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STATUTORY INSTRUMENTS

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**1998 No. 1670**

**PUBLIC PASSENGER TRANSPORT**

**The Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) (Amendment) Regulations 1998**

<i>Made</i>	- - - -	<i>9th July 1998</i>
<i>Laid before Parliament</i>		<i>10th July 1998</i>
<i>Coming into force</i>	- -	<i>1st August 1998</i>

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred by sections 52(1)(a) and 60 of the Public Passenger Vehicles Act 1981(1) and by virtue of the Department of Transport (Fees) Order 1988(2), and of all other powers enabling him in that behalf, and after consultation with representative organisations in accordance with section 61(2) of that Act, hereby makes the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) (Amendment) Regulations 1998 and shall come into force on 1st August 1998.

**Preliminary**

2. The Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981(3) shall be further amended in accordance with the following provisions of these Regulations.

**Amendment of regulation 46 (applications and fees for certificates of initial fitness)**

3.—(1) Regulation 46 shall be amended as follows.

(2) In paragraph (2), for sub-paragraph (a) there shall be substituted—

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(1) 1981 c. 14. Section 52(1) was amended by the Transport Act 1985 (c. 67) (“the 1985 Act”), Schedule 1, paragraph 7, Schedule 2, Part II, paragraph 4(14) and Schedule 8; and by the Deregulation and Contracting Out Act 1994 (c. 40), section 66(2). Section 60(1) was amended by the 1985 Act, section 134(2), Schedule 2, Part II, paragraph 4(18) and Schedule 8; section 60(1A) was inserted by the 1985 Act, section 134(2), and section 61(2) was amended by the 1985 Act, Schedule 8.

(2) S.I. 1988/643, which was made under section 102 of the Finance (No. 2) Act 1987 (c. 51). The relevant reference in S.I. 1988/643 is in Schedule 1, Table V, item 2A.

(3) S.I. 1981/257; relevant amending instruments are S.I. 1986/370 and 1997/84.

- “(a) on the first application—
- (i) £155.00 in the case of a vehicle to which paragraph (3) applies;
  - (ii) £124.00 in any other case, and”.
- (3) After paragraph (2) there shall be inserted the following paragraphs—
- “(3) This paragraph applies to a vehicle—
- (a) in which one or more forward facing seats are fitted with a seat belt which—
    - (i) is not a disabled person’s belt or a child restraint; and
    - (ii) is fitted otherwise than as required by regulation 47 of the Road Vehicles (Construction and Use) Regulations 1986<sup>(4)</sup>, and
  - (b) which, when so equipped, is not of a type of vehicle in respect of which the Secretary of State is satisfied that the vehicle manufacturer holds either of the approvals referred to in paragraph (4).
- (4) For the purpose of paragraph (3) the approvals are 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<sup>(5)</sup>, 81/575<sup>(6)</sup>, 82/318<sup>(7)</sup>, 90/629<sup>(8)</sup> or 96/38<sup>(9)</sup>; 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.
- (5) In this regulation—
- “approval authority” has the same meaning as in Community Directive 70/156<sup>(10)</sup>;
- “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<sup>(11)</sup> as adjusted by the Protocol signed at Brussels on 17th March 1993<sup>(12)</sup>;
- “ECE Regulation” and “Community Directive” have the meanings given by regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986; and
- “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 20th March 1958<sup>(13)</sup> as amended<sup>(14)</sup> to which the United Kingdom is a party<sup>(15)</sup>.”

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<sup>(4)</sup> S.I. 1986/1078; relevant amending instruments are S.I. 1987/1133, 1989/1478 and 1865, 1991/2003, 1994/3270 and 1996/163.

<sup>(5)</sup> OJ No. L24, 30.1.76, p.6.

<sup>(6)</sup> OJ No. L209, 29.7.81, p.30.

<sup>(7)</sup> OJ No. L319, 19.5.82, p.9.

<sup>(8)</sup> OJ No. L341, 6.12.90, p.14.

<sup>(9)</sup> OJ No. L187, 26.7.96, p.95.

<sup>(10)</sup> OJ No. L42, 23.2.70, p.1.

<sup>(11)</sup> Cmnd 2073.

<sup>(12)</sup> Cmnd 2183.

<sup>(13)</sup> Cmnd 2535.

<sup>(14)</sup> Cmnd 3562.

<sup>(15)</sup> By an instrument of accession dated 14th January 1963 deposited with the Secretary General of the United Nations on 15th January 1963.

Signed by authority of the Secretary of State

9th July 1998

*Helene Hayman*  
Parliamentary Under Secretary of State,  
Department of the Environment, Transport and  
the Regions

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## EXPLANATORY NOTE

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

These Regulations amend the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981 as follows.

Regulation 3 amends regulation 46 (applications and fees for certificates of initial fitness) so as to prescribe a fee of £155 for the issue of a certificate of initial fitness on the first application in respect of a public service vehicle which, when equipped with seat belts otherwise than as required by regulation 47 of the Road Vehicles (Construction and Use) Regulations 1986, is not of a type of vehicle in respect of which the Secretary of State is satisfied that the vehicle manufacturer holds certain approvals relating to seat belt anchorage points.

Copies of the ECE Regulation and Directives referred to in these Regulations may be obtained from the Stationery Office. The details are set out in the table below.

## ECE REGULATIONS

<i>Principal Instrument</i>	<i>Amending Instruments</i>
Regulation 14 dated 30th January 1970 and annexed to the Agreement concerning the adoption of uniform conditions of approval for motor vehicle equipment and parts and reciprocal recognition thereof concluded at Geneva on 20th March 1958 (Cmnd 2535) as amended (Cmnd 3562) to which the United Kingdom is a party by an instrument of accession dated 14th January 1963 deposited with the Secretary General of the United Nations on 15th January 1963.	Revised on 28th April 1976, corrected on 4th August 1977, on 19th July 1978 and in September 1979, amended and corrected on 22nd November 1984, amended on 25th February 1985, corrected on 31st December 1985, revised on 16th December 1992 and corrected on 19th November 1993 and on 3rd March 1994.

## DIRECTIVES

<i>Principal Instrument</i>	<i>Amending Instrument</i>
Council Directive <a href="#">70/156/EEC</a> (OJNo. L42, 23.2.70, p.1).	Council Directive <a href="#">87/403/EEC</a> (OJ No. L220, 8.8.87, p.44); Council Directive <a href="#">92/53/EEC</a> (OJ No. L225, 10.8.92, p.6); Commission Directive <a href="#">93/81/EEC</a> (OJ No. L264, 23.10.93, p.49); and Commission Directive <a href="#">98/14/EC</a> (OJ No. L91, 25.3.98, p.1).
Council Directive <a href="#">76/115/EEC</a> (OJ No. L24, 30.1.76, p.6).	Council Directive <a href="#">81/575/EEC</a> (OJ No. L209, 29.7.81, p.30);

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<i>Principal Instrument</i>	<i>Amending Instrument</i>
	Commission Directive <a href="#">82/318/EEC</a> (OJ No. L139, 19.5.82, p.9);
	Commission Directive <a href="#">90/629/EEC</a> (OJ No. L341, 6.12.90, p.1); and
	Commission Directive <a href="#">96/38/EC</a> (OJ No. L187, 26.7.96, p.95).