

1990 - No. 488

PASSENGER TRANSPORT ACT 1990 - REGULATION

(Relating to the carriage of passengers on buses)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Passenger Transport Act 1990, has been pleased to make the Regulation set forth hereunder.

ROBERT WEBSTER
for Minister for Transport.

Commencement

1. This Regulation commences on 14 July 1990.

Amendment

2. The Passenger Transport Regulation 1990 is amended:
 - (a) by inserting before clause 16 the following clause:

Operation of this Part

15A. This Part applies only to vehicles that are public passenger vehicles, and a reference in this Part to a bus or ferry is a reference to a bus or ferry used to provide a public passenger service.

- (b) by inserting after clause 31 the following clauses:

Passengers not to be carried on certain portions of a bus

31A The driver of a bus must not:

- (a) carry any passenger on any portion of the bus not set apart or intended for the conveyance of passengers; or
- (b) in the case of a two-decked bus, permit any passenger to stand on the upper deck of the bus while the bus is being driven; or
- (c) permit any person to occupy any portion of the driving seat or of the bus on the right-hand side of that seat and abreast of it; or
- (d) permit any person to be on any portion of the bus in front of the driving seat.

Maximum penalty 2 penalty units.

Obligations of passengers

31B. A person must not:

- (a) ride on any portion of a bus not set apart or intended for the conveyance of passengers; or
- (b) stand on the upper deck of a two-decked bus while the bus is being driven.

Maximum penalty 2 penalty units.

Overloading

31C. (1) The driver of a bus must not:

- (a) carry in the bus at any one time a greater number of passengers than the total number authorised to be carried, whether seated or standing; or
- (b) carry at any one time in a single-decked bus (or on either deck of a two-decked bus) a greater number of passengers seated than the number authorised to be carried seated in the single-decked bus (or on that deck of the two-decked bus); or
- (c) carry at any one time in a single-decked bus (or on the lower deck of a two-decked bus) a greater number of passengers standing than the number authorised to be carried standing.

Maximum penalty 2 penalty units.

(2) In computing the number of passengers being carried, the following persons are not to be taken into account:

- (a) any child who is apparently under the age of 5 years and who is being held on the lap of a seated passenger;
- (b) if there are passengers who are children apparently under the age of 12 years - every third such passenger.

(3) The number of passengers who, for the purposes of this clause, are authorised to be carried seated, or are authorised to be carried standing, is the appropriate number indicated by endorsement on the certificate of registration, issued under the Traffic Act 1909, of the bus.

- (c) by omitting from Part 1 of Schedule 1 the words "the following clauses" and by inserting instead the words "the following provisions";
- (d) by inserting in Part 1 of Schedule 1 in appropriate numerical order, in the columns headed "Offence" and "Penalty" respectively, the following matter:

Clause 31B Ride or stand on a bus contrary to clause	50
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- (e) by omitting from Part 2 of Schedule 1 the matter "**Clause 10 (3)**" and by inserting instead the matter "**Clause 10 (2)**";

- (f) by inserting in Part 2 of Schedule 1 in appropriate numerical order, in the columns headed "Offence" and "Penalty" respectively, the following matter:

Clause 31A Carry passengers, or permit passengers to ride, in contravention of clause	50
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Clause 31C Carry passengers in contravention of clause	50
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EXPLANATORY NOTE

The object of this Regulation is to amend the Passenger Transport Regulation 1990:

- (a) to make it clear that Part 4 of that Regulation, to the extent that it applies to buses and ferries, applies only to buses and ferries that are used to provide a public passenger service; and
- (b) to require the drivers and passengers of buses to observe certain restrictions as to where passengers may stand while riding on a bus; and

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- (c) to require bus drivers to observe certain restrictions as to the maximum number of persons that may be carried, seated or standing, on a bus; and
- (d) to permit penalty notices to be issued for failure to observe the restrictions mentioned in paragraph (b) or (c).

The Regulation also makes minor amendments (in clause 2 (c) and (e)) by way of law revision.
