

**2016 No. 344**

**ROAD TRAFFIC AND VEHICLES**

**The Public Service Vehicles (Amendment) Regulations  
(Northern Ireland) 2016**

*Made* - - - - - *20th September 2016*

*Coming into operation* - - - - - *31st October 2016*

The Department for Infrastructure<sup>(a)</sup> makes the following Regulations in exercise of the powers conferred by Articles 66(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981<sup>(b)</sup> and now vested in it<sup>(c)</sup>.

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Public Service Vehicles (Amendment) Regulations (Northern Ireland) 2016 and shall come into operation on 31<sup>st</sup> October 2016.

(2) In these Regulations “the principal Regulations” means the Public Service Vehicles Regulations (Northern Ireland) 1985<sup>(d)</sup>.

**Amendment to regulation 3 (interpretation)**

**2.** In regulation 3(1) of the principal Regulations—

(a) at the beginning insert—

““the Order” means the Road Traffic (Northern Ireland) Order 1981;

“the 1995 Act” means the Disability Discrimination Act 1995<sup>(e)</sup>;

“the 1995 Order” means the Road Traffic (Northern Ireland) Order 1995<sup>(f)</sup>;

“the 1995 Regulations” means the Public Service Vehicles (Conditions of Fitness, Equipment and Use) Regulations (Northern Ireland) 1995<sup>(g)</sup>;

“the 2003 Regulations” means the Public Service Vehicles Accessibility Regulations (Northern Ireland) 2003<sup>(h)</sup>”;

(b) insert the following new definitions in the appropriate places according to alphabetical order—

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(a) Formerly the Department for Regional Development; see section 1(6) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.)). Pursuant to section 1(9) of that Act, the Department of the Environment was dissolved

(b) S.I. 1981/154 (N.I. 1)

(c) See Article 8(1)(b) of, and Part 2 of Schedule 5 to, the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76)

(d) S.R. 1985 No. 123; relevant amending Regulations are S.R. 1990 No. 201, S.R. 2000 No. 149 and S.R. 2011 No. 301

(e) 1995 c. 50: Schedule 8 to the Act modifies the Act in its application to Northern Ireland

(f) S.I. 1995/2994 (N.I. 18)

(g) S.R. 1995 No. 447, to which there are amendments not relevant to these Regulations

(h) S.R. 2003 No. 37; to which there is an amendment not relevant to these Regulations

““assistance dog” has the same meaning as in section 37A(9) (carrying of assistance dogs in private hire vehicles) of the 1995 Act(a);

“disabled person” has the same meaning as in section 1 (meaning of “disability” and “disabled person”) of the 1995 Act;

“regulated public service vehicle” has the same meaning as in regulation 2(1) (interpretation) of the 2003 Regulations;”;

- (c) after the definition of “multi journey ticket” omit the definition of “the Order” and “the 1995 Order”; and
- (d) for the definition of “vehicle” substitute—  
““vehicle” means a public service vehicle except in Part VI where it means a regulated public service vehicle.”.

### **Amendment to regulation 47 (conduct of drivers and other persons employed in connection with vehicles)**

**3.** In regulation 47(4) of the principal Regulations(b)—

- (a) at the end of sub-paragraph (a) omit “and”;
- (b) at the end of sub-paragraph (b) add “in connection with their travel on the vehicle; and”;  
and
- (c) after sub-paragraph (b) add—  
“(c) shall not, subject to regulation 52 (fares and tickets) and there being a suitable space available, prevent an intending passenger who is a disabled person accompanied by an assistance dog, from being allowed to board and travel in the vehicle with that dog.”.

### **Amendment to regulation 48 (duties of driver)**

**4.** In regulation 48(1)(a)(i) of the principal Regulations—

- (a) for “regulations 18 and 20” substitute “regulations 61 (calculation of maximum seating capacity) and 62 (calculation of maximum standing capacity) of the 1995 Regulations”;  
and
- (b) for “regulation 39(1)” substitute “regulation 59 (markings) of the 1995 Regulations”.

### **Amendment to regulation 54 (carriage of animals)**

**5.** In regulation 54 of the principal Regulations, after paragraph (2) add—

“(3) Paragraphs (1) and (2) do not apply where the passenger is a disabled person and the animal is an assistance dog.

(4) A passenger who is a disabled person shall comply with any direction given by a driver to remove his assistance dog from the gangway.”.

### **New Part VI (the conduct of drivers of regulated public service vehicles with respect to wheelchair users and other disabled persons)**

**6.** After Part V of the principal Regulations insert Part VI as set out in the Schedule.

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(a) Regulation 3 (prescribed charities) of the Disability Discrimination (Private Hire Vehicles) (Carrying of Guide Dogs etc.) Regulations (Northern Ireland) 2008 (S.R. 2008 No. 19) prescribes the charities for the purposes of the definition of assistance dog in section 37A(9) of the 1995 Act

(b) Regulation 47 was substituted by regulation 2 of S.R. 1990 No. 201

Sealed with the Official Seal of the Department for Infrastructure on 20<sup>th</sup> September 2016



*Elizabeth Loughran*  
A senior officer of the  
Department for Infrastructure

## “PART VI

THE CONDUCT OF DRIVERS OF REGULATED PUBLIC SERVICE  
VEHICLES WITH RESPECT TO WHEELCHAIR USERS AND OTHER  
DISABLED PERSONS**Interpretation****63.** In this Part—

“boarding lift” means a lift fitted to a regulated public service vehicle for the purpose of allowing wheelchair users to board and alight from the vehicle;

“boarding ramp” means a ramp fitted to a regulated public service vehicle for the purpose of allowing wheelchair users to board and alight from the vehicle;

“equipment” means any equipment fitted to a regulated public service vehicle in order to comply with (as the case may be) Schedule 1 (wheelchair accessibility requirements), 2 (general accessibility requirements for single-deck and double-deck buses) or 3 (general accessibility requirements for single-deck and double-deck coaches) to the 2003 Regulations and which a driver must operate for the safe fulfilment of the relevant duty under these Regulations;

“folding or retractable step” means a step which can either fold or retract and which meets the requirements applicable to external steps pursuant to (as the case may be) paragraph 4 of Schedule 2 or 3 to the 2003 Regulations;

“kneeling system” means any system which enables the bodywork of the regulated public service vehicle to be lowered relative to its normal height of travel;

“portable ramp” means a ramp which is carried on a regulated public service vehicle for the purpose of allowing wheelchair users to board or alight from the vehicle;

“Schedule 1 vehicle” means a regulated public service vehicle which is required to comply with the provisions of Schedule 1 to the 2003 Regulations;

“Schedule 2 or Schedule 3 vehicle” means a regulated public service vehicle which is required to comply, respectively, with the provisions of Schedule 2 or Schedule 3 to the 2003 Regulations;

“scheduled service” has the same meaning as in regulation 2(1) of the 2003 Regulations;

“wheelchair restraint system” means a system which is designed to keep a wheelchair restrained within the wheelchair space;

“wheelchair space” means a space for a wheelchair with which a regulated public service vehicle is fitted in accordance with paragraph 2 of Schedule 1 to the 2003 Regulations;

“wheelchair user” means a passenger who is a disabled person using a wheelchair; and

“wheelchair user restraint” means a system which is designed to keep a wheelchair user restrained in the wheelchair.

### **Duties towards wheelchair users of Schedule 1 vehicles**

**64.**—(1) Subject to regulations 67(1) (effects of faulty or malfunctioning equipment) and 69 (extent of driver's duty), this regulation applies in relation to the driver of a Schedule 1 vehicle.

(2) If there is an unoccupied wheelchair space in the vehicle, the driver shall allow a wheelchair user to board and travel if—

- (a) the wheelchair is of a type or size that can be correctly and safely located in that wheelchair space; and
- (b) in doing so, neither the maximum seating nor standing capacity of the vehicle, as determined in accordance with regulations 61 and 62 of the 1995 Regulations, would be exceeded.

(3) For the purpose of this regulation, a wheelchair space is occupied if—

- (a) there is a wheelchair user in that space; or
- (b) passengers or their luggage are in that space and the space cannot readily and reasonably be vacated.

(4) The driver shall ensure—

- (a) where the carriage of a portable ramp is required by Schedule 1 to the 2003 Regulations, that a portable ramp is carried and is safely and securely stowed on the vehicle when the vehicle is operating on a scheduled service;
- (b) that any boarding lift, boarding ramp or portable ramp is in its normal position for vehicle travel and is safely and securely stowed before the vehicle is driven;
- (c) where the vehicle is operating on a scheduled service and is fitted with a boarding lift or a boarding ramp which, in order to comply with Schedule 1 to the 2003 Regulations, requires a means of control for it to be capable of being operated manually in the event of a power failure, that such a separate means of control is carried and is safely and securely stowed on the vehicle;
- (d) that, subject to paragraph (2), wheelchair users can safely gain access to and egress from the wheelchair space;
- (e) before the vehicle is driven, that any wheelchair user is correctly and safely positioned in the wheelchair space and that any retractable rail (being a rail fitted in accordance with the requirements of paragraph 4(3)(b) of Schedule 1 to the 2003 Regulations) or any similar device is in a position to safely and securely restrict the lateral movement of the wheelchair; and
- (f) where any wheelchair user is using a wheelchair space facing the front of the vehicle, that the wheelchair restraint system is attached in accordance with the relevant user instructions which are displayed pursuant to paragraph 8(3) of Schedule 1 to the 2003 Regulations.

(5) If the vehicle has a seat in a wheelchair space which is capable of being quickly dismantled or removed, the driver shall ensure that any such seat—

- (a) when it is not in use and is stowed on the vehicle, is safely and securely stowed; or
- (b) whenever it is in position for use within the wheelchair space, is safely secured.

### **Duties concerning kneeling systems, etc. towards disabled persons using Schedule 2 or Schedule 3 vehicles**

**65.**—(1) Subject to regulations 67 and 69, this regulation applies in relation to the driver of a Schedule 2 or Schedule 3 vehicle where the vehicle is equipped with—

- (a) a kneeling system; or
- (b) a folding or retractable step.

(2) The driver shall operate the kneeling system or the folding or retractable step—

- (a) whenever they consider that any disabled person who is not a wheelchair user will need the system to be operated or the step to be deployed; or
- (b) if requested to do so,

for the purpose of enabling that person to safely board or to alight from the vehicle, and in such a manner that the distance between the vehicle and the ground or the vehicle and the kerb is the minimum that is reasonably practicable.

(3) The driver shall take all reasonable precautions to ensure that any disabled person who is not a wheelchair user may, when boarding or alighting from the vehicle, safely use an entrance or exit which is provided in compliance with (as the case may be) the provisions of either Schedule 2 or 3 to the 2003 Regulations.

### **General duties towards wheelchair users and other disabled persons**

**66.**—(1) Subject to regulations 67 and 69, where a wheelchair user wishes to board or to alight from a Schedule 1 vehicle, the driver shall first safely deploy any boarding lift, boarding ramp or portable ramp in its correct operating position.

(2) Where a wheelchair user wishes to board or to alight from a Schedule 1 vehicle and requests assistance to do so, the driver shall take reasonable steps to provide assistance to him.

(3) Where a disabled person who is not a wheelchair user wishes to board or to alight from a Schedule 2 or Schedule 3 vehicle and requests assistance to do so, the driver shall take reasonable steps to provide assistance to him.

(4) Where a wheelchair user wishes to occupy a wheelchair space in a Schedule 1 vehicle which is fitted with a wheelchair user restraint, the driver shall—

- (a) offer to provide such assistance as may be required so as to enable the wheelchair user to wear that restraint; and
- (b) in providing that assistance, apply (subject to regulation 67(1)) the wheelchair user restraint only in accordance with the user instructions which are displayed pursuant to paragraph 8(3) of Schedule 1 to the 2003 Regulations.

### **Effects of faulty or malfunctioning equipment**

**67.**—(1) Where the fulfilment of a duty owed by a driver under—

- (a) regulation 64 (duties towards wheelchair users of Schedule 1 vehicles);
- (b) regulation 65 (duties concerning kneeling systems etc. towards disabled persons using Schedule 2 or 3 vehicles); or
- (c) regulation 66 (general duties towards wheelchair users and other disabled persons),

requires the use or operation of any equipment, kneeling system or folding or retractable step and there is a fault in, or a failure in the operating of, that equipment, system or step, the driver shall not permit a wheelchair user, or other disabled person or any other passenger to board or alight from the vehicle or (if already on board) to travel on the vehicle unless he is satisfied that such persons can do so in safety.

(2) A driver shall not be considered to have failed to ensure fulfilment of the duty under either regulation 65(2) or 68 if, and to the extent that, the performance of that duty involves the proper functioning of equipment on the vehicle but there is a fault in, or a failure in the operation of, that equipment which prevents it being used.

### **Route numbers, etc.**

**68.**—(1) Subject to regulation 67(2) (effects of faulty or malfunctioning equipment), the driver of a regulated public service vehicle shall ensure that—

- (a) the route number (if any) and the destination are displayed in the positions provided for such displays with respect to the regulated public service vehicle in

accordance with (as the case may be) either paragraph 8 of Schedule 2 to the 2003 Regulations or paragraph 7 of Schedule 3 to the 2003 Regulations;

- (b) the route number and the destination displayed in accordance with sub-paragraph (a) which is required to be provided with a means of illumination shall have characters that are kept illuminated between sunset and sunrise; and
- (c) the regulated public service vehicle shall at all times display the correct route number and destination.

(2) In this regulation, “destination” and “route number” have the same meaning as in paragraph 7(6) of Schedule 3 to the 2003 Regulations.

### **Extent of driver’s duty**

**69.** The duties which a driver owes under this Part are duties—

- (a) to take such care as in all the circumstances of the case is reasonable to ensure that the wheelchair user or other disabled person will be safe in boarding, travelling on or in alighting from the regulated public service vehicle;
- (b) to operate the kneeling system or the folding or retractable step, or to deploy the boarding lift, boarding ramp or portable ramp to the extent that it is reasonably practicable having regard to the construction of the regulated public service vehicle and the condition of the road; and
- (c) that shall not oblige him to take any steps if, on reasonable grounds, he considers that—
  - (i) there will be a risk to the health, safety or security of any person; or
  - (ii) there will be a risk to the safety and security of the vehicle.”

## EXPLANATORY NOTE

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

These Regulations amend the Public Service Vehicles Regulations (Northern Ireland) 1985 (“the 1985 Regulations”) to introduce new duties for drivers of regulated public service vehicles in relation to passengers who are disabled.

Regulation 47 of the 1985 Regulations is amended so that a driver shall not prevent a disabled person who is accompanied by an assistance dog from boarding the bus where a suitable space is available.

Regulation 54 of the 1985 Regulations is amended so that an assistance dog is not required to be removed from the vehicle but a disabled person must comply with any direction given by the driver to remove such an animal from a gangway.

A new Part VI is inserted in the 1985 Regulations and sets out additional duties for drivers of public service vehicles to which the Public Service Vehicles Accessibility Regulations (Northern Ireland) 2003 (“the 2003 Regulations”) apply with respect to passengers who are disabled (including passengers who are wheelchair users) as follows:

Regulation 64 (duties towards wheelchair users of Schedule 1 vehicles) adds new duties towards wheelchair users of regulated public service vehicles required to comply with the wheelchair accessibility requirements of Schedule 1 to the 2003 Regulations.

Regulation 65 (duties concerning kneeling systems, etc. towards disabled persons using Schedule 2 or Schedule 3 vehicles) adds new duties towards disabled persons using regulated public service vehicles required to comply with the general accessibility requirements for single-deck and double-deck buses and single-deck and double-deck coaches.

Regulation 66 (general duties towards wheelchair users and other disabled persons) contains provisions relating to duties in the deployment of boarding lifts and ramps and, when it is requested, in the providing of assistance to wheelchair users and other disabled persons to board or to alight.

Regulation 67 (effects of faulty or malfunctioning equipment) provides in paragraph (1) that where a driver carrying out duties under regulations 64, 65 and 66 uses equipment, a kneeling system or a folding or retractable step that is faulty or fails, he must not allow wheelchair users or other disabled persons to board or alight from the vehicle unless he is satisfied that they can do so in safety. Paragraph (2) excuses a driver for failure to perform his duty with regard to the operation of kneeling systems or folding or retractable steps and to display a route number and destination if that failure is due to a fault in the equipment or system.

Regulation 68 (route numbers, etc.) is concerned with the display of a route number and destination.

Regulation 69 (extent of driver’s duty) defines the duty of a driver as being one of reasonable care but not one as to oblige him to take steps if, on reasonable grounds, he considers there to be a risk to the health or safety of the wheelchair user or other disabled passenger or to that of other passengers, members of the public or to himself.

An Explanatory Memorandum has been produced and is available from Road Safety and Vehicle Regulation Division, Department for Infrastructure, Clarence Court, 10-18 Adelaide Street, Town Parks, Belfast BT2 8GB or online alongside this Statutory Rule at <http://www.legislation.gov.uk/nisr>

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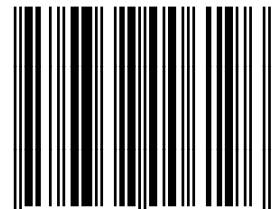


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