STATUTORY RULES OF NORTHERN IRELAND

2016 No. 344

ROAD TRAFFIC AND VEHICLES

The Public Service Vehicles (Amendment) Regulations (Northern Ireland) 2016

Made - - - -	*20th September 2016*
Coming into operation	*31st October 2016*

The Department for Infrastructure(**1**) makes the following Regulations in exercise of the powers conferred by Articles 66(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**2**) and now vested in it(**3**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Public Service Vehicles (Amendment) Regulations (Northern Ireland) 2016 and shall come into operation on 31st October 2016.

(2) In these Regulations "the principal Regulations" means the Public Service Vehicles Regulations (Northern Ireland) 1985(**4**).

Amendment to regulation 3 (interpretation)

2. In regulation 3(1) of the principal Regulations—

(a) at the beginning insert—

""the Order" means the Road Traffic (Northern Ireland) Order 1981;

"the 1995 Act" means the Disability Discrimination Act 1995(**5**);

"the 1995 Order" means the Road Traffic (Northern Ireland) Order 1995(**6**);

"the 1995 Regulations" means the Public Service Vehicles (Conditions of Fitness, Equipment and Use) Regulations (Northern Ireland) 1995(**7**);

(**1**) Formerly the Department for Regional Development; see section 1(6) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I)). Pursuant to section 1(9) of that Act, the Department of the Environment was dissolved

(**2**) S.I. 1981/154 (N.I. 1)

(**3**) See Article 8(1)(b) of, and Part 2 of Schedule 5 to, the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76)

(**4**) S.R. 1985 No. 123; relevant amending Regulations are S.R. 1990 No. 201, S.R. 2000 No. 149 and S.R. 2011 No. 301

(**5**) 1995 c. 50: Schedule 8 to the Act modifies the Act in its application to Northern Ireland

(**6**) S.I. 1995/2994 (N.I. 18)

(**7**) S.R. 1995 No. 447, to which there are amendments not relevant to these Regulations

"the 2003 Regulations" means the Public Service Vehicles Accessibility Regulations (Northern Ireland) 2003(**8**);";

(b) insert the following new definitions in the appropriate places according to alphabetical order—

""assistance dog" has the same meaning as in section 37A(9) (carrying of assistance dogs in private hire vehicles) of the 1995 Act(**9**);

"disabled person" has the same meaning as in section 1 (meaning of "disability" and "disabled person") of the 1995 Act;

"regulated public service vehicle" has the same meaning as in regulation 2(1) (interpretation) of the 2003 Regulations;";

(c) after the definition of "multi journey ticket" omit the definition of "the Order" and "the 1995 Order"; and

(d) for the definition of "vehicle" substitute—

""vehicle" means a public service vehicle except in Part VI where it means a regulated public service vehicle.".

Amendment to regulation 47 (conduct of drivers and other persons employed in connection with vehicles)

3. In regulation 47(4) of the principal Regulations(**10**)—

(a) at the end of sub-paragraph (a) omit "and";

(b) at the end of sub-paragraph (b) add "in connection with their travel on the vehicle; and"; and

(c) after sub-paragraph (b) add—

"(c) shall not, subject to regulation 52 (fares and tickets) and there being a suitable space available, prevent an intending passenger who is a disabled person accompanied by an assistance dog, from being allowed to board and travel in the vehicle with that dog.".

Amendment to regulation 48 (duties of driver)

4. In regulation 48(1)(a)(i) of the principal Regulations—

(a) for "regulations 18 and 20" substitute "regulations 61 (calculation of maximum seating capacity) and 62 (calculation of maximum standing capacity) of the 1995 Regulations"; and

(b) for "regulation 39(1)" substitute "regulation 59 (markings) of the 1995 Regulations".

Amendment to regulation 54 (carriage of animals)

5. In regulation 54 of the principal Regulations, after paragraph (2) add—

"(3) Paragraphs (1) and (2) do not apply where the passenger is a disabled person and the animal is an assistance dog.

(**8**) S.R. 2003 No. 37; to which there is an amendment not relevant to these Regulations

(**9**) Regulation 3 (prescribed charities) of the Disability Discrimination (Private Hire Vehicles) (Carrying of Guide Dogs etc.) Regulations (Northern Ireland) 2008 (S.R. 2008 No. 19) prescribes the charities for the purposes of the definition of assistance dog in section 37A(9) of the 1995 Act

(**10**) Regulation 47 was substituted by regulation 2 of S.R. 1990 No. 201

(4) A passenger who is a disabled person shall comply with any direction given by a driver to remove his assistance dog from the gangway.".

New Part VI (the conduct of drivers of regulated public service vehicles with respect to wheelchair users and other disabled persons)

6. After Part V of the principal Regulations insert Part VI as set out in the Schedule.

Sealed with the Official Seal of the Department for Infrastructure on 20th September 2016

L.S.

Elizabeth Loughran
A senior officer of the
Department for Infrastructure

SCHEDULE Regulation 6

"PART VI

THE CONDUCT OF DRIVERS OF REGULATED PUBLIC SERVICE VEHICLES WITH RESPECT TO WHEELCHAIR USERS AND OTHER DISABLED PERSONS

Interpretation

63. In this Part—

"boarding lift" means a lift fitted to a regulated public service vehicle for the purpose of allowing wheelchair users to board and alight from the vehicle;

"boarding ramp" means a ramp fitted to a regulated public service vehicle for the purpose of allowing wheelchair users to board and alight from the vehicle;

"equipment" means any equipment fitted to a regulated public service vehicle in order to comply with (as the case may be) Schedule 1 (wheelchair accessibility requirements), 2 (general accessibility requirements for single-deck and double-deck buses) or 3 (general accessibility requirements for single-deck and double-deck coaches) to the 2003 Regulations and which a driver must operate for the safe fulfilment of the relevant duty under these Regulations;

"folding or retractable step" means a step which can either fold or retract and which meets the requirements applicable to external steps pursuant to (as the case may be) paragraph 4 of Schedule 2 or 3 to the 2003 Regulations;

"kneeling system" means any system which enables the bodywork of the regulated public service vehicle to be lowered relative to its normal height of travel;

"portable ramp" means a ramp which is carried on a regulated public service vehicle for the purpose of allowing wheelchair users to board or alight from the vehicle;

"Schedule 1 vehicle" means a regulated public service vehicle which is required to comply with the provisions of Schedule 1 to the 2003 Regulations;

"Schedule 2 or Schedule 3 vehicle" means a regulated public service vehicle which is required to comply, respectively, with the provisions of Schedule 2 or Schedule 3 to the 2003 Regulations;

"scheduled service" has the same meaning as in regulation 2(1) of the 2003 Regulations;

"wheelchair restraint system" means a system which is designed to keep a wheelchair restrained within the wheelchair space;

"wheelchair space" means a space for a wheelchair with which a regulated public service vehicle is fitted in accordance with paragraph 2 of Schedule 1 to the 2003 Regulations;

"wheelchair user" means a passenger who is a disabled person using a wheelchair; and

"wheelchair user restraint" means a system which is designed to keep a wheelchair user restrained in the wheelchair.

Duties towards wheelchair users of Schedule 1 vehicles

64.—(1) Subject to regulations 67(1) (effects of faulty or malfunctioning equipment) and 69 (extent of driver's duty), this regulation applies in relation to the driver of a Schedule 1 vehicle.