



Disability Discrimination Act 1995

1995 CHAPTER 50

PART V

PUBLIC TRANSPORT

Rail vehicles

PROSPECTIVE

[^{F1}47B Rail vehicle accessibility compliance certificates: supplementary E+W+S

[^{F2}(1) Regulations may make provision with respect to rail vehicle accessibility compliance certificates.

- (2) The provision that may be made under subsection (1) includes (in particular)—
- (a) provision for certificates to be issued on application;
 - (b) provision specifying conditions to which certificates are subject;
 - (c) provision as to the period for which certificates are to continue in force or as to circumstances in which certificates are to cease to be in force;
 - (d) provision (other than provision of a kind mentioned in paragraph (c)) dealing with failure to comply with a condition to which a certificate is subject;
 - (e) provision for the withdrawal of certificates issued in error;
 - (f) provision for the correction of errors in certificates;
 - (g) provision with respect to the issue of copies of certificates in place of certificates which have been lost or destroyed;
 - (h) provision for the examination of a rail vehicle before a certificate is issued in respect of it.
- (3) In making provision of the kind mentioned in subsection (2)(a), regulations under subsection (1) may (in particular)—
- (a) make provision as to the persons by whom applications may be made;

Status: There are multiple prospective versions of this provision on screen. These apply to different geographical extents. *Skip to:* E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 47B. (See end of Document for details)

- (b) make provision as to the form in which applications are to be made;
 - (c) make provision as to information to be supplied in connection with an application, including (in particular) provision requiring the supply of a report of a compliance assessment.
- (4) For the purposes of this section, a “compliance assessment” is an assessment of a rail vehicle against provisions of rail vehicle accessibility regulations with which the vehicle is required to conform.
- (5) In requiring a report of a compliance assessment to be supplied in connection with an application, regulations under subsection (1) may make provision as to the person who has to have carried out the assessment, and may (in particular) require that the assessment be one carried out by a person who has been appointed by the Secretary of State to carry out compliance assessments (an “appointed assessor”).
- (6) For the purposes of any provisions in regulations under subsection (1) with respect to the supply of reports of compliance assessments carried out by appointed assessors, regulations under that subsection—
- (a) may make provision about appointments of appointed assessors, including (in particular)—
 - (i) provision for an appointment to be on application or otherwise than on application;
 - (ii) provision as to who may be appointed;
 - (iii) provision as to the form of applications for appointment;
 - (iv) provision as to information to be supplied with applications for appointment;
 - (v) provision as to terms and conditions, or the period or termination, of an appointment; and
 - (vi) provision for terms and conditions of an appointment, including any as to its period or termination, to be as agreed by the Secretary of State when making the appointment;
 - (b) may make provision authorising an appointed assessor to charge fees in connection with, or incidental to, its carrying-out of a compliance assessment, including (in particular)—
 - (i) provision restricting the amount of a fee;
 - (ii) provision authorising fees that contain a profit element; and
 - (iii) provision for advance payment of fees;
 - (c) may make provision requiring an appointed assessor to carry out a compliance assessment, and to do so in accordance with any procedures that may be prescribed, if prescribed conditions, which may include conditions as to the payment of fees to the assessor, are satisfied;
 - (d) shall make provision for the referral to the Secretary of State of disputes between—
 - (i) an appointed assessor carrying out a compliance assessment, and
 - (ii) the person who requested the assessment,
 relating to which provisions of rail vehicle accessibility regulations the vehicle is to be assessed against or to what amounts to conformity with any of those provisions.

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- (7) In subsection (6)(b) to (d) “compliance assessment” includes pre-assessment activities (for example, a consideration of how the outcome of a compliance assessment would be affected by the carrying-out of particular proposed work).]]

Extent Information

- E1** This section extended to England, Wales and Scotland only; a separate s. 47B exists for Northern Ireland only.

Textual Amendments

- F1** Ss. 47A-47C inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {7(1)}, 20(3)-(6)
- F2** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279, Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279, art. 16](#)); [S.I. 2010/2317, art. 2\(15\)\(f\)](#) (with [arts. 4-25, Schs. 1-16](#)); [S.I. 2011/1066, art. 2\(h\)](#)

[^{F3}47B Rail vehicle accessibility compliance certificates: supplementary **N.I.**

- (1) Regulations may make provision with respect to rail vehicle accessibility compliance certificates.
- (2) The provision that may be made under subsection (1) includes (in particular)—
- provision for certificates to be issued on application;
 - provision specifying conditions to which certificates are subject;
 - provision as to the period for which certificates are to continue in force or as to circumstances in which certificates are to cease to be in force;
 - provision (other than provision of a kind mentioned in paragraph (c)) dealing with failure to comply with a condition to which a certificate is subject;
 - provision for the withdrawal of certificates issued in error;
 - provision for the correction of errors in certificates;
 - provision with respect to the issue of copies of certificates in place of certificates which have been lost or destroyed;
 - provision for the examination of a rail vehicle before a certificate is issued in respect of it.
- (3) In making provision of the kind mentioned in subsection (2)(a), regulations under subsection (1) may (in particular)—
- make provision as to the persons by whom applications may be made;
 - make provision as to the form in which applications are to be made;
 - make provision as to information to be supplied in connection with an application, including (in particular) provision requiring the supply of a report of a compliance assessment.
- (4) For the purposes of this section, a compliance assessment is an assessment of a rail vehicle against provisions of rail vehicle accessibility regulations with which the vehicle is required to conform.
- (5) In requiring a report of a compliance assessment to be supplied in connection with an application, regulations under subsection (1) may make provision as to the person

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who has to have carried out the assessment, and may (in particular) require that the assessment be one carried out by a person who has been appointed by the Department for Regional Development to carry out compliance assessments (an “appointed assessor”).

- (6) For the purposes of any provisions in regulations under subsection (1) with respect to the supply of reports of compliance assessments carried out by appointed assessors, regulations under that subsection—
- (a) may make provision about appointments of appointed assessors, including (in particular)—
 - (i) provision for an appointment to be on application or otherwise than on application;
 - (ii) provision as to who may be appointed;
 - (iii) provision as to the form of applications for appointment;
 - (iv) provision as to information to be supplied with applications for appointment;
 - (v) provision as to terms and conditions, or the period or termination, of an appointment; and
 - (vi) provision for terms and conditions of an appointment, including any as to its period or termination, to be as agreed by the Department for Regional Development when making the appointment;
 - (b) may make provision authorising an appointed assessor to charge fees in connection with, or incidental to, its carrying-out of a compliance assessment, including (in particular)—
 - (i) provision restricting the amount of a fee;
 - (ii) provision authorising fees that contain a profit element; and
 - (iii) provision for advance payment of fees;
 - (c) may make provision requiring an appointed assessor to carry out a compliance assessment, and to do so in accordance with any procedures that may be prescribed, if prescribed conditions, which may include conditions as to the payment of fees to the assessor, are satisfied;
 - (d) shall make provision for the referral to the Department for Regional Development of disputes between—
 - (i) an appointed assessor carrying out a compliance assessment, and
 - (ii) the person who requested the assessment,
 relating to which provisions of rail vehicle accessibility regulations the vehicle is to be assessed against or to what amounts to conformity with any of those provisions.
- (7) In subsection (6)(b) to (d) “compliance assessment” includes pre-assessment activities (for example, a consideration of how the outcome of a compliance assessment would be affected by the carrying-out of particular proposed work).]

Textual Amendments

- F3** Ss. 47A-47C inserted (N.I.) (prosp.) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **9(1)**

Status:

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Skip to:

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- N.I. - Northern Ireland extent

Changes to legislation:

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