
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 308

**EUROPEAN COMMUNITIES
ROAD TRAFFIC AND VEHICLES**

**Public Service Vehicles (Conditions of Fitness, Equipment
and Use) (Amendment) Regulations (Northern Ireland) 1997**

Made - - - - *24th June 1997*
Coming into operation *18th August 1997*

The Department of the Environment, being a Department designated⁽¹⁾ for the purpose of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the regulation of the type, description, construction or equipment of vehicles, and of components of vehicles, in exercise of the powers conferred by that section and in exercise of the powers conferred on it by Articles 55(1) and (6) and 110(2) of the Road Traffic (Northern Ireland) Order 1995⁽³⁾ and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Public Service Vehicles (Conditions of Fitness, Equipment and Use) (Amendment) Regulations (Northern Ireland) 1997 and shall come into operation on 18th August 1997.

Amendment of the Public Service Vehicles (Conditions of Fitness, Equipment and Use) Regulations (Northern Ireland) 1995

2.—(1) The Public Service Vehicles (Conditions of Fitness, Equipment and Use) Regulations (Northern Ireland) 1995⁽⁴⁾ shall be amended in accordance with paragraphs (2) to (9).

(2) In regulation 33 (fuel tanks and apparatus), the words “unless suitably encased or screened” shall be omitted.

(3) In regulation 42 (fire extinguishing apparatus), after paragraph (2) there shall be inserted the following paragraphs—

(1) [S.I. 1972/1811](#)

(2) [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 \(c. 51\)](#)

(3) [S.I. 1995/2994 \(N.I. 18\)](#); *see* Article 2(2) for the definition of “the Department”

(4) [S.R. 1995 No. 447](#)

“(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 respect 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; and
- “EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992⁽⁵⁾ as adjusted by the Protocol signed at Brussels on 17th March 1993⁽⁶⁾.”.

(4) In regulation 43 (first aid equipment), in paragraph (1) after the words “contract carriage” there shall be inserted the words “, other than a bus being used for contract carriage over a route not exceeding 50 kilometres in length,”.

(5) In regulation 46 (taximeters), for paragraph (12) there shall be substituted—

“(12) On completion of repairs to or the replacement of a taximeter, the licensee shall report the fact to the Department and shall cause the taxi to be presented to a vehicle testing centre for testing and sealing of the taximeter.”.

(6) For regulation 57 (filling of fuel tank), there shall be substituted—

“Filling of petrol tank

57. While the engine of a vehicle propelled by a petrol engine is running, a person shall not cause or permit the filler cap fitted to the petrol tank to be removed or petrol to be put into the tank.”.

(7) In regulation 62 (calculation of maximum standing capacity), in paragraph (3)(e) for the word “operator” there shall be substituted “licensee”.

(8) For regulation 64 (drawing of trailers), there shall be substituted—

(5) Cm 2073

(6) Cm 2183

“64. The licensee or driver of a vehicle shall not cause or permit a trailer to be drawn by the vehicle except in the following circumstances—

- (a) where another vehicle is being towed in an emergency; and
- (b) neither the towing vehicle nor the vehicle being towed shall have any passengers on board.”.

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

Sealed with the Official Seal of the Department of the Environment on

L.S.

24th June 1997.

J. Ritchie
Assistant Secretary

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Public Service Vehicles (Conditions of Fitness, Equipment and Use) Regulations (Northern Ireland) 1995 (“the 1995 Regulations”).

Regulation 42 of the 1995 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.

Regulation 42 is amended so as 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 42 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 2(3)).

Regulation 43 of the 1995 Regulations requires a bus used for express or contract carriage to carry first aid equipment. The regulation is amended so as to exclude a bus used for contract carriage over a route which does not exceed a distance of 50 kilometres (regulation 2(4)).

Regulation 57 of the 1995 Regulations prohibits the removal of a fuel filler cap or the filling of a fuel tank while the engine of a vehicle is running. The regulation is substituted and the provision now applies only to a vehicle propelled by a petrol driven engine (regulation 2(6)).

Regulation 64 of the 1995 Regulations prohibits a vehicle from drawing a trailer except when an empty vehicle is being towed in an emergency. The regulation is substituted so that in such circumstances neither vehicle is permitted to have passengers on board (regulation 2(8)).

Regulation 2(2), (5), (7) and (9) make amendments 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 The Stationery Office, 16 Arthur Street, Belfast BT1 4GD.