

EXPLANATORY MEMORANDUM TO

THE PUBLIC SERVICE VEHICLES (AMENDMENT) REGULATIONS
(NORTHERN IRELAND) 2016

2016 No. 344

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 66(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The purpose of the Statutory Rule covered by this Memorandum is to amend the Public Service Vehicles Regulations (Northern Ireland) 1985 in order to introduce new duties for drivers of those public service vehicles to which the Public Service Vehicles Accessibility Regulations (Northern Ireland) 2003 (“the 2003 Regulations”) apply.

3. Background

- 3.1 The 2003 Regulations introduced technical requirements to be met by buses and coaches used to provide a scheduled service (“regulated public service vehicles”). They provided for a phased implementation of the requirements due to the impact on the bus industry.
- 3.2 The 2003 Regulations, which were enacted under the Disability Discrimination Act 1995, are intended to ensure that disabled people can use regulated public service vehicles in safety and without unreasonable difficulty and, in the case of wheelchair users, can do so whilst remaining in their wheelchairs.
- 3.3 These Regulations introduce new duties for drivers of regulated public service vehicles with respect to passengers who are disabled, including wheelchair users by amending the Public Service Vehicles Regulations (Northern Ireland) 1985 to insert a new Part VI which provides for the introduction of those additional duties. These duties include -
 - a) allowing a wheelchair user to board the vehicle if a wheelchair space is available and ensuring that the wheelchair user is correctly and safely positioned in the

wheelchair space, including providing assistance as may be required to enable the wheelchair user to wear the restraint, if fitted;

- b) operating a kneeling system or folding or retractable step when required to allow a disabled person to board or alight from the vehicle;
- c) operating the boarding lifts or ramps where a wheelchair user or a disabled person who is not a wheelchair user wishes to board or alight from the vehicle and providing assistance to them if so requested; and
- d) ensuring that the correct route numbers and destinations are displayed at all times and illuminated when required.

3.4 The Regulations also allow for the driver to be excused from a duty where faulty or malfunctioning equipment would make it unsafe for him to fulfil that duty. The extent of the driver's duty is defined so that he shall not be obliged to take any steps that pose a risk to any person.

3.5 The Regulations make a separate amendment to the existing Part V of the Public Service Vehicles Regulations (Northern Ireland) 1985 so that a driver shall not prevent a passenger who is a disabled person from travelling on a bus with their assistance dog and that the passenger in question shall comply with any request from the driver to remove the animal from the gangway.

4. Consultation Outcome

4.1. A consultation exercise was carried out between 27th November 2015 and 26th February 2016 and the responses received supported the proposals.

5. Equality Impact

5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department conducted a screening exercise on the proposals and concluded that they do not have significant implications for equality of opportunity. The measures will not affect any group disproportionately. In light of this the Department considers that an equality impact assessment is not necessary.

6. Regulatory Impact

6.1. An Initial Regulatory Impact Assessment was included in the consultation document. As the proposals do not have an adverse impact in terms of cost to the industry and are designed to have a positive impact on those passengers who are disabled it was considered that a full Regulatory Impact Assessment was not necessary.

7. Financial Implications

7.1. The Department has considered the financial implications and concluded that there will be no adverse impact in terms of cost to the industry.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has considered the matter of Convention Rights and Community Law and is satisfied that the proposed legislation is compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. None.

10. Parity or replicatory measure

10.1. These Regulations are based on similar provisions in place in GB contained in the Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Regulations 2002.

11. Additional information

11.1. Not applicable.