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STATUTORY INSTRUMENTS

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**1995 No. 305**

**ROAD TRAFFIC**

**The Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) (Amendment) Regulations 1995**

*Made* - - - - - *9th February 1995*  
*Laid before Parliament* *21st February 1995*  
*Coming into force* - - - *14th March 1995*

The Secretary of State for Transport—

- (a) in exercise of the powers conferred by section 41(1) and (5) of the Road Traffic Act 1988<sup>(1)</sup> and after consultation with representative organisations in accordance with section 195(2) of that Act; and
- (b) being a Minister designated<sup>(2)</sup> for the purposes of subsection (2) of section 2 of the European Communities Act 1972<sup>(3)</sup> in relation to the regulation of the construction and equipment of vehicles and of components of vehicles, in exercise of the powers conferred by that section,

and in exercise of all other powers enabling him in that behalf, hereby makes the following Regulations:—

**1.**—(1) These Regulations may be cited as the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) (Amendment) Regulations 1995 and shall come into force on 14th March 1995.

(2) Regulation 4 of these Regulations is made in exercise of the powers conferred by section 41 of the Road Traffic Act 1988 to the exclusion of the powers conferred by section 2(2) of the European Communities Act 1972.

**2.** The Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981<sup>(4)</sup> shall be amended in accordance with the following provisions of these Regulations.

**3.** In regulation 35, after paragraph (2) there shall be inserted the following paragraphs—

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(1) 1988 c. 52; section 41 is amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 50 and Schedule 8.  
(2) S.I.1972/1811.  
(3) 1972 c. 68. Relevant amendments to the definition of “the Treaties” in section 1 of the Act are made by section 1 of the European Economic Area Act 1993 (c. 51).  
(4) S.I. 1981/257; relevant amending Instrument is S.I. 1989/2359.

“(3) Paragraph (1) shall not apply to a vehicle if it carries apparatus for extinguishing fire which would meet the requirements of that paragraph were there substituted—

- (a) for a reference in Schedule 4 to any British Standard, a reference to a corresponding standard;
- (b) for the reference in Schedule 4 to a test fire rating of 8A or the reference in that Schedule to a test fire rating of 21B, a reference to an equivalent level of performance specified in the corresponding standard; and
- (c) for the reference in paragraph (2)(b) to the appropriate British Standards Institution specification number, a reference to a marking indicating compliance with the corresponding standard.

(4) For the purposes of this regulation, “corresponding standard”, in relation to a British Standard, means—

- (a) a standard or code of practice of a national standards body or equivalent body of any EEA State;
- (b) any international standard recognised for use as a standard by any EEA State; or
- (c) a technical specification or code of practice which, whether mandatory or not, is recognised for use as a standard by a public authority of any EEA State,

where the standard code of practice, international standard or technical specification provides, in relation to fire extinguishers, a level of safety equivalent to that provided by the British Standard and contains a requirement as respects the markings of fire extinguishers equivalent to that provided by the British Standard.

(5) For the purposes of this regulation—

“EEA State” means a state which is a contracting party to the EEA Agreement but, until the EEA Agreement comes into force as regards Liechtenstein, does not include the State of Liechtenstein; and

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2 May 1992<sup>(5)</sup> as adjusted by the Protocol signed at Brussels on 17 March 1993<sup>(6)</sup>.”.

4. In Schedule 4, after the word “test” there shall be inserted the word “fire”.

Signed by authority of the Secretary of State

9th February 1995

*Steven Norris*  
Parliamentary Under Secretary of State,  
Department of Transport

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(5) Cm 2073.

(6) Cm 2183.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981.

Regulation 35 of the 1981 Regulations requires every public service vehicle to carry a fire extinguisher which meets certain requirements. These requirements include a requirement that it must comply with the specification issued by the British Standards Institution number BS 5423: 1977, BS 5423: 1980 or BS 5423: 1987 and which meet one of two prescribed levels of test under such a specification.

The effect of the amendments is to make it permissible for a public service vehicle to be used if it carries a fire extinguisher which does not meet the requirements under the British Standard specifications provided it meets the other requirements of regulation 35 and has an equivalent level of performance under a corresponding equivalent standard. These provisions are inserted in discharge of obligations under Article 30 of the Treaty of Rome.

Regulation 4 makes an amendment of a drafting nature.

Copies of the British Standards can be obtained from the British Standards Institution, Customer Services Department, 389 Chiswick High Road, London W4 4AL. They can also be obtained from Her Majesty's Stationery Office.