STATUTORY RULES OF NORTHERN IRELAND

1997 No. 308

EUROPEAN COMMUNITIES
ROAD TRAFFIC AND VEHICLES

Public Service Vehicles (Conditions of Fitness, Equipment and Use) (Amendment) Regulations (Northern Ireland) 1997

Made - - - -	*24th June 1997*
Coming into operation	*18th August 1997*

The Department of the Environment, being a Department designated(**1**) for the purpose of section 2(2) of the European Communities Act 1972(**2**) in relation to the regulation of the type, description, construction or equipment of vehicles, and of components of vehicles, in exercise of the powers conferred by that section and in exercise of the powers conferred on it by Articles 55(1) and (6) and 110(2) of the Road Traffic (Northern Ireland) Order 1995(**3**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Public Service Vehicles (Conditions of Fitness, Equipment and Use) (Amendment) Regulations (Northern Ireland) 1997 and shall come into operation on 18th August 1997.

Amendment of the Public Service Vehicles (Conditions of Fitness, Equipment and Use) Regulations (Northern Ireland) 1995

2.—(1) The Public Service Vehicles (Conditions of Fitness, Equipment and Use) Regulations (Northern Ireland) 1995(**4**) shall be amended in accordance with paragraphs (2) to (9).

(2) In regulation 33 (fuel tanks and apparatus), the words "unless suitably encased or screened" shall be omitted.

(3) In regulation 42 (fire extinguishing apparatus), after paragraph (2) there shall be inserted the following paragraphs—

(**1**) S.I. 1972/1811
(**2**) 1972 c. 68. Relevant amendments to the definition of "the Treaties" in section 1 of the Act are made by section 1 of the European Economic Area Act 1993 (c. 51)
(**3**) S.I. 1995/2994 (N.I. 18); *see* Article 2(2) for the definition of "the Department"
(**4**) S.R. 1995 No. 447

"(3) Paragraph (1) shall not apply to a vehicle if it carries apparatus for extinguishing fire which would meet the requirements of that paragraph were there substituted—

(a) for a reference in Schedule 4 to any British Standard, a reference to a corresponding standard;

(b) for the reference in Schedule 4 to a test fire rating of 8A or the reference in that Schedule to a test fire rating of 21B, a reference to an equivalent level of performance specified in the corresponding standard; and

(c) for the reference in paragraph (2)(*b*) to the appropriate British Standards Institution specification number, a reference to a marking indicating compliance with the corresponding standard.

(4) For the purposes of this regulation, "corresponding standard", in relation to a British Standard, means—

(a) a standard or code of practice of a national standards body or equivalent body of any EEA State;

(b) any international standard recognised for use as a standard by any EEA State; or

(c) a technical specification or code of practice which, whether mandatory or not, is recognised for use as a standard by a public authority of any EEA State,

where the standard code of practice, international standard or technical specification provides, in relation to fire extinguishers, a level of safety equivalent to that provided by the British Standard and contains a requirement as respect the markings of fire extinguishers equivalent to that provided by the British Standard.

(5) For the purposes of this regulation—

"EEA State" means a State which is a contacting party to the EEA Agreement; and

"EEA Agreement" means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(**5**) as adjusted by the Protocol signed at Brussels on 17th March 1993(**6**).".

(4) In regulation 43 (first aid equipment), in paragraph (1) after the words "contract carriage" there shall be inserted the words ", other than a bus being used for contract carriage over a route not exceeding 50 kilometres in length,".

(5) In regulation 46 (taximeters), for paragraph (12) there shall be substituted—

"(12) On completion of repairs to or the replacement of a taximeter, the licensee shall report the fact to the Department and shall cause the taxi to be presented to a vehicle testing centre for testing and sealing of the taximeter.".

(6) For regulation 57 (filling of fuel tank), there shall be substituted—

"**Filling of petrol tank**

57. While the engine of a vehicle propelled by a petrol engine is running, a person shall not cause or permit the filler cap fitted to the petrol tank to be removed or petrol to be put into the tank.".

(7) In regulation 62 (calculation of maximum standing capacity), in paragraph (3)(*e*) for the word "operator" there shall be substituted "licensee".

(8) For regulation 64 (drawing of trailers), there shall be substituted—

(**5**) Cm 2073
(**6**) Cm 2183