
STATUTORY INSTRUMENTS

2002 No. 1724

The Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) (Amendment) Regulations 2002

Further amendments

6. After regulation 10 there shall be inserted as Part IV the following new regulations—

“PART IV

The conduct of drivers and conductors of regulated public service vehicles with respect to wheelchair users and other disabled persons

Interpretation of Part IV

11. In this Part—

“Schedule 1” means Schedule 1 (wheelchair accessibility requirements) to the 2000 Regulations;

“Schedule 2” means Schedule 2 (general accessibility requirements for single-deck and double-deck buses) to the 2000 Regulations;

“Schedule 3” means Schedule 3 (general accessibility requirements for single-deck and double-deck coaches) to the 2000 Regulations;

a “Schedule 1 vehicle” means a regulated public service vehicle which is required to comply with the provisions of Schedule 1; and

a “Schedule 2 or 3 vehicle” means a regulated public service vehicle which is required to comply (as the case may be) with the provisions of either Schedule 2 or Schedule 3.

Duties towards wheelchair users of Schedule 1 vehicles

12.—(1) This regulation applies (subject to regulation 15(1) (duties requiring the proper functioning of equipment)) in relation to a driver and a conductor of a Schedule 1 vehicle.

(2) If there is an unoccupied wheelchair space on the vehicle, a driver and a conductor shall allow a wheelchair user to board if—

- (a) the wheelchair is of a type or size that can be correctly and safely located in that wheelchair space, and
- (b) in so doing, neither the maximum seating nor standing capacity of the vehicle would be exceeded.

(3) For the purpose of paragraph (2), a wheelchair space is occupied if—

- (a) there is a wheelchair user in that space; or
- (b) passengers or their effects are in that space and they or their effects cannot readily and reasonably vacate it by moving to another part of the vehicle.

- (4) A driver and a conductor shall ensure—
- (a) where the carriage of a portable ramp is required by Schedule 1, that a portable ramp is carried on the vehicle where the vehicle is operating on a local service or on a scheduled service;
 - (b) that any boarding lift, boarding ramp or portable ramp is in its normal position for vehicle travel and is securely stowed before the vehicle is driven;
 - (c) where the vehicle is operating on a local or a scheduled service and it is fitted with a boarding lift or a boarding ramp which, in order to comply with Schedule 1, requires a means of control for it to be capable of being operated manually in the event of a power failure, that such a separate means of control is carried on the vehicle;
 - (d) that wheelchair users can gain access into and can get out of a wheelchair space;
 - (e) before the vehicle is driven, that any wheelchair user is correctly and safely positioned in a wheelchair space and that any retractable rail (being a rail fitted in accordance with the requirements of paragraph 4(3)(b) of Schedule 1) or any similar device is in a position to restrict the lateral movement of the wheelchair; and
 - (f) where a wheelchair user using a wheelchair space faces the front of the vehicle, that the wheelchair restraint system is attached in accordance with the relevant instructions pursuant to paragraph 8(3) of Schedule 1.
- (5) If the vehicle has a seat in a wheelchair space which is capable of being quickly dismantled or removed, a driver and a conductor shall ensure that any such seat—
- (a) when it is not in use and is stowed on the vehicle, is safely stowed; and
 - (b) whenever it is in position for use within the wheelchair space, is secured.

Duties concerning kneeling systems etc towards disabled persons using Schedule 2 or 3 vehicles

13.—(1) This regulation (subject to regulations 15 (effects of faulty or malfunctioning equipment) and 17 (extent of driver's and conductor's duty)) applies in relation to a driver and to a conductor of a Schedule 2 and 3 vehicle where that vehicle is equipped with—

- (a) a kneeling system, or
- (b) a folding or retractable step.

(2) A driver and a conductor shall operate the kneeling system or the folding or retractable step—

- (a) whenever they consider that a disabled person will need the system to be operated or the step to be deployed, or
- (b) if requested to do so,

for the purpose of enabling that person to board or to alight from the vehicle, and in such a manner that the distance between the vehicle and the ground or the vehicle and the kerb is the minimum that is reasonably practicable.

(3) “Kneeling system” means any system which enables the bodywork of the vehicle to be lowered relative to its normal height of travel and a “folding or retractable step” means a step which can either fold or retract and which meets the requirements applicable to external steps pursuant to paragraph 4 of Schedule 2 or Schedule 3 (as the case may be).

(4) A driver and a conductor shall ensure that disabled persons who are not wheelchair users may, when boarding or alighting from the vehicle, use an entrance or an exit which

is provided in compliance with (as the case may be) the provisions of either Schedule 2 or Schedule 3.

General duties towards wheelchair users and other disabled persons

14.—(1) Where a wheelchair user wishes to board or to alight from a Schedule 1 vehicle, a driver and a conductor shall first safely deploy (subject to regulation 15(1) (duties requiring the proper functioning of equipment)) any boarding lift, boarding ramp or portable ramp in its correct operating position.

(2) Where a wheelchair user wishes to board or to alight from a Schedule 1 vehicle and requests assistance to do so, a driver and a conductor shall provide assistance to him.

(3) Where a disabled person who is not a wheelchair user wishes to board or to alight from a Schedule 2 or 3 vehicle and requests assistance to do so, a driver and a conductor shall provide assistance to him.

(4) Where a wheelchair user wishes to occupy a wheelchair space in a Schedule 1 vehicle which is fitted with a wheelchair user restraint, a driver and a conductor shall—

- (a) offer to provide such assistance as may be required so as to enable the wheelchair user to wear that restraint, and
- (b) in providing that assistance, apply (subject to regulation 15(1) (duties requiring the proper functioning of equipment)) the wheelchair user restraint only in accordance with the user instructions which are displayed pursuant to paragraph 8(3) of Schedule 1.

Effects of faulty or malfunctioning equipment

15.—(1) Where the fulfilment of a duty owed by a driver or a conductor under—

- (a) regulation 12 (duties towards wheelchair users of Schedule 1 vehicles),
- (b) regulation 13 (duties concerning kneeling systems etc towards disabled persons using Schedule 2 or 3 vehicles) or
- (c) regulation 14 (general duties towards wheelchair users and other disabled persons),

requires the use or operation of any equipment, kneeling system or folding or retractable step and there is a fault in, or a failure in the operation of, that equipment, system or step, the person owing the duty shall not permit a wheelchair user, or other disabled person or any other passenger to board or alight from the vehicle or (if already on board) to travel on the vehicle unless he is satisfied that such persons can do so in safety.

(2) A driver or a conductor shall not be considered to have failed to ensure fulfilment of the duty under either regulation 13(2) (duties concerning kneeling systems etc) or regulation 16 (display of route numbers etc) if, and to the extent that, the performance of that duty involves the proper functioning of equipment on the vehicle but there is a fault in, or a failure in the operation of, that equipment which prevents it being used.

(3) In this regulation—

“equipment” means any equipment fitted to a regulated public service vehicle in order to comply with Schedule 1, Schedule 2 or Schedule 3 and which a driver and a conductor must operate for the safe fulfilment of the relevant duty; and

“kneeling system or folding or retractable step” has the same meaning as in regulation 13(3).

Route numbers etc

16.—(1) Subject to regulation 15(2) (equipment failure preventing use), a driver and a conductor of a regulated public service vehicle shall ensure that—

- (a) a route number (if any) and a destination is displayed in the positions provided for such displays with respect to the vehicle in accordance (as the case may be) with either paragraph 8 of Schedule 2 or paragraph 7 of Schedule 3;
- (b) a route number and a destination displayed in accordance with sub-paragraph (a) which is required to be provided with a means of illumination shall have characters that are kept illuminated between sunset and sunrise; and
- (c) the vehicle shall at all times display the correct route number and destination.

(2) Sub-paragraphs (a) and (b) of paragraph (1) shall not apply to an emergency replacement vehicle or to a temporary service vehicle until 21 days has elapsed from the day when the vehicle is first used as an emergency replacement vehicle or as a temporary service vehicle, provided that—

- (a) the route number (if any) and a destination shall be displayed either on the front or on the nearside of the vehicle as close as practical to the foremost passenger entrance; and
- (b) the requirement of sub-paragraph (c) of paragraph (1) is complied with.

(3) In this regulation, “destination” and “route number” have the same meanings as in paragraph 7(6) of Schedule 3 to the 2000 Regulations and—

“emergency replacement vehicle” means a public service vehicle which has been brought into service on the route in question to provide emergency cover; and

“temporary service vehicle” means a public service vehicle which is in service on a temporary route or service.

Extent of driver’s and conductor’s duty

17.—(1) Where, in any of the preceding provisions of this Part, a duty is expressed to be owed by the driver and the conductor of a vehicle, but a function to be performed to fulfil that duty is, according to arrangements made by the operator of the vehicle, the responsibility of one only of them, then that one only, and not the other, owes that duty in relation to that function.

(2) The duties which a driver or a conductor owes under regulation 13 (duties concerning kneeling systems etc) and 14 (general duties towards wheelchair users and other disabled persons) are duties—

- (a) to take such care as in all the circumstances of the case is reasonable to see that the wheelchair user or other disabled person will be reasonably safe in boarding or in alighting from the vehicle, and
- (b) shall not oblige the person owing the duty to take any steps if, on reasonable grounds, he considers that—
 - (i) there will be a risk to his health, safety or security or to that of the wheelchair user or other disabled person or to that of any other passenger or member of the public; or
 - (ii) there will be a risk to the safety and security of the vehicle.

(3) The duties which a driver or a conductor owes under regulations 13 (duties concerning kneeling systems etc) and 14 (general duties towards wheelchair users and other disabled persons) are duties to operate the kneeling system or the folding or retractable

step, or to deploy the boarding lift, boarding ramp or portable ramp to the extent that it is practicable having regard to the construction of the vehicle and the condition of the road.”