

2006 No. 249

ROAD TRAFFIC AND VEHICLES

**The Public Service Vehicles Accessibility (Amendment)
Regulations (Northern Ireland) 2006**

Made - - - - - *6th June 2006*

Coming into operation *19th July 2006*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by sections 40 and 41 of the Disability Discrimination Act 1995(a).

In accordance with section 40(7) of that Act the Department has consulted such representative organisations as it thinks fit.

Citation, commencement and interpretation

1. These Regulations may be cited as the Public Service Vehicles Accessibility (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 19th July 2006.

Amendment of the Public Service Vehicles Accessibility Regulations (Northern Ireland) 2003

2. For regulation 5 of the Public Service Vehicles Accessibility Regulations (Northern Ireland) 2003(b) (recognition of EEA equivalent standards) there shall be substituted—

“Recognition of compliance with EC and EEA equivalent requirements

5.—(1) Where a Certificate of Conformity has been issued on the basis that a Class I bus complies with Article 3 of the 2001 Directive, the requirements of these Regulations specified in Schedule 1, or Schedule 2 (but not paragraph 8 of Schedule 2), shall not apply to that bus, and in such a case the vehicle examiner may issue an accessibility certificate in respect of the bus as though the bus had complied with those requirements of these Regulations.

(2) In the case of a bus which has not been issued with an accessibility certificate pursuant to paragraph (1), the requirements of these Regulations specified in Schedule 1, or Schedule 2 (but not paragraph 8 of Schedule 2), shall not apply if the bus satisfies—

- (a) the requirements of such of Annexes I to VI and VIII and IX to the 2001 Directive as apply to it; and
- (b) the requirements of Annex VII to the 2001 Directive,

and in such a case the vehicle examiner may issue an accessibility certificate in respect of the bus as though the bus had complied with those requirements of these Regulations.

(a) 1995 c. 50; section 40 is modified in its application to Northern Ireland by paragraph 24 of Schedule 8 and section 41 is modified in its application to Northern Ireland by paragraph 25 of said Schedule
(b) S.R. 2003 No. 37

(3) The requirements of these Regulations specified in Schedule 1, or Schedule 3 (but not paragraph 7 of Schedule 3), shall not apply to a coach which satisfies—

- (a) the requirements of such of Annexes I to VI and VIII and IX to the 2001 Directive as apply to it; and
- (b) the requirements of Annex VII to the 2001 Directive,

and in such a case the vehicle examiner may issue an accessibility certificate in respect of the coach as though the coach had complied with those requirements of these Regulations.

(4) 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 (including the requirements of the 2001 Directive mentioned in paragraphs (1) to (3) above), that vehicle shall, by virtue of that evidence, be regarded as conforming with those (and only those) requirements for the purposes of these Regulations.

(5) In this Regulation—

- (a) “the 2001 Directive” means Directive 2001/85/EC of the European Parliament and Council of 20th November 2001 relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver’s seat and amending Directives 70/156/EEC and 97/27/EC^(a);
- (b) “a bus of Class I” means a bus constructed with areas for standing passengers, to allow frequent passenger movement; and
- (c) “a Certificate of Conformity” means a certificate issued by a manufacturer—
 - (i) under regulation 5 of the Motor Vehicles (EC Type Approval) Regulations 1998^(b), or
 - (ii) under any provision of law of a Member State other than the United Kingdom giving effect to 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^(c).”

Sealed with the Official Seal of the Department of the Environment on 6th June 2006.

(L.S.)

Maggie Smith

A senior officer of the Department of the Environment

(a) O.J. No. L42, 13.2.2002, p. 1

(b) S.I. 1998/2501, to which there are amendments not relevant to these Regulations

(c) O.J. No. L42, 23.2.1970, p. 1, which Directive was last amended by Regulation (EC) 807/203 (O.J. No. L122, 16.5.2003, p. 36)

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Public Service Vehicles Accessibility Regulations (Northern Ireland) 2003 (S.R. 2003 No. 37) (“the 2003 Regulations”) prescribe wheelchair accessibility requirements and general accessibility requirements for single-deck and double-deck buses and coaches.

It is necessary to modify the 2003 Regulations so that compliance with Directive 2001/85/EC (O.J. No. L42, 13.2.2002, p. 1) is offered as an alternative as it requires that the United Kingdom shall not refuse or prohibit the sale or entry into service of a vehicle, or of bodywork intended to be part of the vehicle (which may be type approved separately), if the requirements of the Directive and its Annexes are met, and if such refusal is on grounds relating to that Directive.

Regulation 2 provides that these requirements may alternatively be met by a vehicle satisfying both the requirements of such of the Annexes as apply to it and the requirements of Annex VII to Directive 2001/85/EC.

A Regulatory Impact Assessment has been produced and is available from the Department of the Environment website at www.doeni.gov.uk/roadsafety.

Copies of the relevant Directives can be obtained from TSO, 16 Arthur Street, Belfast, BT1 4GD.