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STATUTORY RULES OF NORTHERN IRELAND

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**2000 No. 149**

**ROAD TRAFFIC AND VEHICLES**

**Public Service Vehicles (Amendment)  
Regulations (Northern Ireland) 2000**

*Made* - - - - - *2nd May 2000*

*Coming into operation* *19th June 2000*

The Department of the Environment, in exercise of the powers conferred on it by Articles 61(1) and (4), 66(1), 80 and 218(1) of the Road Traffic (Northern Ireland) Order 1981(1), and of every other power enabling it in that behalf, and with the approval of the Department of Finance and Personnel(2) in relation to regulation 11, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Public Service Vehicles (Amendment) Regulations (Northern Ireland) 2000 and shall come into operation on 19th June 2000.

(2) In these Regulations “the principal Regulations” means the Public Service Vehicles Regulations (Northern Ireland) 1985(3).

**Amendments to regulation 3 (interpretation)**

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

(2) After the definition of “centre” there shall be inserted the following definitions—

““certificate of initial fitness” has the same meaning as in section 6 of the Public Passenger Vehicles Act 1981(4);

“child restraint”, “disabled person’s belt”, “forward-facing seat” and “seat belt” have the meanings given by regulation 55(11) of the Construction and Use Regulations;”;

(3) After the definition of “the Conditions of Fitness Regulations” there shall be inserted the following definition—

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(1) S.I. 1981/154 (N.I. 1); see Article 2(2) for the definition of “Department” and “prescribed”

(2) Formerly the Department of Finance. see S.I. 1982/338 (N.I. 6), Article 3

(3) S.R. 1985 No. 123; relevant amending Regulations are S.R. 1995 No. 446, S.R. 1996 No. 143 and S.R. 1998 No. 76

(4) 1981 c. 14; section 6(1)(a) was amended by paragraph 14 of Schedule 4 to the Road Traffic Act 1991 (c. 40)

““the Construction and Use Regulations” means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999(5);”;

- (4) After the definition of “registration mark” there shall be inserted the following definition—
- ““relevant seat belt” means a seat belt, not being a disabled person’s belt or a child restraint, which—
- (a) is fitted other than as required by regulation 55 of the Construction and Use Regulations; and
  - (b) on or after 19th June 2000 either—
    - (i) has not undergone an examination and been found to comply with the prescribed statutory requirements referred to in item 34 in paragraph 5(c) of Schedule 2 to the Motor Vehicle Testing Regulations (Northern Ireland) 1995(6); or
    - (ii) has not undergone an examination and been found to comply with the prescribed statutory requirements referred to in regulation 6(3); or
    - (iii) has undergone an examination in respect of paragraph (i) or (ii) and has been found to so comply but is fitted in a vehicle in respect of which no test certificate, licence or disc has been issued to the effect that that is the case; or
    - (iv) has not undergone an examination, part of which included an examination of relevant seat belts, and been issued with a certificate of initial fitness on or after 1st August 1998; or
    - (v) has not undergone an examination, part of which included an examination of relevant seat belts, and been issued with a certificate under sections 46 and 47 of the Road Traffic Act 1988(7).”

#### **New regulation 4A (classification of vehicles and application of Regulations)**

3. After regulation 4 of the principal Regulations there shall be inserted the following regulation—

##### **“Classification of vehicles and application of Regulations**

4A.—(1) For the purposes of these Regulations motor vehicles to which they apply are classified as follows—

Class I:	Buses constructed or adapted to carry more than 8 but not more than 16 seated passengers in addition to the driver
Class IA:	Class I vehicles which have been fitted with one or more relevant seat belts
Class II:	Buses constructed or adapted to carry more than 16 but not more than 35 seated passengers in addition to the driver
Class IIA:	Class II vehicles which have been fitted with one or more relevant seat belts

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(5) S.R. 1999 No. 454

(6) S.R. 1995 No. 448, as amended by S.R. 1996 No. 140, S.R. 1998 No. 74, S.R. 1999 No. 78 and S.R. 2000 No. 151

(7) 1988 c. 52; Section 46 was amended by s. 48 and paragraph 53 of Sch. 4 to the Road Traffic Act 1991 (c. 40). Section 47 was amended by s. 5 and Sch. 2 to the Finance Act 1994 (c. 9) and s. 63 and Sch. 3 to the Vehicles Excise and Registration Act 1994 (c. 22)

Class III:	Buses constructed or adapted to carry more than 35 seated passengers in addition to the driver
Class IIIA:	Class III vehicles which have been fitted with one or more relevant seat belts
Taxi:	A motor vehicle seating not more than eight passengers in addition to the driver

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and (except where otherwise provided in these Regulations) any reference in these Regulations to a class of vehicles shall be construed accordingly.

(2) These Regulations apply to every vehicle of a class specified in paragraph (1).”.

#### **Replacement of regulation 6 (inspection of vehicle and grant of licence)**

4. For regulation 6 of the principal Regulations there shall be substituted the following regulation—

##### **“Inspection of vehicle and grant of licence**

6.—(1) On being notified in writing by the Department, the applicant shall present the vehicle for inspection in clean condition, together with the registration book and previous certificate, licence or disc, if any, at the time and centre specified in the notice.

(2) A vehicle examiner shall not be obliged to carry out an inspection where—

- (a) the vehicle is not submitted at the time and place notified to the applicant;
- (b) on submission of a vehicle for an inspection the applicant does not, after being requested to do so, produce the registration document and previous certificate, licence or disc, if any;
- (c) the correct fee in respect of that inspection has not been paid;
- (d) the particulars relating to that vehicle and shown in any application form relevant to that inspection are found to be substantially incorrect;
- (e) the vehicle, or any part of or any equipment of the vehicle is so dirty as to make it unreasonably difficult for the inspection to be carried out in accordance with the provisions of these Regulations;
- (f) the vehicle emits substantial quantities of avoidable smoke; or
- (g) an examiner is not able to complete the inspection due to the failure of a part of the vehicle which renders the vehicle incapable of being moved in safety under the power of the vehicle.

(3) Where after inspecting the vehicle the Department is satisfied that it complies in all respects with—

- (a) the statutory requirements;
- (b) as regards vehicles in which recording equipment is required by Article 3 of the Community Recording Equipment Regulation to be installed and used, the requirements of so much of that Regulation as relates to the installation of recording equipment and the seals to be affixed to such equipment; and
- (c) as regards vehicles which have been fitted with relevant seat belts on forward facing seats, the requirements of Regulation 115(1) of the Construction and Use Regulations (insofar as it relates to the manner in which the seat belts and anchorages have been installed including, in the case of a seat which incorporates

integral seat belt anchorages, the system by which the seat assembly itself is secured to the vehicle structure and the structure of the frame and legs of the seat), it shall grant a licence.

(4) A vehicle examiner shall determine the maximum passenger capacity of the vehicle in accordance with regulations 61 and 62 of the Condition of Fitness Regulations and, save in the case of a vehicle mentioned in regulation 63, specify such capacity on the licence and the disc.

(5) Paragraph (3)(c) shall not apply to a vehicle in respect of which—

- (a) a test certificate the examination in respect of which included an inspection of the relevant seat belts has been issued under Article 61(2) of the 1995 Order on or after 19th June 2000; or
- (b) a test certificate the examination in respect of which included an inspection of the relevant seat belts has been issued under section 45 of the Road Traffic Act 1988 on or after 1st August 1998; or
- (c) a certificate of initial fitness the examination in respect of which included an inspection of the relevant seat belts has been issued on or after 19th June 2000; or
- (d) one or more forward-facing seats are fitted with a relevant seat belt, which, when so equipped, are of a type of vehicle in respect of which the Department is satisfied that the vehicle manufacturer holds—
  - (i) an approval issued by or on behalf of the approval authority of an EEA State confirming compliance with the installation requirements of Community Directives 77/541(8), 82/319(9), 90/628(10), or 96/36(11); and
  - (ii) either—
    - (A) an approval issued by or on behalf of the approval authority of an EEA State confirming compliance with the technical and installation requirements of Community Directives 76/115(12), 81/575(13), 82/318(14), 90/629(15), or 96/38(16); or
    - (B) an approval issued by or on behalf of the competent authority of a contracting State confirming compliance with the technical and installation requirements of ECE Regulation 14, 14.01, 14.02 or 14.03.

(6) For the purposes of paragraph (3)(a) “the statutory requirements” means the Conditions of Fitness Regulations; the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999(17); the Road Vehicles (Registration and Licensing) Regulations (Northern Ireland) 1973(18) and the Road Vehicles Lighting Regulations (Northern Ireland) 1995(19) and the inspection shall include the items in Schedule 3 applicable to the vehicle being inspected.

(7) In this regulation—

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(8) O.J. No. L220, 29.8.77, p. 95

(9) O.J. No. L139, 19.5.82, p. 17

(10) O.J. No. L341, 6.12.90 p. 1

(11) O.J. No. L178, 17.7.96, p. 15

(12) O.J. No. L24, 30.1.76, p. 6

(13) O.J. No. L209, 29.7.81, p. 30

(14) O.J. No. L319, 19.5.82, p. 9

(15) O.J. No. L341, 6.12.90, p. 14

(16) O.J. No. L187, 26.7.96, p. 95

(17) S.R. 1999 No. 454

(18) S.R. & O. 1973 No. 490; relevant amending Regulations are S.I. 1976/2180

(19) S.R. 1995 No. 449; relevant amending Regulations are S.R. 1997 No. 305

“approval authority” has the same meaning as in Community Directive 70/156(20);  
“contracting State” means a State which is a party to the International Agreement;  
“EEA State” means a State which is a contracting party to the EEA Agreement;  
“EEA Agreement” means the agreement on the European Economic Area signed at Oporto on 2nd May 1992(21) as adjusted by the Protocol signed at Brussels on 17th March 1993(22);  
“ECE Regulation” and “Community Directive” have the meanings given by regulation 2(2) of the Construction and Use Regulations;  
“the International Agreement” means the Agreement concerning the adoption of uniform conditions of approval for motor vehicle equipment and parts and reciprocal recognition thereof concluded at Geneva on 25th March 1958(23) as amended(24) to which the United Kingdom is a party(25).”

#### **Amendment to regulation 8 (refusal of licence)**

5. In regulation 8(2)(b) of the principal Regulations, for the words “regulation 6(2)” there shall be substituted the words “regulation 6(3)”.

#### **Amendment to regulation 9 (re-inspection of vehicle)**

6. Regulation 9 of the principal Regulations, after paragraph (3) there shall be inserted the following paragraphs—

“(4) Where a licence for a vehicle in Class IA, IIA or IIIA is refused under regulation 8(2)(b) and the defects mentioned in the notice relate to the fitment of relevant seat belts as specified in regulation 6(3)(c), and those defects are remedied, an applicant may make a further application for a licence on a form issued by the Department and the Department shall carry out a further inspection of the vehicle.

(5) Where an application under paragraph (4) is made within 21 days from the date of service of the notice, and the vehicle is presented for re-examination on a date and at a time appointed by the Department, the fee payable shall be the relevant amount prescribed in paragraph 4 of Schedule 7.

(6) Where an application under paragraph (4) is made more than 21 days from the date of service of the notice, the fee payable shall be the relevant amount prescribed in paragraph 4 of Schedule 7.”

#### **Amendment to regulation 10 (refund of fees)**

7. In regulation 10(1) of the principal Regulations, for the words “regulations 5(3) and 9(2) and (3)” there shall be substituted “regulations 5(3) and 9(2), (3), (5) and (6)”.

#### **Amendment to regulation 12 (duplicate licence or disc)**

8. In regulation 12(1) of the principal Regulations, for the words “paragraph 4” there shall be substituted “paragraph 6”.

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(20) O.J. No. L42, 23.2.70, p. 1

(21) Cmnd 2073

(22) Cmnd 2183

(23) Cmnd 2535

(24) Cmnd 3562

(25) By an instrument of accession dated 14th January 1963 deposited with the Secretary General of the United Nations on 15th January 1963

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**Amendments to Schedule 3 (items included in inspection)**

9.—(1) Schedule 3 to the principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) After item 10.6 there shall be inserted—

“10.7 Seat belts”.

(3) For item 11.1 there shall be substituted—

“11.1 Seat belts”.

**Amendment to Schedule 5 (licence for a bus)**

10. In Schedule 5 to the principal Regulations, after the words “seating capacity”, there shall be inserted—

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“Standing capacity	.....	
Date of seat belt installation check	.....	Number of relevant seat belts fitted to forward facing seats at time of installation check
		.....

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**New Schedule 7 (fees)**

11. For Schedule 7 there shall be substituted the Schedule set out in the Schedule to these Regulations.

Sealed with the Official Seal of the Department of the Environment on 27th April 2000.

L.S.

*J. Ritchie*  
A senior officer of the  
Department of the Environment

The Department of Finance and Personnel hereby approves regulation 11.  
Sealed with the Official Seal of the Department of Finance and Personnel on 2nd May 2000.

L.S.

*D. Stirling*  
A senior officer of the  
Department of Finance and Personnel

SCHEDULE

(Regulation 11)

“SCHEDULE 7

(Regulations 4A(1), 5(3), 9(2), (3), (5) and (6), and 12(1))

**Fees for Vehicle Licences**

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1. *Fee payable with initial application for a vehicle licence (see regulation 5(3))* £45·00

(a) Buses—

Class I

Class II £45·00

Class III £45·00

Class IA £52·50

Class IIA £62·00

Class IIIA £71·50

(b) Taxi £32·00

2. *Fee payable with re-application for a vehicle licence (see regulation 9(2))* £45·00

(a) Buses—

Class I

Class II £45·00

Class III £45·00

Class IA £52·50

Class IIA £62·00

Class IIIA £71·50

(b) Taxi £32·00

3. *Fee payable with re-application for a vehicle licence made within 21 days from the date of the service of the notice of refusal (see regulation 9(3))* £12·50

(a) Buses—

All Classes

(b) Taxi £11·00

4. *Fee payable with re-application for a vehicle licence made under regulation 9(4) within 21 days from the date of the service of the notice of refusal (see regulation 9(5))* £12·50

Buses—

Class IA

Class IIA £22·00

Class IIIA £31·50

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5. Fee payable for a duplicate vehicle licence £9.00  
(see regulation 12(1))

- |             |        |
|-------------|--------|
| (a) Buses—  |        |
| All Classes |        |
| (b) Taxi    | £9.00” |
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### EXPLANATORY NOTE

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

These Regulations amend the Public Service Vehicles Regulations (Northern Ireland) 1985. The principal amendments are as follows:

1. Regulation 3 prescribes 7 classes of public service vehicle, 6 for different types of buses and minibuses and 1 for taxis.

2. In regulation 4 provision is made for vehicle examiners to refuse to carry out an inspection of any vehicle where certain requirements are not met.

3. Regulation 4 also provides for the introduction into the vehicle inspection of an annual check of the condition of all seat belts and their anchorages (“the condition check”).

4. A single check of the quality of installation of additional forward facing seat belts and their anchorages (“the installation check”) is introduced into the vehicle inspection for certain classes of buses.

5. New fees are introduced for vehicle inspections which include such installation checks. The new fees are as follows:

- (a) for the initial application for a licence, and where a re-application is made under regulation 9(2)—
  - (i) for class IA vehicles, £52.50;
  - (ii) for class IIA vehicles, £62.00; and
  - (iii) for class IIIA vehicles, £71.50;
- (b) where a re-application is made within 21 days of a refusal, for all classes except taxis, £12.50;
- (c) where a re-application is made under regulation 9(4) within 21 days of the notice of refusal—
  - (i) for class IA vehicles, £12.50;
  - (ii) for class IIA vehicles, £22.00; and
  - (iii) for class IIIA vehicles, £31.50.

Copies of the ECE Regulation and relevant Community Instruments referred to in these Regulations may be obtained from the Stationery Office Bookshop, 16 Arthur Street, Belfast, BT1 4GD.



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