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STATUTORY INSTRUMENTS

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**1982 No. 1058**

**ROAD TRAFFIC**

**The Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) (Amendment) (No. 2) Regulations 1982**

<i>Made</i>	- - - -	<i>28th July 1982</i>
<i>Laid before Parliament</i>		<i>11th August 1982</i>
<i>Coming into Operation</i>		<i>2nd September 1982</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 40(1) and (3) of the Road Traffic Act 1972 and sections 6(1), 10(1) and 60(1) of the Public Passenger Vehicles Act 1981, and now vested in him<sup>(1)</sup>, and of all other enabling powers, and after consultation with representative organisations in accordance with section 199(2) of the said Act of 1972 and section 61(2) of the said Act of 1981, hereby makes the following Regulations:—

1. These Regulations shall come into operation on 2nd September 1982 and may be cited as the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) (Amendment) (No. 2) Regulations 1982.

2. The Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations<sup>(2)</sup> are further amended in accordance with the following provisions of these Regulations.

3. In Regulation 3 (Interpretation), in paragraph (1), after the definition of “the Commissioners” insert the following new definition:—

“‘crew seat’ means a seat fitted to a vehicle and intended for use by crew (other than the driver), including any arm rests and foot rest with which the vehicle is fitted in relation to the seat, and which complies with the requirements specified in Regulation 28A.”.

4. In Regulation 6 (Stability), in paragraph (1), in sub-paragraph (b) for the words “a driver, a full complement of passengers and a conductor (if carried)” substitute the words “a full complement of passengers, a driver, any crew for whom a crew seat is provided, and any conductor intended to be carried on the vehicle otherwise than in a crew seat”.

5. In Regulation 25 (Access to exits), in paragraph (2), after sub-paragraph (a) insert the following new sub-paragraph:—

“(aa) a crew seat occupied by crew; or”.

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(1) As regards 1972 c.20 by S.I. 1979/571 and 1981/238.  
(2) S.I. 1981/257, as amended by S.I. 1982/20.

6. In Regulation 26 (width of gangways)—

- (a) in paragraph (1), for the words “Subject to paragraph 11 of Schedule 2 and to paragraph (2)” substitute the words “Subject to paragraphs (2) and (3) and to paragraph 11 of Schedule 2”; and
- (b) after paragraph (2) add the following new paragraph:—

“(3) The provisions of paragraph (1)(c) and (g) do not apply as regards a crew seat occupied by crew.”.

7. In Regulation 28 (Seats), in paragraph (1), for the words “the following conditions shall be complied with” substitute the words “the following conditions shall, as regards every passenger seat, be complied with”.

8. After Regulation 28 insert the following Regulation:—

**“Crew seats**

**28A.**—(1) Every crew seat shall be so constructed and located that when it is in use—

- (a) the person by whom it is occupied—
  - (i) is adequately protected by means of arm rests from falling sideways either to the left or to the right,
  - (ii) may conveniently place his feet either on a deck of the vehicle or on a foot rest, and
  - (iii) does not impede the driving of the vehicle either by obstructing the driver's field of vision or otherwise; and
- (b) a space of at least 300 millimetres exists, along the whole width of the seat, between the foremost edge of the seat and any other part of the vehicle.

(2) Every crew seat shall be so constructed and located that when it is not in use—

- (a) no part of it impedes the driving of the vehicle either by obstructing the driver's field of vision or otherwise; and
- (b) every part of it which, when the seat is ready for or in use, protrudes into a gangway so that the provisions of Regulation 26(1)(c) and (g) are not complied with, is, as a result of automatic mechanism, retracted so that those provisions are complied with.

(3) The words “FOR CREW USE ONLY” shall be marked either on or near and in relation to every crew seat in letters not less than 10 millimetres tall and in a colour which contrasts with their background.

(4) The provisions of paragraph (1)(a) to (f) of Regulation 28 apply as respects a crew seat in the same manner as they apply as respects a seat to which that Regulation applies.”.

9. After Regulation 45 insert the following Regulation:—

**“Use of seats**

**45A.**—(1) No passenger shall be permitted to use a seat provided for a passenger unless it complies with the requirements specified in Regulation 28.

(2) No crew shall be permitted to use a crew seat unless it complies with the requirements specified in Regulation 28A.”.

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28th July 1982

*David Howell*  
Secretary of State for Transport

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## EXPLANATORY NOTE

1. These Regulations further amend the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981.
2. The amendments—
  - (a) define “crew seat” (Regulation 3);
  - (b) impose requirements as to the construction, location and use of crew seats (Regulation 8);
  - (c) in terms exclude use of passenger seats and crew seats which do not comply with the prescribed requirements (Regulation 9);
  - (d) require crew in a crew seat to be taken into account as regards the stability of a vehicle (Regulation 4); and
  - (e) make minor consequential amendments (Regulations 5, 6 and 7).