

2005 No. 2988

DISABLED PERSONS

**The Public Service Vehicles Accessibility (Amendment)
Regulations 2005**

<i>Made</i> - - - -	<i>27th October 2005</i>
<i>Laid before Parliament</i>	<i>2nd November 2005</i>
<i>Coming into force</i> - -	<i>12th December 2005</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by sections 40 and 41 of the Disability Discrimination Act 1995(a).

In accordance with section 40(7) of that Act he has consulted the Disabled Persons Transport Advisory Committee and such representative organisations as he thinks fit.

Citation and commencement

1. These Regulations may be cited as the Public Service Vehicles Accessibility (Amendment) Regulations 2005 and shall come into force on 12th December 2005.

Modification

2. For regulation 5 of the Public Service Vehicles Accessibility Regulations 2000(b) there shall be substituted—

“Recognition of compliance with EC and EEA equivalent requirements

5.—(1) The requirements of these Regulations specified in Schedule 1, or Schedule 2 (but not paragraph 8 of Schedule 2), shall not apply to a bus of Class I for which a Certificate of Conformity has been issued on the basis that the bus complies with Article 3 to the 2001 Directive and in such a case the vehicle examiner may issue an accessibility certificate in respect of the bus as though the bus had complied with those requirements of these Regulations.

(2) In the case of a bus which has not been issued with an accessibility certificate pursuant to paragraph (1), the requirements of these Regulations specified in Schedule 1, or Schedule 2 (but not paragraph 8 of Schedule 2), shall not apply if the bus satisfies—

- (a) the requirements of such of Annexes I to VI and VIII and IX to the 2001 Directive as apply to it; and
- (b) the requirements of Annex VII to the 2001 Directive,

(a) 1995 c.50.

(b) S.I. 2000/1970, as amended by S.I. 2000/3318 and 2002/2981.

and in such a case the vehicle examiner may issue an accessibility certificate in respect of the bus as though the bus had complied with those requirements of these Regulations.

(3) The requirements of these Regulations specified in Schedule 1, or Schedule 3 (but not paragraph 7 of Schedule 3), shall not apply to a coach which satisfies—

- (a) the requirements of such of Annexes I to VI and VIII and IX to the 2001 Directive as apply to it; and
- (b) the requirements of Annex VII to the 2001 Directive,

and in such a case the vehicle examiner may issue an accessibility certificate in respect of the coach as though the coach had complied with those requirements of these Regulations.

(4) Where there is produced to the Secretary of State evidence that satisfies him that a regulated public service vehicle has been found by the competent authority of another EEA State to conform with requirements that are equivalent to all, or some of, the requirements prescribed for that vehicle under these Regulations (including the requirements of the 2001 Directive mentioned in paragraphs (1) to (3) above), that vehicle shall, by virtue of that evidence, be regarded as conforming with those (and only those) requirements for the purposes of these Regulations.

(5) In this Regulation—

- (a) “the 2001 Directive” means Directive 2001/85/EC of the European Parliament and Council of 20th November 2001 relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver’s seat and amending Directives 70/156/EEC and 97/27/EC(a);
- (b) “a bus of Class I” means a bus constructed with areas for free standing passengers, to allow frequent passenger movement; and
- (c) “a Certificate of Conformity” means a certificate issued by a manufacturer—
 - (i) pursuant to regulation 5 of the Motor Vehicles (EC Type Approval) Regulations 1998(b), or
 - (ii) under any provision of law of a Member State other than the United Kingdom giving effect to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers(c).”.

Signed by authority of the Secretary of State

27th October 2005

S.J. Ladyman
Minister of State
Department for Transport

(a) O.J.L42, 13.2.2002 p.1.

(b) S.I. 1998/2051 , to which there are amendments not relevant to these Regulations.

(c) O.J.L42,23.2.1970, p.1, which Directive was last amended by Regulation (EC) 807/2003(O.J. L 122, 16.5.2003, p.36).

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Public Service Vehicles Accessibility Regulations 2000 (SI 2000/1970) (“the 2000 Regulations”) prescribe wheelchair accessibility requirements and general accessibility requirements for single-deck and double-deck buses and coaches.

It is necessary to modify the 2000 Regulations so that compliance with the Directive 2001/85/EC (OJ L42 13.2.2002 p1) (“the Directive”) is offered as an alternative, as article 2 of the Directive requires that the UK may not refuse or prohibit sale or entry into service of a vehicle, or of bodywork intended to be part of the vehicle (which may be type approved separately), if the requirements of the Directive and its Annexes are met.

Regulation 2 provides that the requirements of the 2000 Regulations specified may alternatively be met by a vehicle satisfying both the requirements of such of the Annexes as apply to it and the requirements of Annex VII to the Directive.

A Regulatory Impact Assessment has been produced and a copy placed in the library of both Houses of Parliament. It also covers the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) (Amendment) (No.3) Regulations 2005 (S.I. 2005/2986) and the Road Vehicles (Construction and Use) (Amendment) (No.3) Regulations 2005 (S.I. 2005/2987). Copies can be obtained from the Department for Transport, Great Minster House, 76 Marsham Street, London, SW1P 4DR. Alternatively, copies can be obtained from the Department’s website which is at www.dft.gov.uk. The Directive can be obtained from the Stationery Office (telephone: 0870 2600 5522, website: www.tsoshop.co.uk).

This Explanatory Note incorporates the Transposition Note that would otherwise be required.

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