STATUTORY RULES OF NORTHERN IRELAND

2003 No. 37

DISABLED PERSONS

Public Service Vehicles Accessibility Regulations (Northern Ireland) 2003

Made - - - - *23rd January 2003*

Coming into operation *30th April 2003*

The Department of the Environment, in exercise of the powers conferred on it by sections 40(1), (2) and (6), 41(1) and (2), 42(1), (3), (4) and (5), 44(1)(b), 2(b) and (4) and 45(1) of the Disability Discrimination Act 1995(**1**) ("the Act") and of every other power enabling it in that behalf and after consultation with such representative organisations as it thought fit in accordance with sections 40(7) and 45(4) of the Act, hereby makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Public Service Vehicles Accessibility Regulations (Northern Ireland) 2003 and shall come into operation on 30th April 2003.

Interpretation

2.—(1) In these Regulations–

"the 1970 Directive" means Council Directive 70/156/EEC of 6th February 1970 on the approximation of the laws of the Member States relating to the type approval of motor vehicles and their trailers(**2**), as last amended by Commission Directive 2001/92/EC of 30th October 2001(**3**);

(**1**) 1995 c. 50; sections 40, 41, 44 and 45 are modified in their application to Northern Ireland by paragraphs 24, 25, 28 and 29 respectively of Schedule 8; *see* section 68(1) as substituted by paragraph 47(1) of the said Schedule 8 for the definition of "prescribed" and "regulations"

(**2**) O.J. No. L42, 23.2.70, p. 1

(**3**) O.J. No. L291, 8.11.01, p. 24

"the 1995 Regulations" means the Public Service Vehicles (Conditions of Fitness, Equipment and Use) Regulations (Northern Ireland) 1995(**4**);

"accessibility certificate" means a certificate issued by a vehicle examiner in accordance with Part III;

"bus" means a public service vehicle designed and constructed for the carriage of both seated and standing passengers which is of category M_2 or M_3 (as defined in Annex II(A) to the 1970 Directive) and has a capacity exceeding 22 passengers, in addition to the driver;

"coach" means a public service vehicle designed and constructed for the carriage of seated passengers only which is of category M_2 or M_3 (as defined in Annex II(A) to the 1970 Directive) and has a capacity exceeding 22 passengers, in addition to the driver;

"conformity certificate" means a certificate issued by a vehicle examiner in accordance with Part VI;

"declaration of conformity" means a declaration made by an authorised person in accordance with Part V;

"Department" means the Department of the Environment;

"double-deck", in relation to a bus or coach, means that the spaces provided for the passengers are arranged (at least in one part) on two superimposed levels and that space for standing passengers is not provided on the upper deck;

"EEA State" means a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed in Brussels on 17th March 1993(**5**);

"motor vehicle" has the same meaning as in Annex II(A) to the 1970 Directive;

"regulated public service vehicle" means any public service vehicle to which these Regulations apply in accordance with regulation 3(1);

"scheduled service" means a service, using one or more public service vehicles, for the carriage of passengers at separate fares–

(a) along specified routes;

(b) at specified times; and

(c) with passengers being taken up and set down at pre-determined stopping points,

but does not include a tour service;

"seated passengers" means the number of seated passengers that a vehicle may carry in accordance with regulation 61 of the 1995 Regulations;

"standing passengers" means the number of standing passengers that a vehicle may carry in accordance with regulation 62 of the 1995 Regulations(**6**);

"tour service" means a service where a public service vehicle is used for or in conjunction with the carriage of passengers to a particular location, or particular locations, and back to their point of departure;

"type vehicle approval" means an approval given by the Department in accordance with Part IV;

"weight" means design weight as defined in regulation 2(1) of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999(**7**) and the words "weighs" and "weighing" shall be construed accordingly;

(**4**) S.R. 1995 No. 447; relevant amending Regulations are S.R. 1997 No. 308
(**5**) Cmnd. 2847
(**6**) Regulation 62 was amended by S.R. 1997 No. 308, regulation 2(7)
(**7**) S.R. 1999 No. 454; to which there are amendments not relevant to these Regulations

And other expressions used in Schedules 1 to 3 have the meanings given to them respectively in paragraph 1 of those Schedules.

(2) For the purpose of these Regulations, the date on which a regulated public service vehicle is "first used" shall be taken to be such date as is the earlier of the relevant dates mentioned below applicable to that vehicle, that is to say–

(a) in the case of a vehicle registered under the Roads Act 1920(**8**), the Vehicles (Excise) Act 1949(**9**), the Vehicles (Excise) Act (Northern Ireland) 1954(**10**), the Vehicles (Excise) Act 1962(**11**), the Vehicles (Excise) Act 1971(**12**), the Vehicles (Excise) Act (Northern Ireland) 1972(**13**) or the Vehicle Excise and Registration Act 1994(**14**), the relevant date is the date on which it was first so registered; and

(b) in each of the following cases:

(i) a vehicle which is being or has been used under a trade licence within the meaning of section 11(1) of the Vehicle Excise and Registration Act 1994 (otherwise than for the purposes of demonstration or testing or of being delivered from premises of the manufacturer by whom it was made, or of a distributor of vehicles or dealer in vehicles, to premises of a distributor of vehicles, dealer in vehicles or purchaser thereof or to premises of a person obtaining possession thereof under a hiring agreement or hire purchase agreement),

(ii) a vehicle belonging, or which has belonged, to the Crown which is or was used or appropriated for use for naval, military or air force purposes,

(iii) a vehicle belonging, or which has belonged, to a visiting force or a headquarters or defence organisation to which (in each case) the Visiting Forces and International Headquarters (Application of Law) Order 1965(**15**) applies,

(iv) a vehicle which has been used on roads outside Northern Ireland and which has been imported into Northern Ireland, and

(v) a vehicle which has been used otherwise than on roads after being sold or supplied by retail and before being registered;

the relevant date is the date of manufacture of the vehicle.

In case (v) above, "sold or supplied by retail" means sold or supplied otherwise than to a person acquiring the vehicle solely for the purpose of resale or re-supply for valuable consideration.

(3) The Interpretation Act (Northern Ireland) 1954(**16**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(**8**) 1920 c. 72
(**9**) 1949 c. 89
(**10**) 1954 c. 17 (N.I.)
(**11**) 1962 c. 13
(**12**) 1971 c. 10; the Act was extended to Northern Ireland by section 10 of the Finance Act 1991 c. 31
(**13**) 1972 c. 10 (N.I.)
(**14**) 1994 c. 22
(**15**) S.I.1965/1536
(**16**) 1954 c. 33 (N.I.)

PART II

APPLICATION OF REGULATIONS, EXEMPTIONS AND RECOGNITION

Application

3.—(1) These Regulations apply to public service vehicles of the types described respectively in paragraphs (2) to (7) (a "regulated public service vehicle") in the manner and to the extent set out in this Part.

(2) A single-deck bus which weighs more than 7.5 tonnes and is in use on or after 31st August 2003 shall require a certificate referred to in paragraph (8) relating to Schedules 1 and 2, except that a single-deck bus which–

(a) is first used before that date; or

(b) is manufactured before 1st June 2003,

shall not require any certificate relating to Schedules 1 and 2 until 1st September 2018.

(3) A single-deck bus which weighs 7.5 tonnes or less and is in use on or after 31st August 2003 shall require a certificate referred to in paragraph (8) relating to Schedule 2, except that a single-deck bus which–

(a) is first used before that date; or

(b) is manufactured before 1st June 2003,

shall not require a certificate relating to Schedule 2 until 1st September 2017.

(4) Without prejudice to paragraph (3), a single-deck bus which weighs 7.5 tonnes or less and is in use on or after 1st September 2007 shall require a certificate referred to in paragraph (8) relating to Schedule 1, except that a single-deck bus which–

(a) is first used before that date; or

(b) is manufactured before 1st June 2007,

shall not require a certificate relating to Schedule 1 until 1st September 2017.

(5) A double-deck bus which is in use on or after 31st August 2003 shall require a certificate referred to in paragraph (8) relating to Schedules 1 and 2, except that a double-deck bus which–

(a) is first used before that date; or

(b) is manufactured before, 1st June 2003,

shall not require any certificate relating to Schedules 1 and 2 until 1st September 2019.

(6) A single-deck or double-deck coach which is in use on or after 31st August 2003 shall require a certificate referred to in paragraph (8) relating to Schedule 3, except that a single-deck or double-deck coach which–

(a) is first used before that date; or

(b) is manufactured before, 1st June 2003,

shall not require a certificate relating to Schedule 3 until 1st September 2022.

(7) Without prejudice to paragraph (6), a single-deck or double-deck coach which is in use on or after 1st September 2007 shall require a certificate referred to in paragraph (8) relating to Schedule 1, except that a single-deck or double-deck coach which–

(a) is first used before that date; or

(b) is manufactured before 1st June 2007,

shall not require a certificate relating to Schedule 1 until 1st September 2022.

(8) The certificates referred to in paragraphs (2) to (7) are the certificates (and any other associated approval and declaration) issued in accordance with Parts III to VI and which, when so issued, signify the compliance and conformity of the vehicle concerned with the Schedules specified respectively in those paragraphs.

(9) In paragraphs (2) to (7)–

(a) "first used" is to be construed in accordance with regulation 2(2); and

(b) references to a vehicle being "used" or "in use" means the regulated public service vehicle is being used to provide a scheduled service.

Exemptions

4.—(1) The requirements specified in regulation 3 do not apply to a regulated public service vehicle which is–

(a) an off-road vehicle within the meaning of paragraph 4 of Annex II(A) to the 1970 Directive;

(b) used in accordance with section 10B of the Transport Act (Northern Ireland) 1967(**17**);

(c) used for the secure transport of persons (including prisoners);

(d) specifically designed for the carriage of injured or sick persons;

(e) used by or for purposes of a Minister of the Crown or government department or in the service of a visiting force or headquarters; or

(f) a vehicle in respect of which twenty years have elapsed since the date of its first use on a road and which is not used to provide a scheduled service for more than 20 days in any calendar year.

(2) The requirements of the Schedules specified in paragraph (3) shall not come into effect in relation to any regulated public service vehicle to which those Schedules may apply until 1st September 2006; and, accordingly, any certificate, approval or declaration issued, given or made in accordance with Parts III to VI shall be valid notwithstanding that the vehicle does not comply with those requirements.

(3) The requirements referred to in paragraph (2) are those specified in–

(a) paragraph 5(3)(b) to (e) of Schedule 1 (boarding lifts and ramps); and

(b) paragraphs 7(3)(c) and 4(c) of Schedule 3 (to the extent that they apply to a route number display and destination display fitted in accordance with paragraph 7(1)(b) of that Schedule).

Recognition of EEA equivalent requirements

5. Where there is produced to the Department evidence that satisfies it that a regulated public service vehicle has been found by the competent authority of another EEA State to conform with requirements that are equivalent to all, or some of the requirements prescribed for that vehicle under these Regulations, that vehicle shall, by virtue of that evidence, be regarded as conforming with those (and only those) requirements for the purposes of these Regulations.

(**17**) 1967 c. 37 (N.I.); section 10B was inserted by S.I. 1990/994 (N.I. 7), Article 3