

1981 No. 1599

**PUBLIC PASSENGER VEHICLES
ROAD TRAFFIC****The Minibus (Conditions of Fitness, Equipment and Use)
(Amendment) Regulations 1981**

Made - - - - 6th November 1981

Laid before Parliament 17th November 1981

Coming into Operation 8th December 1981

The Secretary of State for Transport, in exercise of the powers conferred by section 44 of the Public Passenger Vehicles Act 1981(a) and section 40(1) and (3) of the Road Traffic Act 1972 (b) and now vested in him (c), and of all other enabling powers, and after consultation with representative organisations in accordance with the provisions of section 199(2) of the said Act of 1972 and with bodies and persons in accordance with the provisions of section 3(3) of the said Act of 1981, hereby makes the following Regulations:—

1. These Regulations shall come into operation on 8th December 1981 and may be cited as the Minibus (Conditions of Fitness, Equipment and Use) (Amendment) Regulations 1981.

2. The Minibus (Conditions of Fitness, Equipment and Use) Regulations 1977(d) shall be further amended in accordance with the provisions of these Regulations.

3. In Regulation 2 (Interpretation), in paragraph (1)—

(a) for the definition of “minibus” substitute the following new definition:—

“ “minibus” means a small passenger-carrying vehicle as defined in section 42(7) of the Public Passenger Vehicles Act 1981;”

(b) at the end of the definition of “overall length” omit the word “and”;

(c) in the definition of “single-decked vehicle” for the words “another deck or gangway.” substitute the words “another deck or gangway; and”; and

(d) after the definition of “single-decked vehicle” add the following new definition:—

“ “tail-lift opening” means an entrance or an exit in which there is incorporated a mechanical device intended and used to aid disabled persons to board or leave the vehicle.”.

(a) 1981 c. 25.

(b) 1972 c. 20.

(c) S.I. 1979/571 and 1981/238.

(d) S.I. 1977/2103, to which there are amendments not relevant to these Regulations.

4. In Regulation 4, in the Table, after item 1B, add the following item:—

“ 1C	Council Directive 71/320/EEC of 26th July 1971 (relating to the braking devices of certain categories of motor vehicles and their trailers) as amended by Commission Directives 74/132/EEC of 11th February 1974, 75/524/EEC of 25th July 1975 and 79/489/EEC of 18th April 1979(a).	1st January 1980	7 and 11 (in so far as that Regu- lation relates to brake connec- tions). ”.
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5. After Regulation 4 (Exemptions) insert the following new Regulation:—

“4A. The provisions of Regulation 7, and the provisions of Regulation 11 (in so far as they relate to brake connections), of these Regulations shall not apply in respect of a minibus which is legibly and indelibly marked in a conspicuous and readily accessible position with a marking designated as an approval mark by Regulation 4 of the Motor Vehicles (Designation of Approval Marks) Regulations 1979(b) and shown at item 13 or 13A in Schedule 2 to those Regulations.”.

6. In Regulation 13 (Number, position and size of entrances and exits)—

- (a) in paragraph (1), for the words “Every minibus” substitute the words “Save as provided in paragraph (2A) below, every minibus”;
- (b) in paragraph (2) —
- (i) for the words “Every minibus” substitute the words “Save as provided in paragraph (2A) below, every minibus”, and
- (ii) in sub-paragraph (b) delete the words “except the requirement specified in Regulation 16(1)(a)”;
- (c) after paragraph 2, insert the following new paragraph:—
- “(2A) Any exit (including an emergency exit) with which a vehicle is required to be fitted under paragraph (1) or (2) above may be a tail-lift opening provided that—
- (a) no tail-lift opening may be fitted to the offside of the vehicle, and
- (b) the tail-lift opening complies with the requirements as to exits specified in paragraph (3) below.”.

7. In Regulation 14 (Access to exits)—

- (a) in paragraph (1), for the words “paragraph (2) below” substitute the words “paragraphs (2) or (3) below,”
- (b) after paragraph (2) add the following new paragraph:—
- “(3) The requirement specified in paragraph (1) above shall be deemed to be complied with in the case of a tail-lift opening, which, when the tail-lift is stowed, does not comply with that paragraph provided that—
- (a) the tail-lift platform is stowed vertically and the operation of a device will, when the doors of the opening are open, and in the case

(a) O.J. L128, 26.5.1979, p. 12.

(b) S.I. 1979/1088, as amended by S.I. 1980/582.

of a vehicle first used on or after 1st October 1982 by a single movement of the device, cause the platform to be released and permit it to be moved so as not to obstruct any such access as is mentioned in paragraph (1) above, such device to be capable of being operated from inside the vehicle and from outside the vehicle;

- (b) the device mentioned in sub-paragraph (a) above is easily accessible to, and can conveniently be operated by, a person of normal height without risk of his being injured by movement of the tail-lift platform and is marked so as to indicate its method of operation including the direction and points of application of any manual effort required to cause the platform to be released;
- (c) in the case of a vehicle first used on or after 1st October 1983 and, with effect from 1st October 1989, in the case of a vehicle first used before 1st October 1983, being in either case a vehicle with no exit on any side or face of the vehicle other than that which is the tail-lift opening—
 - (i) when a tail-lift platform is stowed a clear passageway on at least one side of the platform is available to passengers between the side of the tail-lift opening and the side of the tail-lift platform nearest thereto, and that passageway is not less than 300 millimetres wide from the deck of the vehicle up to a height of at least 765 millimetres above that deck and not less than 355 millimetres wide from that height up to the highest point of the tail-lift opening;
 - (ii) the tail-lift can be lowered by manual operation from its horizontal position to such a position as will enable passengers to alight from the vehicle.”.

8. In Regulation 15 (Doors)—

- (a) in paragraph (3), for the words “Every entrance and exit door” substitute the words “Save as provided in paragraph (4A) below, every entrance and exit door”;
- (b) after paragraph (4) insert the following new paragraph:—

“(4A) Every tail-lift opening door shall be provided with one or more devices each of which—

 - (a) complies with the requirements specified in paragraph (3) above (save in so far as those requirements refer to paragraph (4) above),
 - (b) complies with the requirements specified in paragraph (4)(a) above, and
 - (c) save in a case to which Regulation 14(3) does not apply, if fitted to a vehicle first used on or after 1st October 1983 and, with effect from 1st October 1989 if fitted to a vehicle first used before 1st October 1983 be so designed that, subject to the provision of paragraph (7) below, a single movement of the device will allow both the door in respect of which it is provided to be readily opened and the tail-lift fitted at the opening to be readily lowered, and if fitted to any other vehicle be so designed that it complies with the requirements specified in paragraph (4)(c) above.”;
- (c) in paragraph (7), after the words “paragraph (4) above” insert the words “or sub-paragraph (c) of paragraph (4A) above”.

9. In Regulation 16 (Marking, positioning and operation of emergency exits), in paragraph (1), for sub-paragraph (a) substitute the following sub-paragraph:—

- “(a) both on the inside and on the outside of the vehicle be clearly marked as an emergency exit except in a case where the exit:—
- (i) being a tail-lift opening is an exit referred to in Regulation 13(1)(b) or (2)(a)(ii), or
 - (ii) whether a tail-lift opening or not, is an exit referred to in Regulation 13(2)(b).”.

6th November 1981.

David Howell,
Secretary of State for Transport.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. The amendments contained in these Regulations to the Minibus (Conditions of Fitness, Equipment and Use, Regulations 1977 remove obstacles to the fitting to vehicles subject to the Regulations of tail-lifts to aid disabled persons to board and leave minibuses whilst maintaining essential safety requirements.

2. The provisions as to the number and position of exits are relaxed so as to allow a tail-lift opening (which is defined in Regulation 3 as an entrance or exit in which there is incorporated a mechanical device intended and used to aid disabled persons to board or leave the vehicle) to be fitted to any entrance or exit not being on the offside of the minibus (Regulation 6).

3. The provisions about the access to exits are relaxed as regard tail-lift openings, if the tail-lift platform is stowed vertically, but this relaxation is narrowed in respect of minibuses first used on or after 1st October 1982 so that tail-lift platforms fitted to such minibuses will have to be capable of being released from the stowed position by the single movement of a device which can be operated from inside or outside the vehicle (Regulation 7). The relaxation is further narrowed as regards certain minibuses first used on or after 1st October 1983 and, after 1st October 1989, as regards minibuses first used before 1st October 1983 so as to require a clear passageway between the stowed tail-lift platform and one side of the tail-lift opening (Regulation 7). In addition these minibuses are required to be fitted with a device which by a single movement will allow both the door in respect which it is provided to be readily opened and any tail-lift fitted at the opening to be readily lowered (Regulation 8).

4. The amendments contained in these Regulations also take account of the restriction, introduced by section 33 of the Transport Act 1980(c.34), of the powers to make regulations under section 3(1) of the Minibus Act 1977(c.25) to small passenger-carrying vehicles (formerly defined, by virtue of the said section 33, in section 4(2) of the said Act of 1977). These provisions are now contained in sections 42(7) and 44(1) of the Public Passenger Vehicles Act 1981.

5. These Regulations also amend the exemption relating to brakes so as to take account of Commission Directive 79/489/EEC of 18th April 1979 (Regulation 4), and to contain exemptions relating to brakes resulting from a minibus being marked with a designated approval mark (contained in the Motor Vehicles (Designation of Approval Marks) Regulations 1979 as amended) signifying compliance with Regulation 13 annexed to the Agreement concerning the adoption of uniform conditions of approval for Motor Vehicles Equipment and Parts and reciprocal recognition thereof concluded at Geneva on 20th March 1958 (Cmnd. 2535), as amended (Cmnd. 3562), to which the United Kingdom is a party by virtue of an instrument of accession dated 14th January 1963 deposited with the Secretary-General of the United Nations on 15th January 1963 (Regulation 5).

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