1994 No. 435

ROAD TRAFFIC AND VEHICLES

Public Service Vehicles (Construction) (Amendment) Regulations (Northern Ireland) 1994

Made . . . . . *8th November 1994*

Coming into operation . . *20th December 1994*

The Department of the Environment, in exercise of the powers conferred on it by Articles 28(1) and 218(1) of the Road Traffic (Northern Ireland) Order(**a**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Public Service Vehicles (Construction) (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation on 20th December 1994.

(2) In these Regulations "the principal Regulations" means the Public Service Vehicles (Construction) Regulations (Northern Ireland) 1960(**b**).

Amendment to regulation 2 (savings, revocations)

2. In regulation 2(2) of the principal Regulations for the words "the Schedule" there shall be substituted the words "Schedule 4".

Amendment to regulation 3 (interpretation)

3. For regulation 3 of the principal Regulations there shall be substituted—

"3. In these Regulations—

"articulated bus", "deck", "double-decked vehicle", "first used", "gangway", "the 1981 Order", "single-decked vehicle" and "wheel" have the meanings assigned to them in regulation 2 of the Construction and Use Regulations;

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

"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 23;

(**a**) S.I. 1981/154 (N.I. 1); *see* Article 2(2) for the definition of "Department"

(**b**) S.R. & O. 1960 No. 91; relevant amending Regulations are S.R. & O. 1967 No. 224, S.R. & O. 1969 No. 63 and S.R. & O. 1971 No. 316

(**c**) S.R. 1989 No. 299; relevant amending Regulations are S.R. 1992 No. 54

"ECE Regulation 36" means Regulation No. 36 (uniform provisions concerning the construction of public service 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(**a**) as amended(**b**), to which the United Kingdom is a party(**c**);

"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;

"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 1981 Order;

"licensed for public hire" has the meaning given, in relation to a taxi, in regulation 3(1) in the Public Service Vehicles Regulations (Northern Ireland) 1985(**d**);

"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;

"registered" means registered under the Vehicle Excise and Registration Act 1994(**e**), and in relation to the date on which a vehicle was registered, the date on which it was first registered under that Act;

"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 pre-determined timetable;

(**a**) Cmnd. 2535
(**b**) Cmnd. 3562
(**c**) By Instrument of accession dated 14th January 1963 deposited with the Secretary General of the United Nations on 15th January 1963
(**d**) S.R. 1985 No. 123; definition inserted by S.R. 1990 No. 201 reg. 2(1)
(**e**) 1994 c. 22

"vehicle" in Part I means any public service vehicle, in Part II means a public service vehicle seating more than six passengers and in Part III means a public service vehicle seating not more than six passengers.".

Amendment to Part II (requirements for public service vehicles seating more than six passengers)

4. For Part II of the principal Regulations there shall be substituted—

"PART II

REQUIREMENTS FOR PUBLIC SERVICE VEHICLES SEATING MORE THAN SIX PASSENGERS

Stability

5.—(1) The stability of a vehicle shall be such that—

(*a*) in the case of a double-decked vehicle, the point at which overturning occurs would not be passed if, when the vehicle is complete, fully equipped for service and loaded with weights placed in the correct relative positions to represent the driver, a full complement of passengers on the upper deck only and a conductor (if carried), the surface on which the vehicle stands were tilted to either side to an angle of 28 degrees from the horizontal;

(*b*) in the case of a single-decked vehicle and of a half-decked vehicle, the point at which overturning occurs would not be passed if, when the vehicle is complete, fully equipped for service and loaded with weights placed in the correct relative positions to represent a driver, a full complement of passengers and a conductor (if carried), the surface on which the vehicle stands were tilted to either side to an angle of 35 degrees from the horizontal.

(2) For the purpose of ascertaining whether the requirements of paragraph (1) have been complied with, the height of any stop used to prevent a wheel of the vehicle from slipping sideways shall not be greater than two-thirds of the distance between the surface upon which the vehicle stands before it is tilted and that part of the rim of that wheel which is nearest to that surface when the vehicle is loaded in accordance with those requirements.

(3) For the purpose of this regulation 63.5 kilograms shall be deemed to represent the weight of one person.

Guard rails

6. If any two wheels on either side of a vehicle have a clear space of more than 610 millimetres between the nearest points that space shall be effectively guarded to within—

(i) 230 millimetres of the front wheel.

(ii) 155 millimetres of the rear wheel, and

(iii) 310 millimetres of the ground when the vehicle is carrying no passengers and is otherwise unladen and is standing on level ground.

Fuel tanks, carburettors, etc

7.—(1) Subject to paragraph 1 of Schedule 1—

(*a*) in the case of a single-decked vehicle which has a seating capacity exceeding 12 passengers, a half-decked vehicle or the lower deck of a double-decked vehicle, no fuel tank shall be placed under any part of any gangway or under any part of any passage leading to a primary emergency exit as defined in regulation 15(1) if that part of the gangway or passage is within 600 millimetres of any entrance or exit not being an emergency exit other than a primary emergency exit;

(*b*) in the case of a single-decked vehicle which has a seating capacity not exceeding 12 passengers, no fuel tank shall be placed immediately under any entrance or exit or within 300 millimetres of any entrance or exit and no filling point for such a tank shall be situated at the rear of the vehicle;

(*c*) no part of any fuel tank or apparatus for the supply of fuel shall be placed in the compartments or other spaces provided for the accommodation of the driver or passengers; and

(*d*) a device shall be provided by means of which the supply of fuel to any carburettor, or in the case of a fuel injection pump, to the injection nozzles, can be readily cut off and the following requirements shall be complied with—

(i) the means of operation shall at all times be readily accessible from outside the vehicle and, except in the case of a vehicle fitted with an engine having a fuel injection system, shall be readily visible from the outside of the vehicle; and

(ii) in a case where the device is so visible, the "off" position of the means of operation thereof shall be clearly marked also on the outside of the vehicle, and in a case where that device is not so visible, its position shall be clearly marked on the outside of the vehicle and the means of operation shall also be clearly indicated.

(2) All fuel tanks and all apparatus supplying fuel to the engine shall be so placed or shielded that no fuel overflowing or leaking therefrom can fall or accumulate upon any woodwork forming part of the vehicle or upon any other part of the vehicle or fitting thereto such that it might readily be ignited or that it can fall into any receptacle where it might accumulate.

(3) The filling points for all fuel tanks shall be accessible only from the outside of the vehicle and filler caps shall be so designed and constructed that they cannot be dislodged by accidental operation and any vent hole shall be protected from danger of penetration by fire and shall be so designed as to prevent fuel from being ejected by splashing.

Exhaust pipe

8. The exhaust pipe shall be so fitted or shielded that no flammable material can fall or be thrown upon the pipe from any other part of the vehicle and so that it is not likely to cause a fire through proximity to any flammable material on the vehicle, and the outlet of the pipe shall be either at the rear or on the offside and far enough to the rear, to prevent so far as practicable fumes from entering the vehicle.

Luggage racks

9. All luggage racks fitted in a vehicle shall be so designed and constructed that any article placed thereon, if it becomes dislodged whilst the vehicle is in motion, is not likely to fall on the driver or interfere with his control of the vehicle.

Artificial lighting

10. Subject to paragraph 2 of Schedule 1, adequate internal lighting shall be provided in every vehicle for the illumination—

(*a*) of each deck having a permanent top; and

(*b*) of any step or platform forming part of any entrance or exit other than an emergency exit;

and all lighting circuits shall be so arranged that an electrical failure of any lighting sub-circuit shall not be capable of extinguishing all the lights on any deck and at least one lamp shall be provided as near as practicable to the top of the staircase leading to an upper deck not having a permanent top.

Electrical equipment

11.—(1) All electrical apparatus and circuits in a vehicle shall be so constructed and installed as to guard adequately against the risk of electric shock or the outbreak of fire.

(2) Subject to paragraph 3 of Schedule 1, where the voltage exceeds 100 volts in one or more electrical ciruits in a vehicle, a manually operated isolating switch which is capable of disconnecting all such circuits from the main electrical supply shall be connected in each pole of that supply which is not electrically connected to earth, and shall be located inside the vehicle in a position readily accessible to the driver or conductor;

Provided that no such isolating switch shall be capable of disconnecting any electrical circuit supplying the lamps carried for the purpose of Article 38 of the 1981 Order (which provides for lights to be carried by vehicles between sunset and sunrise).

(3) In this regulation any reference to an electrical circuit is a reference to an electrical circuit not being a high tension ignition circuit or a circuit within a unit of equipment.

Body

12. The body of a vehicle shall be securely fixed to the chassis. Every trap door in the floor of a vehicle shall be so fitted or fastened that it cannot