepted; and
- (b) has provided the traffic commissioner with the fax number, e-mail address or other electronic address to which such notices may be sent.

(4) For the purposes of this regulation the proper address of the holder will be—

- (a) where the holder has provided the traffic commissioner with an address for postal service or hand delivery, that address in relation to postal service or hand delivery;

(a) 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.

(b) 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.

(c) The term “traffic regulation conditions” is defined in section 7(1) of the Transport Act 1985. This section was amended by section 50 of the Local Transport Act 2008.

- (b) where the holder has provided the traffic commissioner with an electronic address described in paragraph (3)(b), that address in relation to transmission in electronic format;
- (c) where the holder has provided the traffic commissioner with an address for the service of notices by any other means, that address in relation to such other means; and
- (d) otherwise—
 - (i) in the case of a corporation, the registered or principal office of the corporation; and
 - (ii) in any other case, the last known address of the permit holder.

(5) Subject to paragraph (6), on receipt of a notice issued under paragraph (1) the holder must, within 14 days of the date on which the notice is received, produce the permit to the traffic commissioner at the address specified in the notice.

(6) The 14 day period referred to in paragraph (5) excludes any day which is Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(a).

(7) Where, in response to a notice issued under paragraph (1), the holder sends the permit by post, the permit is not to be treated as having been produced until it is received by the traffic commissioner.

Fee

8. Subject to regulation 11(6) and 12(9) the fee for the grant of a permit is £55.

Permits

9.—(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;
- (b) the name of the body to whom the permit has been granted;
- (c) the date on which the permit was granted;
- (d) the serial number of the permit;
- (e) details of any conditions imposed under section 23(3) of the 1985 Act; and
- (f) details of any applicable traffic regulation conditions.

Discs

10.—(1) Where a traffic commissioner grants a permit, that traffic commissioner must, at the same time, issue a corresponding disc.

(2) Such a disc must contain—

- (a) the expiry date of the corresponding permit;
- (b) the name of the holder of the corresponding permit;
- (c) the date on which the corresponding permit was granted;
- (d) the serial number; and
- (e) an indication, where applicable, that conditions have been attached to the corresponding permit under section 23(3) of the 1985 Act.

(3) A disc issued under paragraph (1) must contain the words “Community Bus Disc”.

(4) 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) 1971 c.80.

- (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

11.—(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 traffic commissioner who granted the permit or issued the disc.

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

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

(3) Where notice is given under paragraph (1) and the traffic commissioner is satisfied that the permit or disc has been lost or destroyed, the traffic commissioner 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 traffic commissioner who granted or issued it.

(6) Regulation 8 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

12.—(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 traffic commissioner who granted the permit or issued the disc.

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

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

(3) Where notice is given under paragraph (1) and the traffic commissioner is satisfied that the permit or disc has been lost or destroyed, the traffic commissioner 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 traffic commissioner is either—

- (a) the date on which the traffic commissioner grants a new permit and issues a corresponding disc; or
- (b) the date on which the traffic commissioner 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 traffic commissioner is the date on which the notice given under paragraph (1) is received by the traffic commissioner.

(6) A new permit granted by virtue of paragraph (3) must comply with regulation 9, and the corresponding disc must comply with regulation 10.

(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 traffic commissioner who 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 8 does not apply to a new permit granted under paragraph (3).

Surrender of permits and discs

13. Where a permit is revoked under section 23(6) of the 1985 Act, or if the holder ceases to operate local services under the permit, the holder must immediately surrender the permit and corresponding disc to the traffic commissioner who granted and issued them.

Revocation

14. The Regulations listed in the Schedule are revoked.

Signed by authority of the
Secretary of State for Transport

21st February 2009

Paul Clark
Parliamentary Under Secretary of State
Department for Transport

SCHEDULE

Regulation 14

REVOCATIONS

<i>Regulations revoked</i>	<i>References</i>
The Community Bus Regulations 1986	S.I. 1986/1245
The Community Bus (Amendment) Regulations 1996	S.I. 1996/3087
The Community Bus (Amendment) Regulations 1997	S.I. 1997/2917
The Community Bus (Amendment) Regulations 2008	S.I. 2008/1465

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Community Bus Regulations 1986. They apply to any vehicle used under a community bus permit (granted under section 22 of the Transport Act 1985 (“the 1985 Act”)) and to the drivers of such vehicles. The term community bus service is defined in section 22(1) of the 1985 Act as a local service (as defined in section 2 of that Act) provided by a body which is concerned for the social and welfare needs of one or more communities. Such services must be provided without a view to profit.

Provisions in the Local Transport Act 2008 relaxed the restrictions which apply to the provision of community bus services in two particular respects. First, the restriction on the use of vehicles adapted to carry more than sixteen passengers was removed so that services can be provided under a community bus permit using either a small bus (a vehicle adapted to carry more than eight but not more than sixteen passengers) or a large bus (a vehicle adapted to carry more than sixteen passengers). Secondly, the prohibition on certain drivers of such vehicles from being paid was removed.

Regulations 3 and 4 prescribe the conditions which must be met by the drivers of small buses and large buses when used under a permit.

Regulation 5 prescribes the conditions of fitness to be satisfied by a small bus used under a permit. No such conditions of fitness are prescribed for a large bus. A large bus must therefore satisfy the requirements of section 6 of the Public Passenger Vehicles Act 1981 (certificates of initial fitness).

Regulation 6 empowers a traffic commissioner to attach conditions to permits restricting the use of any large bus, or large bus of a specified description, under a permit.

Regulation 7 prescribes the procedure for permits to be returned to a traffic commissioner so that either traffic regulation conditions, or conditions imposed by virtue of regulation 6, can be attached to the permit.

Regulation 8 prescribes the fee to be paid for the grant of a permit, which is £55. The fee was last increased on 1st August 2008. No fee is charged for the provision of either a replacement or new permit where a permit or disc is lost or destroyed.

Regulation 9 prescribes the information which 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 community bus permits to a period not exceeding five years. Regulation 9(1) provides for all permits granted on or after 6th April 2009 to be so limited.

Regulation 10 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 under the corresponding permit, and contain the information prescribed in this regulation.

Regulations 11 to 13 prescribe the procedure to be followed when a permit or disc is lost or destroyed, or when a permit needs to be returned to the traffic commissioner. When 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 14 revokes The Community Bus Regulations 1986, 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).

STATUTORY INSTRUMENTS

2009 No. 366

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