1995 No. 447

ROAD TRAFFIC AND VEHICLES

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

Made . . . . . *4th December 1995*

Coming into operation . . *24th January 1996*

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The Department of the Environment, in exercise of the powers conferred on it by Articles 66(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**a**) and Articles 55(1), (2), (4) and (6) and 110(2) of the Road Traffic (Northern Ireland) Order 1995(**b**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Public Service Vehicles (Conditions of Fitness, Equipment and Use) Regulations (Northern Ireland) 1995 and shall come into operation on 24th January 1996.

(**a**) S.I. 1981/154 (N.I. 1); *see* Article 2(2) for the definition of "Department" and prescribed
(**b**) S.I. 1995/2994 (N.I. 18); *see* Article 2(2) for the definition of "Department"

Interpretation

2. In these Regulations—

"articulated bus", "deck", "double-decked vehicle", "first used", "gangway", "minibus", "registered", "single-decked vehicle", "vehicle in the service of a visiting force or headquarters" and "wheel" have the meanings assigned to them in regulation 2 of the Construction and Use Regulations;

"bus" means a public service vehicle seating more than eight passengers in addition to the driver;

"the Construction and Use Regulations" means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(**a**);

"contract carriage" means the carriage, on a regular basis by contract, of passengers who constitute an organisation or group;

"crew seat" means a seat fitted to a vehicle and intended for use by crew (other than the driver) including any arm rests and foot rests with which the vehicle is fitted in relation to the seat, and which complies with the requirements specified in regulation 22;

"ECE Regulation 36" means Regulation No. 36 (uniform provisions concerning the construction of public services vehicles) which entered into force on 1st March 1976, annexed to the Agreement concerning the adoption of uniform conditions of approval and reciprocal recognition of approval for motor vehicle equipment and parts concluded at Geneva on 20th March 1958(**b**) as amended(**c**), to which the United Kingdom is a party(**d**);

"emergency exit" means an exit which is provided for use only in case of emergency;

"entrance" means any aperture or space provided to enable passengers to board the vehicle;

"exit" means any aperture or space provided to enable passengers to leave the vehicle;

"express carriage" has the same meaning as "stage carriage" except that there is a minimum distance of 30 miles between predetermined pick-up and set-down points;

"half-decked vehicle" means any vehicle not being a single-decked vehicle or a double-decked vehicle;

"licence" means a public service vehicle licence granted under Article 61 of the Order of 1981;

"licensed for public hire" in relation to a taxi means licensed to stand or ply for hire on a road or public place, or carry passengers for hire;

(a) S.R. 1989 No. 299, relevant amending Regulations are S.R. 1991 No. 147; 1991 No. 420; 1992 No. 54; 1992 No. 111; 1992 No. 373; 1992 No. 509; 1993 No. 39; 1993 No. 247; 1994 No. 353 and 1994 No. 452

(b) Cmnd. 2535

(c) Cmnd. 3562

(d) By Instrument of accession dated 14th January 1963 deposited with the Secretary General of the United Nations on 15th January 1963

"permanent top" means any covering of a vehicle other than a hood made of canvas or other flexible material which is capable of being readily folded back so that no portion of such hood or any fixed structure of the roof remains vertically above any part of any seat of the vehicle, or, in the case of a double-decked vehicle, of any seat on the upper deck of the vehicle;

"public service vehicle" has the meaning assigned to it by Article 2(2) of the Order of 1981;

"safety glass" has the meaning assigned to it in regulation 29(4) of the Construction and Use Regulations;

"safety glazing" and "specified safety glass" have the meanings assigned to them in regulation 30(13) of the Construction and Use Regulations;

"stage carriage" means the carriage of passengers at separate fares which may be collected on board a vehicle, on a pre-determined route with pre-determined pick up and set down points, in accordance with a published timetable;

"taxi" means a public service vehicle seating not more than eight passengers in addition to the driver;

"vehicle" in Parts I, IV and V of these Regulations means any public service vehicle, in Parts II and VI means a bus and in Part III means a taxi.

Compliance

3.—(1) A person shall not use, or cause or permit to be used, on a road a vehicle unless it complies with these Regulations, in addition to the requirements contained in the Construction and Use Regulations.

(2) The statutory requirements as to the fitness of a vehicle for the purpose of the grant of a licence are compliance with the Construction and Use Regulations and Part II or Part III, as the case may be, and Part IV.

(3) Part II shall not apply to—

(*a*) an articulated bus, or

(*b*) a vehicle to which there is applied a marking designated as an approval mark in relation to ECE Regulation 36 by Regulation 4 of, and Schedule 2 (at item 36) to, the Motor Vehicles (Designation of Approval Marks) Regulations 1979(**a**) as read with paragraphs 1 and 7 of Schedule 3 to those Regulations and which satisfies the requirements of paragraph 5 (Specifications) of ECE Regulation 36:

Provided that such vehicles comply with the provisions specified in—

(i) paragraph 5 of ECE Regulation 36, and

(ii) Schedule 2.

(4) Part V does not apply to any vehicle in the public service of the Crown or in the service of a visiting force or headquarters.

(5) Notwithstanding paragraph (2), regulations 4 to 27, 42, 43, 52 to 58

(a) S.I. 1979/1088; to which there are amendments not relevant to these Regulations