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STATUTORY INSTRUMENTS

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**2002 No. 656**

**DISABLED PERSONS**

**TRANSPORT**

**The Rail Vehicle Accessibility (South West Trains  
Class 458 Vehicles) Exemption Order 2002**

<i>Made</i>	- - - -	<i>8th March 2002</i>
<i>Laid before Parliament</i>		<i>13th March 2002</i>
<i>Coming into force</i>	- -	<i>3rd April 2002</i>

The Secretary of State, in exercise of the powers conferred on him by section 47 of the Disability Discrimination Act 1995<sup>(1)</sup> and of all other powers enabling him in that behalf, having consulted the Disabled Persons Transport Advisory Committee and such other persons as he considered appropriate in accordance with section 47(3) of the said Act, hereby makes the following Order:—

**Citation and commencement**

1. This Order may be cited as the Rail Vehicle Accessibility (South West Trains Class 458 Vehicles) Exemption Order 2002 and shall come into force on 3rd April 2002.

**Interpretation**

2. Any reference in this Order to a numbered regulation is a reference to a regulation bearing that number in the Rail Vehicle Accessibility Regulations 1998<sup>(2)</sup>.

**Application**

3. This Order applies to the rail vehicles which are numbered 67601 to 67630, 74001 to 74030, 74101 to 74130 and 67701 to 67730 and which form the electrical multiple-units numbered 458001 to 458030 of the class known as “Class 458” (“the exempted vehicles”); as manufactured by ALSTOM Transport Limited for use by South West Trains Limited.

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(1) 1995 c. 50.  
(2) S.I. 1998/2456 as amended by S.I. 2000/3215.

## **Exemption**

4.—(1) Subject to articles 5 to 7 below, the exempted vehicles are hereby authorised to be used for carriage even though they do not conform with those provisions of the Rail Vehicle Accessibility Regulations 1998 referred to in paragraph (2) below.

- (2) The provisions with which the exempted vehicles are not required to conform are—
- regulation 4(2);
  - regulation 5(1)(a), (b) and (c), but subject to the condition in article 5 below;
  - regulation 6(1)(b) and (d);
  - regulation 11(1)(a);
  - regulation 13(7), but only in so far as it relates to the height of letters and numbers on visual systems which are not on the front of an exempted vehicle; and
  - regulation 20(1)(d) and (e).

5. The exemption given by article 4(2) above in relation to regulation 5(1)(b) shall only apply while—

- (a) the control device is operable by the palm of the hand exerting a force not exceeding 40 newtons; and
- (b) the operator provides, so far as is practicable, in that vehicle or, where an exempted vehicle forms part of a train, in that train a person, other than the driver of that vehicle or train, who is available to assist a disabled person.

## **Expiry**

6.—(1) The exemption given in respect of regulation 4(2) shall cease at the end of 30th September 2004.

(2) The exemption given in respect of regulations 5(1)(a), 6(1)(d), 11(1)(a) and 20(1)(d) and (e) shall cease at the end of 31st December 2010.

(3) The exemption given in respect of regulation 5(1)(b) shall cease at the end of 31st July 2002.

(4) The exemption given in respect of regulation 5(1)(c) shall cease—

- (a) at the end of 31st December 2010; or
- (b) in respect of an exempted vehicle in which all the door control devices for the doors in all the doorways inside, and in both ends of, the exempted vehicle and the control systems for those doorways are replaced before that date, when such replacement is completed.

(5) The exemption given in respect of regulation 6(1)(b) shall cease—

- (a) at the end of 30th September 2004; or
- (b) in respect of an exempted vehicle in which the band of colour across the front of a top tread at an external doorway is renewed before that date, when such renewal is completed.

(6) The exemption given in respect of regulation 13(7) shall cease—

- (a) at the end of 30th September 2004; or
- (b) in respect of an exempted vehicle in which the public address system for visual announcements is replaced by another system for such announcements before that date, when such replacement is completed.

7. The authorisation shall cease forthwith in respect of an exempted vehicle which is operated by a person other than South West Trains Limited unless the Secretary of State has been given written notice in advance specifying the name and address of that other person.

## **Revocation**

**8.** The Rail Vehicle Accessibility (South West Trains Class 458 Vehicles) Exemption Order 2001(3) is hereby revoked.

Signed by authority of the Secretary of State for Transport, Local Government and the Regions

*Sally Keeble*  
Parliamentary Under Secretary of State,  
Department for Transport, Local Government  
and the Regions

8th March 2002

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

This Order authorises the use of specified rail vehicles forming Class 458 electrical multiple-units, although they do not conform with certain requirements of the Rail Vehicle Accessibility Regulations 1998 (S.I. 1998/2456 as amended by S.I. 2000/3215) because:

- doorway warning sounds cannot be heard outside the vehicle;
- door controls are not positioned as required;
- more force than is permitted is required to operate some door control devices;
- internal door controls are not illuminated;
- the band of colour on the step-tread is too wide;
- there is no step illumination;
- handrails at external doors are not positioned as required;
- the characters for internal visual announcements are smaller than required; and
- the toilet cubicle for disabled persons in wheelchairs does not meet the requirement that such a person may wash and dry his hands without moving from the toilet and the requirement that there must be sufficient space for a reference wheelchair in front of and beside the toilet.

It sets time limits on the authorisation and imposes conditions.

For reasons of clarity this Order incorporates, to the extent that they are not spent, the provisions of the Rail Vehicle Accessibility (South West Trains Class 458 Vehicles) Exemption Order 2001 (S.I. 2001/848), which is revoked.

It changes the termination date for the exemption from regulation 4(2) from 30th September 2001 to 30th September 2004.