

2011 No. 304

ROAD TRAFFIC AND VEHICLES

**The Public Service Vehicles Accessibility (Amendment)
Regulations (Northern Ireland) 2011**

Made - - - - *8th September 2011*

Coming into operation - *14th October 2011*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by sections 40(1), (2) and (6) and 41(2) 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.—(1) These Regulations may be cited as the Public Service Vehicles Accessibility (Amendment) Regulations (Northern Ireland) 2011 and shall come into operation on 14th October 2011.

(2) In these Regulations “the principal Regulations” means the Public Service Vehicles Accessibility Regulations (Northern Ireland) 2003(b).

(3) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of regulation 2 (Interpretation)

2.—(1) Regulation 2 of the principal Regulations is amended in accordance with paragraphs (2) and (3).

(2) After the definition of “double-deck” insert—

““ECE Regulation 107” means Regulation No. 107 (uniform provisions concerning the approval of M2 and M3 vehicles with regard to their general construction) which came into force on 18th June 1998 as an Annex to the UNECE Agreement;

“ECE Regulation 107.01” means Regulation No. 107 as amended by the 01 series of amendments on 12th August 2004;

“ECE Regulation 107.02” means Regulation No. 107 as amended by the 02 series of amendments on 10th November 2007;”.

(3) After the definition of “type vehicle approval” insert—

(a) 1995 c. 50
(b) S.R. 2003 No. 37, relevant amending Regulations are S.R. 2006 No. 249
(c) 1954 c. 33 (N.I.)

““UNECE Agreement” means the Agreement of the United Nations Economic Commission for Europe concluded at Geneva on 20th March 1958 as amended concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or used on wheeled vehicles and the conditions for the reciprocal recognition of approvals granted on the basis of these prescriptions, 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;”.

Amendment of regulation 5 (Recognition of compliance with EC and EEA equivalent requirements)

3. For regulation 5 of the principal Regulations substitute—

“Recognition of compliance with 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—
 - (i) such of Annexes I to VI and VIII and IX to the 2001 Directive as apply to it; and
 - (ii) Annex VII to the 2001 Directive; or
- (b) the requirements of—
 - (i) such of Annexes 3 to 7 and 9 to ECE Regulation 107.01 or 107.02 as apply to it; and
 - (ii) Annex 8 to ECE Regulation 107.01 or 107.02,

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.

(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—
 - (i) such of Annexes I to VI and VIII and IX to the 2001 Directive as apply to it; and
 - (ii) Annex VII to the 2001 Directive; or
- (b) the requirements of—
 - (i) such of Annexes 3 to 7 and 9 to ECE Regulation 107.01 or 107.02 as apply to it; and
 - (ii) Annex 8 to ECE Regulation 107.01 or 107.02,

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 set out 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;
- (b) “approval authority” means the authority of a Member State with competence for all aspects of the approval of a type of vehicle, system, component or separate technical unit or of the individual approval of a vehicle; for the authorisation process, for issuing and, if appropriate, withdrawing approval certificates; for acting as the contact point for the approval authorities of other Member States; for designating the technical services and for ensuring that the manufacturer meets his obligations regarding the conformity of production;
- (c) “Class I bus” means a bus constructed with areas for standing passengers, to allow frequent passenger movement;
- (d) “a Certificate of Conformity” means a certificate issued by a manufacturer—
 - (i) under regulation 5 of the Motor Vehicles (EC Type Approval) Regulations 1998, 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;
- (e) “competent authority” means either the approval authority or a designated authority, or an accreditation body acting on their behalf.”.

Revocation

4. The Public Service Vehicles Accessibility (Amendment) Regulations (Northern Ireland) 2006(a) are revoked.

Sealed with the Official Seal of the Department of the Environment on 8th September 2011



Deirdre Kenny
A senior officer of the
Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Public Service Vehicles Accessibility Regulations 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. These Regulations amend the 2003 Regulations so as to give effect to ECE Regulation 107.01 and 107.02 (uniform provisions concerning the approval of category M2 or M3 vehicles with regard to their general construction).

Regulation 2 inserts definitions of the UNECE Agreement and ECE Regulations 107.01 and 107.02 into regulation 2 of the 2003 Regulations. Regulation 3 substitutes regulation 5 of the 2003 Regulations so that specified requirements may alternatively be met by a vehicle satisfying both the requirements of such Annexes as apply to it and the requirements of Annex 8 to ECE Regulation 107.01 or 107.2.

Copies of the ECE Regulations referred to in these Regulations can be obtained from the Stationery Office (telephone: 0870 600 5522, website www.tsoshop.co.uk) or from the UNECE website <http://www.unece.org/trans/main/wp29/wp29regs101-120.html>.

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