

## **EXPLANATORY MEMORANDUM TO**

### **The Public Service Vehicles (Conditions of Fitness, Equipment and Use) (Amendment No. 2) Regulations (Northern Ireland) 2009**

**S.R. 2009 No. 358**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 55(1) and 110(2) of the Road Traffic (Northern Ireland) Order 1995 and Articles 66(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981 and is subject to the negative resolution procedure.
- 1.3. The rule is due to come into operation on 4<sup>th</sup> December 2009.

#### **2. Purpose**

- 2.1. These Regulations amend the Public Service Vehicles (Conditions of Fitness, Equipment and Use) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 447) so as to clarify that not more than one passenger shall be carried in each front seat of the vehicle alongside the driver and to revoke regulation 39(2) which relates to the requirement for a restrictor to be fitted to a sliding door.

#### **3. Background**

- 3.1. The first amendment is to Regulation 36 of the 1995 Regulations, which provides for the carriage of "not more than one passenger in any front seat of a taxi". This wording has caused confusion in the past, and is at present interpreted to mean that only one passenger seat may be occupied alongside the driver. However, since many people carriers with three front seats are now being used as taxis, this interpretation reduces the available seating capacity on these vehicles. The Department proposes to clarify the wording of this provision to remove any ambiguity and to allow one passenger to sit in each seat alongside the driver.
- 3.2. The second amendment is to revoke Regulation 39(2). The 1995 Regulations require a two stage opening system to be fitted to sliding doors on taxis. This is more than is currently required for European type approval, and leads to a situation where a brand new vehicle needs to be fitted with an extra mechanism to restrict the sliding door to two stages of opening, which increases costs to the industry. Since there is no evidence that a sliding door with single stage opening is more dangerous than a sliding door with two stage opening, the Department proposes to remove this requirement.

#### **4. Matters of Special Interest to the Environment Committee**

- 4.1. None.

## **5. Consultation**

5.1. It was considered that a formal consultation process was not required for the following reasons:

- there is no cost to either the industry or other affected groups;
- there are no easily definable cost benefits to the proposals;
- a twelve week consultation period would further delay the removal of the obsolete provision;
- the amendments have been screened for equality issues and none have been identified.

## **6. Position in Great Britain**

6.1. Not applicable.

## **7. Equality Impact**

7.1. None.

## **8. Regulatory Impact**

8.1. None.

## **9. Financial Implications**

9.1. None.

## **10. Section 24 of the Northern Ireland Act 1998**

10.1. The proposed Regulations are not incompatible with Section 24 of the Northern Ireland Act 1998.

## **11. EU Implications**

11.1. Not applicable.

## **12. Additional Information**

12.1. Not applicable.