EXPLANATORY MEMORANDUM TO

THE PUBLIC SERVICE VEHICLES ACCESSIBILITY (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2023

2023 No. 129

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 sections 41(2) and 45(1)(b) of the Disability Discrimination Act 1995 and is subject to the negative resolution procedure.

2. Purpose

2.1. The purpose of the Regulations covered by this Memorandum is to amend the Public Service Vehicles Accessibility Regulations (Northern Ireland) 2003 ("the 2003 Regulations") in order to increase fees payable in respect of accessibility certificates for regulated public service vehicles.

3. Background

3.1. The Driver and Vehicle Agency ("DVA") currently operates a network of 15 test centres and 2 satellite driving test centres in Northern Ireland. It carries out over 1 million vehicle road worthiness tests and almost 60,000 practical driving tests each year.

3.2. DVA operates as a Trading Fund, which means that income received from fees must cover the cost of delivering the services that the agency provides. A Trading Fund is also permitted to build up cash reserves to finance current operating requirements and future capital investments.

3.3. Many vehicle test fees have not increased in more than 18 years and are no longer covering the cost of delivering the service. The deficit on the vehicle testing fee account was £1.1m in 2022/23 and it is projected that this deficit will increase further for the 2023/24 financial year if no fee increases are made. Annual operating deficits utilise reserves which in turn impacts the deliverability of future capital schemes and ultimately the financial sustainability of the Trading Fund.

3.4. The 2003 Regulations apply to single-decked and double-decked buses and coaches with a capacity of more than 22 passengers which are used to provide scheduled services ("regulated public service vehicles") and are intended to ensure that disabled people can use regulated public service vehicles in safety

and without unreasonable difficult. DVA is responsible for the examination of each regulated public service vehicle to ensure that it meets the necessary accessibility requirements and for issuing an accessibility certificate in respect of the vehicle. The fees payable in respect of applications for accessibility certificates have not increased since 2003.

3.5. It is therefore necessary to implement a fee increase in respect of applications for accessibility certificates in order to ensure the future financial sustainability of the Trading Fund.

3.6. On first application, where the vehicle is required to comply with the requirements of only one of Schedules 1, 2 or 3 of the 2003 Regulations the fee is increased from £28.00 to £46.00 and on subsequent application the fee is increased from £10.00 to £17.00.

3.7. On first application, where the vehicle is required to comply with the requirements of Schedules 1 and 2 or Schedules 1 and 3 of the 2003 Regulations the fee is increased from £55.00 to ££70.50 and on subsequent application the fee is increased from £20.00 to £38.00.

4. Consultation

4.1. A consultation on the proposed increase to fees was carried out by DVA between 8th June 2023 and 3rd August 2023. The consultation proposed a general increase to the driving test fees and the vehicle test fees, referring to the fact that the current fees no longer covered the cost of providing these testing services. DVA operates as a Trading Fund and is required to generate sufficient revenue to cover it's outgoings, in line with the Financial Provisions Order 1993. The consultation set out the proposed fees increases which are required because most driving test and vehicle test fees have not increased in many years and are no longer covering the costs of delivering the service.

4.2. In responses to the 3 primary consultation questions:

(1) Approximately 18% of respondents agreed that the proposed fee increases were a fair way to ensure that current service levels are maintained and just over 80% disagreed.

(2) Just over 68% supported the development and modernisation of driving and vehicle testing services for a better experience for the customer while 31% disagreed.

(3) In order to avoid substantial fees increases in the future the consultation proposed that the driving test and vehicle test fees should be subject to more frequent reviews on a regular / annual / biennial basis; just over 31% of respondents agreed with the proposal while 67.5% disagreed.

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 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. A Regulatory Impact Assessment was carried out which concluded that there were no undue impacts arising from the proposed fees increases.

7. Financial Implications

7.1 DVA operates as a Trading Fund and is required to generate sufficient revenue to cover it's outgoings in line with the Financial Provisions Order 1993. Many vehicle test fees have not increased in more than 18 years and are no longer covering the cost of delivering the service. The deficit on the vehicle testing fee account was £1.1m in 2022/23 and it is projected that this deficit will increase further for the 2023/24 financial year if no fee increases are made. The financial sustainability of the Trading Fund could be impacted in future years, which ultimately could impact the Departments financial position.

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. The Regulations only apply to Northern Ireland and have no NI Protocol implications.

10. Parity or replicatory measure

10.1 These Regulations do not replicate a specific GB Statutory Instrument.

11. Additional information

11.1. Not applicable.