



THE ROAD TRANSPORT ACT 2001

**THE PUBLIC PASSENGER VEHICLES
(CARRYING CAPACITY) REGULATIONS 2002**

Approved by Tynwald

20th March 2002

Coming into Operation

1st April 2002

In exercise of the powers conferred on the Department of Transport by section 46 of the Road Transport Act 2001¹, and of all other enabling powers, and after consultation with the Road Transport Licensing Committee and certain representative bodies in accordance with section 62(5) of that Act, the following Regulations are hereby made: —

PART I
PRELIMINARY

1. Citation and commencement

These Regulations may be cited as the Public Passenger Vehicles (Carrying Capacity) Regulations 2002 and, subject to section 62(6) of the Road Transport Act 2001, shall come into operation on 1st April 2002.

2. Interpretation

In these Regulations, unless the context otherwise requires, -

“the CEW Regulations” means the Road Vehicles (Construction, Equipment and Weights) Regulations 1998²;

“the LRV Regulations” means the Licensing and Registration of Vehicles Regulations 1989³;

“the M & U Regulations” means the Road Vehicles (Maintenance and Use) Regulations 1998⁴;

¹ 2001 c.27

² SD 346/98, to which SD 567/01 contains relevant amendments

³ GC 446/89

⁴ SD 345/98, to which SD 567/01 contains relevant amendments

“authorised examiner” means an examiner appointed by the Department and authorised for the purposes of —

- (a) regulation 10A of the LRV Regulations, and
- (b) these Regulations;

“certificate of approval” has the same meaning as in the LRV Regulations;

“certificate of initial fitness” means an IOM certificate of initial fitness or a GB certificate of initial fitness;

“gangway” and “half-decked vehicle” have the same meanings as in the Buses (Carriage of Passengers for Hire or Reward) (Construction and Use) Regulations 2001⁵;

“the Department” means the Department of Transport;

“GB certificate of initial fitness” means a certificate of initial fitness issued in Great Britain under the Public Passenger Vehicles Act 1981⁶ (an Act of Parliament) and having effect in the Island by virtue of the LRV Regulations;

“IOM certificate of initial fitness” means a certificate of initial fitness issued in the Island under the LRV Regulations;

“maximum laden weights”, in relation to a vehicle, means its maximum total laden weight and its maximum laden axle weights as defined in regulation 3(1) of the M & U Regulations;

“maximum seating capacity” or “maximum standing capacity”, in relation to a vehicle, means the maximum number of seated passengers, or the maximum number of standing passengers, as the case may be, which the vehicle is constructed or adapted and fit to carry, exclusive of the driver and any crew, and “respective capacity” shall be construed accordingly;

“used vehicle” means a vehicle which has been used to carry passengers for hire or reward prior to the first issue of a vehicle licence in respect of it under the LRV Regulations;

“wheelchair” for the purposes of regulations 4 and 7, shall also include stretchers;

“the VTC” means the Vehicle and Driver Testing Centre at Ballafletcher Road, Cronkbourne, Douglas; and

“vehicle” means a public passenger vehicle within the meaning of the Road Transport Act 2001.

⁵ SD 100/01

⁶ 1981 c.14

3. Application

These Regulations apply, -

- (a) except Part III, to vehicles which are buses or minibuses; and
- (b) except Part II and regulations 10 and 11, to all other vehicles.

PART II
CARRYING CAPACITY OF VEHICLES WHICH ARE BUSES OR MINIBUSES

4. Maximum seating capacity and maximum standing capacity

(1) Subject to paragraph (2) and regulations 6, 10, 11 and 12, the maximum seating capacity, or maximum standing capacity, of a vehicle to which this Part applies shall be —

- (a) in the case of -
 - (i) a used vehicle, or
 - (ii) any other vehicle not falling within sub-paragraph (b),

the respective capacity determined by an authorised examiner and specified in an IOM certificate of initial fitness issued by him in respect of the vehicle; and

- (b) in the case of a vehicle which -
 - (i) is not a used vehicle,
 - (ii) complies with regulation 71 or 72 of the M & U Regulations, and
 - (iii) has been issued with a GB certificate of initial fitness,

the respective capacity specified in that certificate.

(2) If such a vehicle is constructed or adapted to carry one or more wheelchairs, the authorised examiner shall specify in the certificate the maximum seating capacity of the vehicle with respect to its carrying —

- (a) no wheelchairs; and
 - (b) as many wheelchairs as the vehicle is constructed or adapted and fit to carry.
- (3) If a vehicle to which this Part applies -
- (a) is a minibus or a half-decked vehicle; or

- (b) has any part of a gangway which is less than 1.77 metres in height,

the maximum standing capacity shall be nil.

5. Carriage of passengers

(1) Subject to paragraph (2), no person shall drive on a road, or cause or permit another to drive thereon, a vehicle to which this Part applies if—

- (a) the number of seated passengers; or
- (b) the number of standing passengers,

exceeds the respective capacity of the vehicle as determined or specified in accordance with regulation 4, 6, 11 or 12 or the Schedule, as the case may be.

(2) For the purposes of paragraph (1)(a),—

- (a) a child under five years of age who is not occupying a seat shall not count as a seated passenger; and
- (b) three passengers who are school children being carried to or from school premises and occupying a seat, or part of a seat, designed for two passengers shall be counted as two.

6. Variation of maximum seating or maximum standing capacity

If, in the case of a vehicle to which this Part applies, any person increases its seating or standing capacity beyond the respective capacity authorised under these Regulations, he shall not use the vehicle on a road, or cause or permit another to use it thereon, unless -

- (a) he has notified the Department of the increase by writing to the VTC; and
- (b) an authorised examiner -
 - (i) has examined the vehicle,
 - (ii) has redetermined its maximum seating capacity and maximum standing capacity, and
 - (iii) where relevant, has modified the vehicle's certificate of initial fitness accordingly.

PART III
CARRYING CAPACITY OF VEHICLES OTHER THAN BUSES OR MINIBUSES

7. Maximum seating capacity

(1) Subject to paragraphs (2) and (3), the maximum seating capacity of a vehicle to which this Part applies shall be the respective capacity determined by an authorised examiner and specified in a certificate of approval issued by him in respect of the vehicle.

(2) If such a vehicle is constructed or adapted to carry one or more wheelchairs, the authorised examiner shall specify in the certificate the maximum seating capacity of the vehicle with respect to its carrying —

- (a) no wheelchairs; and
- (b) as many wheelchairs as the vehicle is constructed or adapted and fit to carry.

(3) When determining the maximum seating capacity of a vehicle to which this Part applies, an authorised examiner shall take no account of any seat which -

- (a) at the time of his determination does not form part of the vehicle; or
- (b) is not fitted with any seat belt or seat-belt anchorage point with which it is required to be fitted under Schedule 6 to the CEW Regulations.

8. Maximum standing capacity

The maximum standing capacity of a vehicle to which this Part applies shall be nil.

9. Carriage of passengers

(1) Subject to paragraph (2), no person shall drive on a road, or cause or permit another to drive thereon, a vehicle to which this Part applies if -

- (a) the number of seated passengers exceeds the respective capacity of the vehicle as determined or specified in accordance with regulation 7 or 12, as the case may be; or
- (b) the vehicle is carrying standing passengers.

(2) For the purposes of paragraph (1), a child under five years of age who is not occupying a seat shall not count as a seated passenger.

PART IV
SUPPLEMENTARY

10. Transitional provisions

The Schedule, which makes transitional provision with respect to certificates of fitness issued pursuant to section 6 of the Road Traffic (Public Service Vehicles) Act 1964⁷, shall have effect.

11. Exemption for visiting vehicles

The maximum seating capacity and maximum standing capacity (if any) of a vehicle to which regulations under section 62(2) of the Road Transport Act 2001 apply shall be determined in accordance with the corresponding law of the country or territory in which the current vehicle licence in respect of the vehicle has been issued.

12. Reviews

- (1) The Department may, at the request of any person aggrieved —
 - (a) by the failure of an authorised examiner to reach or specify a determination under these Regulations; or
 - (b) by any such determination reached by him,

refer the matter for review to a different person (not an officer of the Department) who in the opinion of the Department is suitably qualified for the purpose.

- (2) Every such request shall be accompanied by the prescribed fee.
- (3) The person conducting any such review may —
 - (a) uphold, quash or modify any determination in question; or
 - (b) substitute or issue his own determination,

as he thinks fit, and his decision shall be final.

13. Supplementary provision as to fees

The person conducting a review under regulation 12 may, if he thinks fit, direct the Department to repay to the person requesting the review the whole or part of the prescribed fee paid thereunder if it appears to him that there were substantial grounds for contesting -

- (a) the whole or part of any determination subject to the review; or
- (b) any other matter subject thereto,

⁷ Vol XIX p. 1298

and the Department shall comply with any such direction.

14. Contravention

Any person who fails to comply with a requirement under regulations 5(1), 6 or 9(1) is guilty of an offence and liable on summary conviction to a fine not exceeding £500.

CERTIFICATES OF FITNESS ISSUED UNDER THE ROAD TRAFFIC
(PUBLIC SERVICE VEHICLES) ACT 1964

TRANSITIONAL PROVISIONS WITH RESPECT TO CARRYING CAPACITY

1. In this Schedule, -

“former certificate” means a certificate of fitness issued pursuant to section 6 of the Road Traffic (Public Service Vehicles) Act 1964; and

“vehicle” means a vehicle to which Part II applies.

2. Subject to paragraphs 4 and 5, if a vehicle -

(a) has been the subject of a former certificate; but

(b) now falls within sub-paragraph (a) of regulation 4(1),

the maximum seating capacity and maximum standing capacity specified in that certificate shall continue in force in relation to the vehicle as if they had been determined and specified in an IOM certificate of initial fitness under that sub-paragraph.

3. If a vehicle -

(a) has been the subject of a former certificate; but

(b) now falls within sub-paragraph (b) of regulation 4(1),

the maximum seating capacity and maximum standing capacity specified in the GB certificate of initial fitness relating to the vehicle shall have effect instead of those specified in the former certificate.

4. If a vehicle -

(a) has been the subject of a former certificate;

(b) has not been issued with a GB certificate of initial fitness; but

(c) is now permitted under regulation 71 or 72 of the M & U Regulations to be used at higher maximum laden weights than it was permitted when the former certificate was issued,

then —

(i) the maximum seating capacity and maximum standing capacity specified in the former certificate shall cease to have effect, and

(ii) the vehicle shall be submitted to the VTC for redetermination of its carrying capacity.

5. When a vehicle is submitted for redetermination of its carrying capacity in accordance with paragraph 4, an authorised examiner shall -

(a) examine the vehicle;

(b) redetermine its maximum seating capacity and maximum standing capacity, taking into account the higher maximum laden weights applying to the vehicle, together with any manufacturer's maximum design weights; and

- (c) modify the former certificate accordingly, which shall then continue in force with respect thereto.

6. In the case of a vehicle falling within paragraph 2 or 5, reference in regulation 6 to a vehicle's certificate of initial fitness shall be construed as a reference to its former certificate.

MADE 21st February 2002



Minister for Transport

EXPLANATORY NOTE

(This Note is not part of the Regulations)

1. These Regulations make provision for determining the carrying capacity of public passenger vehicles (PPVs). They replace the Public Service Vehicles (Carrying Capacity) Regulations 1993 (SD 421/93) in consequence of the Road Transport Act 2001 (c. 27).
2. Part II relates to PPVs which are buses or minibuses. There is one material change, where a new vehicle has been issued with a GB certificate of initial fitness and meets the Island's weight requirements, the carrying capacity specified in that certificate is given effect to by these Regulations.
3. Part III relates to other PPVs (essentially taxis and private-hire cars). It introduces a new requirement that such vehicles must not be driven in excess of their carrying capacity, as is already the case with PPVs which are buses or minibuses. Otherwise there are no material differences from current arrangements.
4. Among other things, Part IV makes transitional provision for PPVs presently subject to the 1993 Regulations.