STATUTORY INSTRUMENTS

# 1980 No. 1097

# ROAD TRAFFIC

## The Public Service Vehicles (Conditions of Fitness, Equipment and Use) (Amendment) (No. 2) Regulations 1980

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| *Made* - - - - | 28*th July* 1980 |
| *Laid before Parliament* | 6*th August* 1980 |
| *Coming into Operation* | 27*th August* 1980 |

The Minister of Transport (hereinafter referred to as "the Minister") in exercise of the powers conferred by sections 129(1) and 160(1) of the Road Traffic Act 1960(a), and now vested in him(b), and of all other enabling powers, and after consultation with representative organisations in accordance with the provisions of section 260(2) of that Act, hereby makes the following Regulations:—

**1.** These Regulations shall come into operation on 27th August 1980 and may be cited as the Public Service Vehicles (Conditions of Fitness, Equipment and Use) (Amendment) (No. 2) Regulations 1980.

**2.** The Public Service Vehicles (Conditions of Fitness, Equipment and Use) Regulations 1972(c) shall be further amended in accordance with the following provisions of these Regulations.

**3.** In Regulation 3 (Interpretation), in paragraph (1), after the definition of "double-decked vehicle" insert the following definition—

> ""ECE Regulation 36" means Regulation No. 36 (uniform provisions concerning the construction of public service vehicles) which entered into force on 1st March 1976, annexed to the Agreement concerning the adoption of uniform conditions of approval and reciprocal recognition of approval for motor vehicle equipment and parts concluded at Geneva on 20th March 1958(d) as amended(e), to which the United Kingdom is a party(f);"

**4.** In Regulation 5 (Certificates of Fitness), in paragraph (1) insert at the beginning the words: "Subject to paragraph (1A) below", and after paragraph (1) insert the following paragraph:—

> "(1A) Paragraph (1) above shall not apply in the case of a vehicle to which there is applied a marking designated as an approval mark in relation to ECE Regulation 36 by Regulation 4 of, and Schedule 2 (at item 36) to, the Motor Vehicles (Designation of Approval Marks) Regulations 1979(g) as read with paragraphs 1 and 7 of Schedule 3 to those

(a) 1960 c. 16. (b) S.I. 1970/1681 and 1979/571.
(c) S.I. 1972/751; the relevant amending Instrument is S.I. 1976/726.
(d) Cmnd. 2535. (e) Cmnd. 3562.
(f) By Instrument of accession dated 14th January 1963 deposited with the Secretary-General of the United Nations on 15th January 1963.
(g) S.I. 1979/1088; to which there are amendments not relevant to these Regulations.

Regulations and which satisfies the requirements of paragraph 5 (Specifications) of ECE Regulation 36, but the conditions of fitness which must be fulfilled before a certificate of fitness may be granted in respect of any such vehicle are the conditions prescribed in such of the Regulations contained in this Part of these Regulations, or the paragraphs thereof, as are specified in Schedule 2A.".

**5.** Delete Regulation 10 (side overhang).

**6.** In Regulation 11 (Brakes)—

(*a*) in paragraph (1) for the words "paragraph (2)" substitute the words "paragraphs (2), (4) and (6)";

(*b*) at the beginning of paragraph (3) insert the words "Subject to paragraphs (4) and (6) below,"; and

(*c*) at the end add the following paragraphs:—

"(4) Paragraphs (1) and (3) above shall not apply in the case of a vehicle in respect of which—

(*a*) a type approval certificate has been issued by the Minister under Regulation 5 of the Motor Vehicles (Type Approval) Regulations 1973**(a)**, (which provides for the issue of such a certificate in respect of a vehicle which is approved as a type vehicle where it conforms to certain requirements as to design, construction, equipment and marking) or by the competent authority of any Member State other than the United Kingdom under a provision of the law of that State which corresponds to the said Regulation 5; or

(*b*) a certificate of conformity has been issued by the manufacturer of the vehicle under Regulation 6 of these Regulations (which provides for the issue of such a certificate in respect of a vehicle where it is manufactured so as to conform with a type vehicle in respect of such of the said requirements as apply in relation to that vehicle) or under a provision of the law of any Member State other than the United Kingdom which corresponds to the said Regulation 6,

where the type approval certificate or, as the case may be, the certificate of conformity in question has been issued by reason of the vehicle's conforming to the requirements of a Community Directive specified in column 2 of the Table set out below and where the vehicle is first used on or after the date specified opposite to that Directive in column 3 of the said Table.

TABLE

| Item No. | The Community Directive to whose requirements the vehicle must conform | Date on or after which the vehicle is first used |
|---|---|---|
| 1. | Council Directive 71/320/EEC of 26th July 1971**(b)** (relating to the braking devices of certain categories of motor vehicles and their trailers) | 1st July 1973 |

**(a)** S.I. 1973/1199; the relevant amending Instrument is S.I. 1974/763.
**(b)** O.J. L202, 6.9.1971, p. 37 (SE 1971 (III), p. 746).

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| 2. | Council Directive 71/320/EEC of 26th July 1971 as amended by Commission Directive 74/132/EEC of 11th February 1975(a) | 1st October 1974 |
| 3. | Council Directive 71/320/EEC of 26th July 1971 as amended by Commission Directives 74/132/EEC of 11th February 1974 and 75/524/EEC of 25th July 1975(b) | 1st January 1976 |
| 4. | Council Directive 71/320/EEC of 26th July 1971 as amended by Commission Directives 74/132/EEC of 11th February 1974, 75/524/EEC of 25th July 1975 and 79/489/EEC of 18th April 1979(c) | 1st January 1980 |

(5) In paragraph (4) above "Member State" has the same meaning as in Regulation 3(1) of the said Regulations of 1973.

(6) Paragraphs (1) and (3) above shall not apply in the case of a vehicle which is legibly and indelibly marked in a conspicuous and readily accessible position with the marking designated as an approval mark by Regulation 4 of the Motor Vehicles (Designation of Approval Marks) Regulations 1979(d) and shown at item 13 or 13A in Schedule 2 to those Regulations."

**7.** Delete Regulation 14 (Hub projection).

**8.** In Regulation 13 (Brakes and steering connections) and 17 (Locking of nuts) insert at the beginning the words "(1) Subject to paragraph (2) below" and at the end add the following paragraph:—

"(2) The requirements of paragraph (1) above in so far as they relate to brake connections shall not apply in the case of any such vehicle as is mentioned in paragraph (4) of Regulation 11 in the circumstances there mentioned or in paragraph (6) of that Regulation in the circumstances there mentioned.".

**9.** In Regulation 15 (Fuel tanks, carburettors etc), in paragraph (1), for the words "(not being a secondary emergency exit as defined in Regulation 23)" substitute the words "(not being either a secondary emergency exit as defined in Regulation 23 or an emergency exit, other than a primary emergency exit, provided in accordance with Regulation 23(10))".

**10.** In Regulation 23 (Number and position of entrances and exits)—

(*a*) in paragraph (2) for the words "For the purposes of this Regulation and Regulation 24" and for sub-paragraphs (*a*) and (*b*) substitute the following:—

"For the purposes of this Regulation and Regulations 15, 24, 25, 26, 27 and 28—

(*a*) "primary emergency exit" means an emergency exit being an exit provided in a single-decked vehicle or in the lower deck

(a) O.J. L74, 19.3.74, p. 7.
(b) O.J. L236, 8.9.1975, p. 3.
(c) O.J. L128, 26.5.1979, p. 12.
(d) S.I. 1979/1088, as amended by S.I. 1980/582.

of a double-decked vehicle which, subject to paragraph 13 of Schedule 2—

(i) is situated so that passengers can step directly from the passage referred to in Regulation 28(5) to the outside of the vehicle,

(ii) has a clear height

(*a*) in the case of a vehicle which has a seating capacity not exceeding 14 passengers, of not less than 4 feet, and

(*b*) in the case of any other vehicle, of not less than 4 feet 6 inches,

(iii) has a width of not less than 1 foot 9 inches;

(*b*) "secondary emergency exit" means an emergency exit of which the dimensions are not less than 3 feet by 1 foot 9 inches and which does not satisfy all the requirements of a primary emergency exit and which is not in the roof of a vehicle;";

(*b*) after paragraph (2) insert the following new paragraph—

"(2A) In this Regulation—

(*a*) "pre-October 1981 vehicle" means a vehicle manufactured before 1st October 1981 and first used before 1st April 1982; and

(*b*) "post-October 1981 vehicle" means a vehicle manufactured on or after 1st October 1981 or first used on or after 1st April 1982.";

(*c*) in paragraph (3)—

(i) for the words "Subject to paragraph (4) below" to the words "secondary emergency exit:" substitute:—

"Subject to paragraphs (4) and (10) below, a vehicle which has a seating capacity for not more than 45 passengers shall be provided with two exits so placed as not to be on the same side of the vehicle, and

(*a*) in the case of a pre-October 1981 vehicle, one of which may be a primary emergency exit but neither of which shall be a secondary emergency exit;

(*b*) in the case of a post-October 1981 vehicle, one of which shall be a primary emergency exit and the other of which shall have dimensions which are not less than those specified in paragraph (2)(*a*) above in relation to a primary emergency exit:"; and

(ii) in sub-paragraph (ii) of the Proviso, for the words "one exit" substitute the words "one exit of which, in the case of a post-October 1981 vehicle, the dimensions are not less than 4 feet in height by 1 foot 9 inches in width";

(*d*) in paragraph (5)—

(i) for the words "A vehicle which has a seating capacity exceeding 45 passengers" substitute the words "Subject to paragraph (10) below, a vehicle which has a seating capacity exceeding 45 passengers"; and

(ii) for sub-paragraph (*a*) there shall be substituted the following sub-paragraph:—

"(*a*) in the case of a pre-October 1981 vehicle one of the exits, but not more than one, may be a secondary emergency exit, and in the case of a post-October 1981 vehicle one of the exits shall be a primary emergency exit and any other exit (not being a secondary emergency exit) shall have dimensions not less than 4 feet 6 inches in height by 1 foot 9 inches in width;"; and

(*e*) after paragraph (9) there shall be added the following new paragraphs:—

"(10) In the case of a vehicle—

(*a*) being a post-October 1981 vehicle,

(*b*) having a seating capacity for more than 16 passengers, and

(*c*) being a single-decked vehicle or a half-decked vehicle,

the requirements specified in the foregoing paragraphs of this Regulation shall not be deemed to be complied with unless there is at least one emergency exit which complies with the requirements specified in paragraph (11) below and which is either—

(*a*) in the front face of the vehicle, or

(*b*) in the rear face of the vehicle, or

(*c*) in the roof of the vehicle.

(11) The requirements referred to in paragraph (10) above are, in respect of each exit therein referred to, as follows:—

(*a*) the dimensions of the aperture shall be such that it has a total area of not less than 4,000 square centimetres and shall include a rectangular area the dimensions of which are not less than 70 centimetres by 50 centimetres;

(*b*) the exit shall be so constructed that it can be opened by means available to persons inside the vehicle, and it may be so constructed that it can be opened also by persons outside the vehicle; and

(*c*) the exit shall be—

(i) ejectable, or

(ii) constructed of specified safety glass (as defined in Regulation 26(12) of the Motor Vehicles (Construction and Use) Regulations 1978(a)) which can be readily broken by the application of reasonable force so as to afford a clear aperture having the dimensions referred to in sub-paragraph (*a*) above, and provided in a position adjacent to the exit with a suitable means, readily available to persons inside the vehicle, for breaking the glass, or

(iii) except where the exit is an exit in the roof, hinged.".

**11.** For Regulation 24 (Clear height and width of entrances and exits) substitute the following Regulation:—

"**24.**—(1) The width of every entrance and exit (other than a secondary emergency exit, an emergency exit provided in accordance with Regulation 23(6), (7) and (10) or an exit referred to in paragraph (2) below) shall—

(a) S.I. 1978/1017, to which there have been amendments not relevant to these Regulations.

(*a*) (save as provided in paragraph (3) below) in the case of an entrance or an exit which serves both decks of a double-decked vehicle (disregarding any stanchion), being an entrance or an exit which is either—

(i) the only such entrance or exit in the vehicle, or

(ii) the entrance or exit most readily and directly associated with a staircase serving the upper deck,

be not less than 3 feet; and

(*b*) in any other case, be not less than 1 foot 9 inches.

(2) The requirements specified in paragraph (1) above shall not apply in the case of an exit referred to in paragraph (i) to the proviso to Regulation 23(3) if the width of that exit measured along the side of the vehicle is not less than 1 foot 9 inches and its width measured along the rear of the vehicle is not less than 1 foot 6 inches.

(3) A vehicle shall not be regarded as failing to fulfil condition (*a*) of paragraph (1) above by reason only of the fact that, in a case where the entrance or exit is fitted with a pair of power operated doors, one door may be opened independently of the other, if the width of the aperture thereby provided is not less than 1 foot 9 inches and if the doors are capable of being opened together by means of the devices required by Regulation 25(1)(*b*).".

**12.** In Regulation 25 (Doors)—

(*a*) in paragraph (1)—

(i) for the words "Subject to paragraph 14 of Schedule 2" substitute the words "Subject to paragraph 14 of Schedule 2 and paragraph (4) below"; and

(ii) in condition (*e*) delete the words "half-decked"; and

(*b*) after paragraph (3) add the following new paragraph:—

"(4) The references to exits in paragraph (1) above do not include an emergency exit provided in accordance with the provision of Regulation 23(10) unless such exit be a primary emergency exit or a secondary emergency exit.".

**13.** For Regulation 26 (Marking, positioning and operation of emergency exits) substitute the following Regulation:—

"26.—(1) Subject to the provisions of paragraph 15 of Schedule 2, every emergency exit, other than an emergency exit with which a vehicle is required to be fitted under Regulation 23(10), shall comply with the following conditions:—

(*a*) the emergency exit shall—

(i) be clearly marked as such inside and outside the vehicle;

(ii) be fitted with doors which open outwards or, in the case of a secondary emergency exit be constructed of specified safety glass (as defined in Regulation 26(12) of the Motor Vehicles (Construction and Use) Regulations 1978 which can be readily broken by the application of reasonable force so as to afford a clear aperture of dimensions not less than those referred to in Regulation 23(2)(*b*);

(iii) except in the case of an emergency exit provided in the roof of a vehicle, be readily accessible to passengers;

(iv) in the case of a single-decked or half-decked vehicle or the lower deck of a double-decked vehicle, be so situated that passengers can step directly from the passage referred to in Regulation 28(5) to the outside of the vehicle:

Provided that this requirement shall not apply in the case of an emergency exit provided in the roof of the vehicle or in the case of a secondary emergency exit.

(*b*) the means of operation of doors fitted to the emergency exit shall be clearly indicated;

(*c*) the doors of the emergency exit shall not be fitted with any system of power operation; and

(*d*) the means of operation of the doors of the emergency exit, other than those provided in the upper deck of a double-decked vehicle or in the roof of a vehicle, shall be readily accessible to persons of normal height standing at ground level outside the vehicle.

(2) Every emergency exit with which a vehicle is required to be fitted under Regulation 23(10) shall—

(*a*) be clearly marked as an emergency exit—

(i) on the inside of the vehicle, and

(ii) in a case where the emergency exit can be opened from the outside, on the outside of the vehicle;

(*b*) be accessible to persons inside the vehicle when the vertical plane of the vehicle is tilted to either side to an angle of 90 degrees;

(*c*) be clearly marked with its means of operation;

(*d*) if hinged, open outwards; and

(*e*) if ejectable, be fitted with a restraint which will prevent the part of the emergency exit which is ejected from becoming completely detached from the vehicle but which will not prevent egress from the vehicle by persons within it.".

**14.** In Regulation 27 (Access to exits)—

(*a*) in paragraph (1), for the words "paragraphs (2) and (3) below" substitute the words "paragraphs (2), (2A) and (3) below"; and

(*b*) after paragraph (2) insert the following new paragraph:—

"(2A) Condition (*a*) of paragraph (1) above shall not apply in relation to an exit provided in accordance with the provisions of Regulation 23(10) unless such exit be a primary emergency exit or a secondary emergency exit.".

**15.** In Regulation 28 (Width of gangways)—

(*a*) for condition (*d*) of paragraph (1) substitute—

"(*d*) in the case of a double-decked vehicle which has a seating capacity exceeding 12 passengers, one gangway in the vehicle which serves as a joint means of access—

(i) to both the upper and lower decks from any entrance, or

(ii) to any exit from both the upper and lower decks,

shall, where it lies between an entrance or exit (other than an emergency exit) and a staircase, be, at every level, not less than 3 feet in width;";

(*b*) in paragraph (2) after the words "Subject to the said paragraph 17" insert the words "and to paragraph (2A) below";

(*c*) after paragraph (2) insert the following paragraph:—

"(2A) Paragraph (2) above shall not apply in relation to paragraph (1)(*d*) above in a case where—

(i) the seat in question faces towards the longitudinal centre line of the vehicle;

(ii) the floor of the gangway is free of any obstruction; and

(iii) there are no other intrusions into the gangway space above the level of the deck of the vehicle;" and

(*d*) in paragraph (5)—

(i) for the words "Subject as aforesaid, between every exit (not being an emergency exit provided in the roof of a half-decked vehicle) and a gangway there shall be provided a passage which shall—" substitute the words "Subject as aforesaid, between every exit (not being (i) an emergency exit provided in the roof of a vehicle or (ii) an exit provided in accordance with the provisions of Regulation 23(10) unless such exit be a primary emergency exit or a secondary emergency exit) and a gangway there shall be provided a passage which shall—"; and

(ii) delete the words "half-decked" from sub-paragraphs (i) and (ii) to the Proviso.

**16.** For Regulation 31 (Guarding of transverse windows) substitute the following Regulation:—

"Passenger protection

31.—(1) Subject to paragraph 20 of Schedule 2, all transverse glass windows or panels not made of safety glass or specified safety glass shall be adequately protected against the likelihood of breakage in the event of passengers being thrown against them.

(2) No emergency exit or ventilating panel (not being a window) shall be fitted to the roof of any vehicle manufactured on or after 1st October 1981 unless such exit or panel is constructed of metal, specified safety glass or safety glazing.

(3) In this Regulation the expressions "safety glass", "safety glazing" and "specified safety glass" have the same meanings as are respectively assigned to them in Regulation 26(12) of the Motor Vehicles (Construction and Use) Regulations 1978.".

**17.** In Schedule 2 delete paragraphs 4 (which relates to side-overhang) and 6 (which relates to hub projection).

**18.** After Schedule 2 (Exceptions from the conditions prescribed in Part II as applicable to vehicles registered before certain dates) insert the following new Schedule:—

"SCHEDULE 2A (See Regulation 5)

CONDITIONS PRESCRIBED IN REGULATIONS IN PART II, OR PROVISIONS THEREOF, APPLICABLE TO CERTAIN VEHICLES BEARING A DESIGNATED APPROVAL MARK

Regulation 6 (Stability);
Regulation 7 (Suspension);
Regulation 9 (Guard rails);
Regulation 11 (Brakes);
Regulation 12 (Steering);
Regulation 13 (Brake and Steering Connections);
Regulation 16 (Exhaust pipe);
Regulation 17 (Locking of nuts);
Regulation 18 (Artificial lighting);
Regulation 19 (Electrical equipment);
Regulation 20 (Body);
Regulation 25 (Doors);
Regulation 26(*c*) (Positioning and operation of emergency exits);
Paragraph (1)(*a*) and (*h*) of Regulation 30 (Seats);
Regulation 31 (Guarding of transverse windows);
Regulation 32 (Markings);
Regulation 33 (Ventilation);
Regulation 34 (Driver's accommodation);
Regulation 35 (Windscreens);
Regulation 36 (Passengers' communication);
Regulation 38 (Luggage racks);
Regulation 39 (General construction).".

28th July 1980.

*Norman Fowler,*
Minister of Transport.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations further amend the Public Service Vehicles (Conditions of Fitness, Equipment and Use) Regulations 1972, as amended. These amendments—

(1) make separate provisions as to the conditions of fitness to be complied with by public service vehicles which satisfy the requirement of the Specification in paragraph 5 of ECE Regulation 36;

(2) disapply the requirements of Regulations 11, 13 and 17 of the Regulations of 1972, in so far as they relate to brake connections, in the case of vehicles which have been type approved under Council Directive 71/320 relating to the braking devices of certain categories of motor vehicles as amended by the EEC Commission Directives specified in the Table in Regulation 5, where the vehicles are first used on or after the dates specified in the Table, and in the case of vehicles marked with a designated approval mark signifying compliance with ECE Regulation 13 as amended (Regulations 6 and 8);

(3) modify the requirements of Regulation 28 as to the width of gangways (Regulation 15);

(4) revoke requirements relating to side overhang and hub projection (Regulations 5, 7 and 17); and

(5) provide (mandatorily as respects vehicles manufactured on or after 1st October 1981 and first used on or after 1st April 1982) more adequately for:—

(i) certain exits to be of sufficient height, and

(ii) emergency exits to be available in the event of a vehicle falling on its side

(Regulations 9, 10, 11, 12, 13, 14 and 16).

Copies of the ECE Regulations mentioned above may be obtained from Her Majesty's Stationery Office.