STATUTORY RULES OF NORTHERN IRELAND

2009 No. 428

DISABLED PERSONS

The Disability Discrimination (Transport Vehicles) Regulations (Northern Ireland) 2009

Made - - - -	*21st December 2009*
Coming into operation	*25th January 2010*

The Office of the First Minister and deputy First Minister, in exercise of the powers conferred upon it by sections 21(5)(e), (f) and (h), and 21ZA(3) of the Disability Discrimination Act 1995(**1**), and now vested in it(**2**), makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Disability Discrimination (Transport Vehicles) Regulations (Northern Ireland) 2009 and shall come into operation on 25th January 2010.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**3**) applies to these Regulations as it applies to an Act of the Assembly.

(2) In these Regulations—

"the Act" means the Disability Discrimination Act 1995;

"breakdown or recovery operator" means a provider of roadside assistance services for the purpose of recovering or repairing a broken down vehicle;

"hire vehicle" means an M1, M2 or N1(**4**) vehicle which is hired out by a vehicle-hire firm under a hiring agreement;

"hiring agreement" means an agreement for the hire of an M1, M2 or N1 vehicle being an agreement which contains such particulars as may be prescribed under Article 88 of the Road Traffic Offenders (Northern Ireland) Order 1996(**5**) but does not include a hire-purchase agreement within the meaning of section 189 of the Consumer Credit Act 1974(**6**);

(**1**) 1995 c.50; section 21ZA(3) was inserted by Article 7 of the Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I.1))
(**2**) *See*S.R. 1999 No. 481; Article 8(a) and Schedule 6, Part I
(**3**) 1954 c.33 (N.I.)
(**4**) The definitions of M1, M2 and N1 vehicles derive from the definition of vehicle categories in Annex II(A) of Council Directive 70/156/EEC (O.J. No.L 42, 23.2.1970, p.1), as last amended by Council Directive 2004/3/EC (O.J. No. L49, 19.2.2004, p.36)
(**5**) S.I. 1996/1320 (N.I.10)

"M1", in relation to a vehicle, means a vehicle designed and constructed for the carriage of passengers and comprising no more than 8 seats in addition to the driver's seat;

"M2", in relation to a vehicle, means a vehicle designed and constructed for the carriage of passengers, comprising more than 8 seats in addition to the driver's seat and having a maximum mass not exceeding 5 tonnes;

"N1", in relation to a vehicle, means a vehicle designed and constructed for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes;

"private hire vehicle" means a vehicle which—

(a) seats not more than 8 passengers in addition to the driver; and

(b) is licensed under Article 61 of the Road Traffic (Northern Ireland) Order 1981(**7**) to carry passengers for hire (but not to stand or ply for hire);

"public service vehicle" means a vehicle which—

(a) seats more than 8 passengers in addition to the driver; and

(b) is a public service vehicle for the purposes of the Road Traffic (Northern Ireland) Order 1981;

"rail vehicle" means a vehicle constructed or adapted to carry passengers by rail;

"taxi" means a vehicle which—

(a) is licensed under Article 61 of the Road Traffic (Northern Ireland) Order 1981 to stand or ply for hire; and

(b) seats not more than 8 passengers in addition to the driver; and

"vehicle-hire firm" means any person engaged in hiring vehicles in the course of a business.

Discrimination in relation to goods, facilities and services

3.—(1) Section 21ZA(1) of the Act does not apply to a provider of transport services who provides such services by way of a vehicle described in paragraph (2).

(2) Those vehicles are—

(a) M1, M2 or N1 hire vehicles;

(b) private hire vehicles;

(c) public service vehicles;

(d) rail vehicles;

(e) taxis;

(f) vehicles deployed by a breakdown or recovery operator, whether or not through a third party, the sole or partial purpose of which is to transport the driver and occupants of a broken down vehicle from the scene of an accident or breakdown; and

(g) vehicles deployed on a system using a mode of guided transport.

Duty of providers of transport services to make adjustments

4.—(1) Section 21ZA(2)(b) of the Act, in so far as it relates to the application of section 21(1) and (4) of that Act, does not apply to a provider of transport services who provides such services by way of a vehicle described in paragraph (2).

(**6**) 1974 c.39

(**7**) S.I. 1981/154 (N.I. 1); Article 61 was amended by Article 7 of the Road Traffic, Transport and Roads (Northern Ireland) Order 1984 (S.I. 1984/1986 (N.I. 15))