

2019 No. 572

ROAD TRAFFIC

PUBLIC PASSENGER TRANSPORT

The Transport Act 1985 (Amendment) Regulations 2019

<i>Made</i> - - - -	<i>7th March 2019</i>
<i>Laid before Parliament</i>	<i>15th March 2019</i>
<i>Coming into force</i> - -	<i>1st October 2019</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a). The Secretary of State has been designated for the purposes of section 2(2) in relation to the carriage of passengers by road.

Citation and commencement

1. These Regulations—

- (a) may be cited as the Transport Act 1985 (Amendment) Regulations 2019; and
- (b) come into force on 1st October 2019.

Amendments of the Transport Act 1985

2.—(1) The Transport Act 1985(b) is amended as follows.

(2) In section 18 (exemption from PSV operator and driver licensing requirements of vehicles used under permits) —

- (a) in subsection (1)(a), after “use” insert “by an exempt body”;
- (b) in subsection (1)(b), after “use” insert “by an exempt body”;
- (c) in subsection (5)—
 - (i) at the end of the definition of “Community licence”, omit “and”;
 - (ii) after the definition of “Community licence”, insert—

““exempt body” means a body—

 - (a) to whom the 2009 Regulation does not apply because the body is not engaged (and does not intend to engage) in the occupation of road transport operator (as defined in the 2009 Regulation);

(a) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a); and by the European Union (Amendment) Act 2008 (c.7), Schedule, Part 1.

(b) 1985 c.67; sections 18 to 23A were amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22), sections 7 and 16, Schedule 3, paragraphs 4 and 5 and Schedule 6; the Driving Licences (Community Driving Licence) Regulations 1996 (S.I. 1996/1974) regulation 4, Schedule 3, paragraphs 1(2), 1(3) and 2; and the Local Transport Act 2008 (c.26) sections 57(1), (2), (3)(a), 3(b), 3(c), (4), (5), (6)(a), (7) and (8), 58(1), (2), (3), (4), (5)(a), (5)(b) and (6), 59(1), (2), (3), (4) and (5), 60(1) and 131 and Schedule 7, Part 3.

- (b) to whom the 2009 Regulation does not apply by virtue of Article 1(4)(b) of the 2009 Regulation (non-commercial purposes or main occupation not road passenger transport operator); or
 - (c) who satisfies the requirements of Article 1(5)(b) of the 2009 Regulation (minor impact on the transport market because of the short distances involved);”;
 - (iii) at the end of the definition of “small bus”, insert—
 - “; and
 - “the 2009 Regulation” means Regulation (EC) No. 1071/2009(a) of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC(b);”;
 - (d) after subsection (5), insert—
 - “(6) For the purposes of paragraph (c) of the definition of “exempt body”, the circumstances in which a body engaged exclusively in national transport operations (within the meaning of the 2009 Regulation) is to be taken to satisfy the requirements of Article 1(5)(b) of that Regulation include (but are not limited to) a case where, except on an occasional basis—
 - (a) each service operated by the body using a public service vehicle under a permit is operated within a radius of ten miles from a place specified by that body upon applying for the grant (or variation) of that permit; or
 - (b) in respect of each service operated by the body using a public service vehicle under a permit, the distance from the first place where any passenger using that service is taken up to the last place where any passenger using that service is set down, is not more than ten miles, measured in a straight line.”.
- (3) In section 19 (permits in relation to use of public service vehicles by educational and other bodies)—
- (a) in subsection (1), after the definition of “bus” insert—
 - ““exempt body” has the same meaning as in section 18 of this Act;”;
 - (b) in subsection (1), in the definition of “permit”, after “granted” insert “to an exempt body”;
 - (c) in subsections (2)(a) and (3), for “a body”, substitute “an exempt body”;
 - (d) in subsection (3), for “other body”, substitute “other exempt body”;
 - (e) in subsections (4), (5) and (7), for “any body”, substitute “any exempt body”;
 - (f) in subsection (7)—
 - (i) for “bodies”, substitute “exempt bodies”;
 - (ii) in paragraph (a), for “classes of body” substitute “classes of exempt body”;
 - (iii) in paragraph (c), for “the body” substitute “the designated body”;
 - (g) in subsections (8) and (9), for “A body”, substitute “An exempt body”.
- (4) In section 20 (further provision with respect to permits under section 19)—
- (a) in subsection (7), at the end of paragraph (b) insert—
 - “; or
 - (c) it ceases to have effect under subsection (8) or (9) below”;
 - (b) after subsection (7) insert—
 - “(8) A permit granted at any time to an exempt body ceases to have effect on the date on which the body ceases to be an exempt body.

(a) OJ No L 300, 14.11.2009, p51.
 (b) OJ No L 124, 23.05.1996, p.1.

(9) A permit granted before 1st October 2019 ceases to have effect on that date if the body to whom it was granted is not an exempt body on that date.”.

(5) In section 22 (community bus permits)—

(a) in subsection (1)—

(i) in the definition of “community bus service”, for “a body”, substitute “an exempt body”;

(ii) at the end of the definition of “community bus service”, omit “and”;

(iii) in the definition of “community bus permit”, after “granted” insert “to an exempt body”;

(iv) at the end of the definition of “community bus permit”, insert—

“; and

“exempt body” has the same meaning as in section 18 of this Act”;

(b) in subsection (4), for “A body”, substitute “An exempt body”.

(6) In section 23 (further provision with respect to community bus permits), after subsection (6), insert—

“(6A) A community bus permit shall remain in force until—

(a) it is revoked under subsection (6) above, or

(b) it ceases to have effect under subsection (6B) or (6C) below.

(6B) A community bus permit granted at any time to an exempt body ceases to have effect on the date on which the body ceases to be an exempt body.

(6C) A community bus permit granted before 1st October 2019 ceases to have effect on that date if the body to whom it was granted is not an exempt body on that date.”.

Review

3.—(1) The Secretary of State must from time to time—

(a) carry out a review of the regulatory provision contained in regulation 2, and

(b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 30th September 2024.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015(a) requires that a report published under this regulation must, in particular—

(a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph 1(a),

(b) assess the extent to which those objectives are achieved,

(c) assess whether those objectives remain appropriate, and

(d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(5) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

(a) 2015, c. 26.

Signed by authority of the Secretary of State for Transport

Nusrat Ghani
Parliamentary Under Secretary of State
Department for Transport

7th March 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend sections 18 to 23 (modification of PSV requirements in relation to vehicles used for certain purposes) of the Transport Act 1985 (“the 1985 Act”) in order to clarify the effect of Regulation (EC) No. 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (“the 2009 Regulation”).

Regulation 2(2) amends section 18 (exemption from PSV operator and driver licensing requirements of vehicles used under permits), which provides that section 12(1) of the Public Passenger Vehicles Act 1981 (licensing of operators in relation to the use of public service vehicles for the carriage of passengers) shall not apply to the use of any vehicle under a permit granted under section 19 (permits in relation to the use of public service vehicles by educational and other bodies) or section 22 (community bus permits).

The amendments clarify the effect of the 2009 Regulation by providing that section 18 only applies to a vehicle used by a body to whom the 2009 Regulation does not apply, including by virtue of Article 1(4)(b) or 1(5)(b) of the 2009 Regulation (“an exempt body”).

For the purpose of Article 1(5)(b), operations having only a minor impact on the transport market because of “the short distances involved” are defined non-exhaustively as services that (except on an occasional basis) operate within a radius of ten miles from a place designated by the operator or do not exceed ten miles, measured in a straight line, from the first place at which passengers are taken up to the last place at which passengers are set down.

Regulation 2(3) makes amendments to section 19 (permits in relation to the use of public service vehicles by educational and other bodies) which are consequential upon the amendments made by regulation 2(2).

Regulation 2(4) amends section 20 (further provision with respect to permits under section 19) such that a permit granted pursuant to section 19 ceases to have effect if the body to whom it has been granted ceases to be (or is not) an exempt body.

Regulation 2(5) makes amendments to section 22 (community bus permits) which are consequential upon the amendments made by regulation 2(2).

Regulation 2(6) amends section 23 (further provision with respect to community bus permits) such that a permit granted pursuant to section 22 ceases to have effect if the body to whom it has been granted ceases to be (or is not) an exempt body.

Regulation 3 requires the Secretary of State to review regulation 2 and publish a report within five years after 1st October 2019 and within every five years after that. Following a review it will fall to the Secretary of State to consider whether regulation 2 should remain as it is, or be revoked or be amended. Further legislation would be needed to revoke or amend regulation 2.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk.

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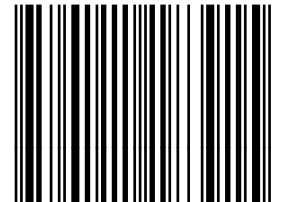
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