

## **EXPLANATORY MEMORANDUM TO**

### **The Public Service Vehicles (Conditions of Fitness, Equipment and Use) (Amendment) Regulations (Northern Ireland) 2010**

**SR 2010 No. 193**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 66(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981 and Articles 55(1) and 110(2) of the Road Traffic (Northern Ireland) Order 1995 and is subject to the negative resolution procedure.
- 1.3. The rule is due to come into operation on 5 July 2010.

#### **2. Purpose**

- 2.1. The purpose of these Regulations is to amend the existing Public Service Vehicle (PSV) legislation to allow left hand drive stretched limousines, with eight seats or fewer, which currently do not meet the licensing criteria, to be licensed as private hire taxis.

#### **3. Background**

- 3.1. The Road Traffic (Northern Ireland) Order 1981 requires vehicles in Northern Ireland which are used to carry passengers for reward to be licensed as Public Service Vehicles. PSV licences are granted either for taxis (vehicles up to 8 passenger seats in addition to the driver) or buses (vehicles exceeding 8 passenger seats in addition to the driver). Left hand drive (LHD) stretched limousines fall into both groups and there are differing legal requirements in terms of vehicle construction for each of these groups to be licensed. This proposal deals only with LHD stretched limousines seating up to 8 passengers. The larger LHD stretched limousines are outside the scope of the current proposals.
- 3.2. Many LHD stretched limousines imported into Northern Ireland (NI) are from the USA where the legislation governing their construction and use is significantly different.
- 3.3. In NI, LHD stretched limousines can be used for personal or private transport but all vehicles, including LHD stretched limousines, which carry passengers for hire or reward must be licensed as PSVs. Many LHD stretched limousines cannot be PSV'd without modification and the majority of owners of these vehicles have not been willing to make the required modifications as they consider it either physically impossible or too expensive. The result is that many of these vehicles operate illegally and the DVA and PSNI have difficulty in effectively policing the industry resulting in concerns over road and passenger safety.

- 3.4. The Department was prompted to develop proposals to address these issues because of the increasing popularity of LHD stretched limousines with young people, the lack of regulation resulting in the potential for the involvement of criminal elements, and responsible owners/operators lobbying for licensing change in the hope that it will improve confidence in the industry.
- 3.5. The Taxis Act (NI) 2008 which allows for the reform of the taxi industry is being phased in over a 5 year period and will create a more robust regulatory framework for LHD stretched limousines to operate in.
- 3.6. Therefore, as an interim measure until such time as the Taxis Act is implemented, the Department proposes to bring forward a temporary solution to allow LHD stretched limousines to be PSV'd. The proposed amendment to the Conditions of Fitness Regulations removes the requirement for a taxi to be right hand drive. Although this could potentially allow imported saloon cars to be licensed as taxis, the implementation of the Taxis Act will address this situation.

#### **4. Matters of Special Interest to the Environment Committee**

- 4.1. None.

#### **5. Consultation**

- 5.1. The consultation on initial proposals for the licensing of LHD stretched limousines in 2005/2006 received broad support from the industry.

#### **6. Position in Great Britain**

- 6.1. Not applicable.

#### **7. Equality Impact**

- 7.1. A EQIA was not required as it was not deemed to impact negatively on any of the groups identified by section 75 of the NI Act 1998.

#### **8. Regulatory Impact**

- 8.1. No Regulatory Impact Assessment was required for this proposal as there are no associated costs.

#### **9. Financial Implications**

- 9.1. None.

#### **10. Section 24 of the Northern Ireland Act 1998**

- 10.1. The proposed Regulations are not incompatible with Section 24 of the Northern Ireland Act 1998.

#### **11. EU Implications**

- 11.1. Not applicable.

#### **12. Additional Information**

- 12.1. Not applicable.