



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART V

#### PUBLIC TRANSPORT

##### *Rail vehicles*

#### 46 Rail vehicle accessibility regulations.

- [<sup>F1</sup>(1) The [<sup>F2</sup>Department of the Environment] may make regulations (“rail vehicle accessibility regulations”) for the purpose of securing that it is possible—
- (a) for disabled persons—
    - (i) to get on to and off regulated rail vehicles in safety and without unreasonable difficulty;
    - (ii) to be carried in such vehicles in safety and in reasonable comfort; and
  - (b) for disabled persons in wheelchairs—
    - (i) to get on to and off such vehicles in safety and without unreasonable difficulty while remaining in their wheelchairs, and
    - (ii) to be carried in such vehicles in safety and in reasonable comfort while remaining in their wheelchairs.
- (2) Rail vehicle accessibility regulations may, in particular, make provision as to the construction, use and maintenance of regulated rail vehicles including provision as to—
- (a) the fitting of equipment to vehicles;
  - (b) equipment to be carried by vehicles;
  - (c) the design of equipment to be fitted to, or carried by, vehicles;
  - (d) the use of equipment fitted to, or carried by, vehicles;
  - (e) the toilet facilities to be provided in vehicles;
  - (f) the location and floor area of the wheelchair accommodation to be provided in vehicles;

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*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Rail vehicles. (See end of Document for details)*

- (g) assistance to be given to disabled persons.
- (3) <sup>F3</sup> .....
- (4) <sup>F3</sup> .....
- [<sup>F4</sup>(4A) The Department for Regional Development shall exercise the power to make rail vehicle accessibility regulations so as to secure that on and after 1st January 2020 every rail vehicle is a regulated rail vehicle, but this does not affect the powers conferred by subsection (5) or section 47(1) or 67(2).]
- (5) Different provision may be made in rail vehicle accessibility regulations—
- as respects different classes or descriptions of rail vehicle;
  - as respects the same class or description of rail vehicle in different circumstances;
  - as respects different networks.
- (6) In this section—
- “network” means any permanent way or other means of guiding or supporting rail vehicles or any section of it;
- <sup>F5</sup> .....
- [<sup>F6</sup>“rail vehicle” means a vehicle constructed or adapted to carry passengers by rail;]
- “regulated rail vehicle” means any rail vehicle to which [<sup>F7</sup>provisions of] rail vehicle accessibility regulations are expressed to apply; and
- “wheelchair accommodation” has such meaning as may be prescribed.
- (7) <sup>F8</sup> .....
- (8) <sup>F9</sup> .....
- (9) <sup>F9</sup> .....
- (10) <sup>F9</sup> .....
- (11) Before making any regulations under subsection (1) or section 47 the [<sup>F2</sup>Department of the Environment] shall consult [<sup>F10</sup>such representative organisations as it thinks fit].]

#### Extent Information

**E1** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to N.I. only. Prior to that repeal, different versions of this section had been created for N.I. and E.W.S. respectively to reflect the different amendment history for each jurisdiction. This version is based on the N.I. version as it stood at the date of the repeal. It incorporates the N.I. modifications set out in Sch. 8 para. 30. It does not reflect the history of E.W.S. effects prior to the 2010 repeal, which can be found in earlier versions.

#### Textual Amendments

- F1** 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\(h\)](#)
- F2** Words in [s. 46](#) substituted (N.I.) by virtue of [s. 70\(6\)](#), Sch. 8 paras. 1, 30(1)

*Status:* This version of this cross heading contains provisions that are prospective.

*Changes to legislation:* There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Rail vehicles. (See end of Document for details)

- F3** S. 46(3)(4) repealed (N.I.) (2.9.2013) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), art. 1, Sch. 1 para. 21(a), **Sch. 2**; S.R. 2013/216, art. 2(b)(c)
- F4** S. 46(4A) inserted (N.I.) (2.9.2013) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, **8(1)**; S.R. 2013/216, art. 2(a)
- F5** S. 46(6): definition of "operator" repealed (N.I.) (2.9.2013) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), art. 1, **Sch. 2**; S.R. 2013/216, art. 2(c)
- F6** S. 46(6) definition of "rail vehicle" substituted (N.I.) (2.9.2013) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, **8(2)**; S.R. 2013/216, art. 2(a)
- F7** Words in s. 46(6) substituted (N.I.) (2.9.2013) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), art. 1, **Sch. 1 para. 21(b)**; S.R. 2013/216, art. 2(b)
- F8** S. 46(7) omitted (N.I.) by virtue of s. 70(6), Sch. 8 para. 30(3) of this Act
- F9** S. 46(8)-(10) repealed (N.I.) (2.9.2013) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), art. 1, **Sch. 2**; S.R. 2013/216, art. 2(c)
- F10** Words in s. 46(11) substituted (N.I.) by virtue of s. 70(6), Sch. 8 para. 30(4) of this Act

**Modifications etc. (not altering text)**

- C1** S. 46: transfer of certain functions (N.I.) (1.12.1999) by S.R. 1999/481, art. 6(d), **Sch. 4 Pt. IV**

**47 Exemption from rail vehicle accessibility regulations.**

- [<sup>F11</sup>[<sup>F12</sup>(1) The Department for Regional Development may by order (an “exemption order”)—
- (a) authorise the use for carriage of a regulated rail vehicle even though the vehicle does not conform with the provisions of rail vehicle accessibility regulations with which it is required to conform;
  - (b) authorise a regulated rail vehicle to be used for carriage otherwise than in conformity with the provisions of rail vehicle accessibility regulations with which use of the vehicle is required to conform.
- (1A) Authority under subsection (1)(a) or (b) may be for—
- (a) any regulated rail vehicle that is specified or is of a specified description; or
  - (b) use in specified circumstances of—
    - (i) any regulated rail vehicle, or
    - (ii) any regulated rail vehicle that is specified or is of a specified description.]
- (2) Regulations may make provision with respect to exemption orders including, in particular, provision as to—
- (a) the persons by whom applications for exemption orders may be made;
  - (b) the form in which such applications are to be made;
  - (c) information to be supplied in connection with such applications;
  - (d) the period for which exemption orders are to continue in force;
  - (e) the revocation of exemption orders.
- (3) After considering any application for an exemption order and consulting [<sup>F13</sup>such persons as it ] considers appropriate, the [<sup>F14</sup>Department of the Environment] may—
- (a) make an exemption order in the terms of the application;
  - (b) make an exemption order in such other terms as [<sup>F15</sup>it] considers appropriate;
  - (c) refuse to make an exemption order.

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- (4) An exemption order may be made subject to such restrictions and conditions as may be specified.
- (5) In this section “specified” means specified in an exemption order.]

#### Extent Information

**E2** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to N.I. only. Prior to that repeal, different versions of this section had been created for N.I. and E.W.S. respectively to reflect the different amendment history for each jurisdiction. This version is based on the N.I. version as it stood at the date of the repeal. It incorporates the N.I. modifications set out in Sch. 8 para. 31. It does not reflect the history of E.W.S. effects prior to the 2010 repeal, which can be found in earlier versions.

#### Textual Amendments

- F11** 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\(h\)](#)
- F12** [S. 47\(1\)\(1A\)](#) substituted (N.I.) (2.9.2013) for [s. 47\(1\)](#) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), [arts. 1, 8\(3\)](#); [S.R. 2013/216, art. 2\(a\)](#)
- F13** Words in [s. 47\(3\)](#) substituted (N.I.) by virtue of [s. 70\(6\), Sch. 8 para. 31\(2\)](#) of this Act
- F14** Words in [s. 47](#) substituted (N.I.) by virtue of [s. 70\(6\), Sch. 8 para. 31\(1\)](#) of this Act
- F15** Words in [s. 47\(3\)](#) substituted (N.I.) by virtue of [s. 70\(6\), Sch. 8 para. 31\(2\)](#) of this Act

#### Modifications etc. (not altering text)

- C2** [S. 47](#): transfer of certain functions (N.I.) (1.12.1999) by [S.R. 1999/481, art. 6\(d\)](#), [Sch. 4 Pt. IV](#)

PROSPECTIVE

#### [<sup>F16</sup>47A Rail vehicle accessibility compliance certificates **E+W+S**

- [<sup>F17</sup>(1) A regulated rail vehicle to which this subsection applies shall not be used for carriage unless a rail vehicle accessibility compliance certificate is in force for the vehicle.
- (2) Subsection (1) applies to a regulated rail vehicle if the vehicle—
- is prescribed; or
  - is of a prescribed class or description.
- (3) A rail vehicle accessibility compliance certificate is a certificate that the Secretary of State is satisfied that the regulated rail vehicle conforms with those provisions of rail vehicle accessibility regulations with which the vehicle is required to conform.
- (4) A rail vehicle accessibility compliance certificate may provide that it is subject to conditions specified in the certificate.
- (5) Subsection (6) applies where—
- the Secretary of State refuses an application for the issue of a rail vehicle accessibility compliance certificate for a regulated rail vehicle; and

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- (b) before the end of the prescribed period, the applicant asks the Secretary of State to review the decision and pays any fee fixed under section 47C.
- (6) The Secretary of State shall—
- (a) review the decision; and
  - (b) in doing so, consider any representations made to him in writing, before the end of the prescribed period, by the applicant.]]

#### Extent Information

- E3** This section extended to England, Wales and Scotland only; a separate s. 47A exists for Northern Ireland only.

#### Textual Amendments

- F16** Ss. 47A-47C inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {7(1)}, 20(3)-(6)
- F17** 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\(h\)](#)

#### [<sup>F30</sup>47A Rail vehicle accessibility compliance certificates **N.I.**

- (1) A regulated rail vehicle to which this subsection applies shall not be used for carriage unless a rail vehicle accessibility compliance certificate is in force for the vehicle.
- (2) Subsection (1) applies to a regulated rail vehicle if the vehicle—
  - (a) is prescribed; or
  - (b) is of a prescribed class or description.
- (3) A rail vehicle accessibility compliance certificate is a certificate that the Department for Regional Development is satisfied that the regulated rail vehicle conforms with those provisions of rail vehicle accessibility regulations with which the vehicle is required to conform.
- (4) A rail vehicle accessibility compliance certificate may provide that it is subject to conditions specified in the certificate.
- (5) Subsection (6) applies where—
  - (a) the Department for Regional Development refuses an application for the issue of a rail vehicle accessibility compliance certificate for a regulated rail vehicle; and
  - (b) before the end of the prescribed period, the applicant asks the Department for Regional Development to review the decision and pays any fee fixed under section 47C.
- (6) The Department for Regional Development shall—
  - (a) review the decision; and
  - (b) in doing so, consider any representations made to it in writing, before the end of the prescribed period, by the applicant.]

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*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Rail vehicles. (See end of Document for details)*

### Textual Amendments

**F30** 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)**

PROSPECTIVE

### [<sup>F16</sup>47B Rail vehicle accessibility compliance certificates: supplementary **E+W+S**

[<sup>F18</sup>(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;
  - (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)—

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- (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.

(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

- E4** This section extended to England, Wales and Scotland only; a separate s. 47B exists for Northern Ireland only.

#### Textual Amendments

- F16** Ss. 47A-47C inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {7(1)}, 20(3)-(6)
- F18** 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\(h\)](#)

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*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Rail vehicles. (See end of Document for details)*

**[<sup>F30</sup>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)—
  - (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;
  - (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 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



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- (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

**F30** 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)**

PROSPECTIVE

#### [<sup>F16</sup>47C Rail vehicle accessibility compliance certificates: fees **E+W+S**

- [<sup>F19</sup>(1) Such fees, payable at such times, as may be prescribed may be charged by the Secretary of State in respect of—
- (a) applications for, and the issue of, rail vehicle accessibility compliance certificates;
  - (b) copies of such certificates;
  - (c) reviews under section 47A;
  - (d) referrals of disputes under provision that, in accordance with section 47B(6) (d), is contained in regulations under section 47B(1).
- (2) Any such fees received by the Secretary of State shall be paid by him into the Consolidated Fund.
- (3) Regulations under subsection (1) may make provision for the repayment of fees, in whole or in part, in such circumstances as may be prescribed.

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Rail vehicles. (See end of Document for details)*

- (4) Before making any regulations under subsection (1) the Secretary of State shall consult such representative organisations as he thinks fit.]]

#### Extent Information

- E5** This section extended to England, Wales and Scotland only; a separate s. 47C exists for Northern Ireland only.

#### Textual Amendments

- F16** Ss. 47A-47C inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {7(1)}, 20(3)-(6)
- F19** 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\(h\)](#)

#### <sup>F30</sup>47C Rail vehicle accessibility compliance certificates: fees **N.I.**

- (1) Such fees, payable at such times, as may be prescribed may be charged by the Department for Regional Development in respect of—
- applications for, and the issue of, rail vehicle accessibility compliance certificates;
  - copies of such certificates;
  - reviews under section 47A;
  - referrals of disputes under provision that, in accordance with section 47B(6)(d), is contained in regulations under section 47B(1).
- (2) Any such fees received by the Department for Regional Development shall be paid by it into the Consolidated Fund.
- (3) Regulations under subsection (1) may make provision for the repayment of fees, in whole or in part, in such circumstances as may be prescribed.
- (4) Before making any regulations under subsection (1) the Department for Regional Development shall consult such representative organisations as it thinks fit.]

#### Textual Amendments

- F30** 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)**

PROSPECTIVE

#### <sup>F20</sup>47D Penalty for using rail vehicle without accessibility compliance certificate **E+W** **+S**

*Status:* This version of this cross heading contains provisions that are prospective.  
*Changes to legislation:* There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Rail vehicles. (See end of Document for details)

[<sup>F21</sup>If a regulated rail vehicle to which section 47A(1) applies is used for carriage at a time when no rail vehicle accessibility compliance certificate is in force for the vehicle, the Secretary of State may require the operator of the vehicle to pay a penalty.]]

#### Extent Information

**E6** This section extended to England, Wales and Scotland only; a separate s. 47D exists for Northern Ireland only.

#### Textual Amendments

- F20** Ss. 47D-47M inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {8(1)}, 20(3)-(6)
- F21** 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\(h\)](#)

#### [<sup>F31</sup>47D Penalty for using rail vehicle without accessibility compliance certificate **N.I.**

If a regulated rail vehicle to which section 47A(1) applies is used for carriage at a time when no rail vehicle accessibility compliance certificate is in force for the vehicle, the Department for Regional Development may require the operator of the vehicle to pay a penalty.]

#### Textual Amendments

- F31** Ss. 47D-47H, 47J-47M inserted (N.I.) (prosp.) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), [arts. 1](#), [10\(1\)](#)

PROSPECTIVE

#### [<sup>F20</sup>47E Penalty for using rail vehicle that does not conform with accessibility regulations **E+W+S**

- [<sup>F22</sup>(1) Where it appears to the Secretary of State that a regulated rail vehicle does not conform with a provision of rail vehicle accessibility regulations with which the vehicle is required to conform, the Secretary of State may give to the operator of the vehicle a notice—
- (a) identifying the vehicle, the provision and how the vehicle fails to conform with the provision; and
  - (b) specifying the improvement deadline.
- (2) The improvement deadline specified in a notice under subsection (1) may not be earlier than the end of the prescribed period beginning with the day when the notice is given to the operator.

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Rail vehicles. (See end of Document for details)*

- (3) Subsection (4) applies where—
- (a) the Secretary of State has given a notice under subsection (1);
  - (b) the improvement deadline specified in the notice has passed; and
  - (c) it appears to the Secretary of State that the vehicle still does not conform with the provision identified in the notice.
- (4) The Secretary of State may give to the operator a further notice—
- (a) identifying the vehicle, the provision and how the vehicle fails to conform to the provision; and
  - (b) specifying the final deadline.
- (5) The final deadline specified in a notice under subsection (4) may not be earlier than the end of the prescribed period beginning with the day when the notice is given to the operator.
- (6) If—
- (a) the Secretary of State has given a notice under subsection (4) to the operator of a regulated rail vehicle, and
  - (b) the vehicle is used for carriage at a time after the final deadline when the vehicle does not conform with the provision identified in the notice,
- the Secretary of State may require the operator to pay a penalty.]]

#### Extent Information

- E7** This section extended to England, Wales and Scotland only; a separate s. 47E exists for Northern Ireland only.

#### Textual Amendments

- F20** Ss. 47D-47M inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {8(1)}, 20(3)-(6)
- F22** 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\(h\)](#)

#### [<sup>F31</sup> 47E **Penalty for using rail vehicle that does not conform with accessibility regulations** **N.I.**

- (1) Where it appears to the Department for Regional Development that a regulated rail vehicle does not conform with a provision of rail vehicle accessibility regulations with which the vehicle is required to conform, that Department may give to the operator of the vehicle a notice—
- (a) identifying the vehicle, the provision and how the vehicle fails to conform with the provision; and
  - (b) specifying the improvement deadline.
- (2) The improvement deadline specified in a notice under subsection (1) may not be earlier than the end of the prescribed period beginning with the day when the notice is given to the operator.

*Status:* This version of this cross heading contains provisions that are prospective.

*Changes to legislation:* There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Rail vehicles. (See end of Document for details)

- (3) Subsection (4) applies where—
- (a) the Department for Regional Development has given a notice under subsection (1);
  - (b) the improvement deadline specified in the notice has passed; and
  - (c) it appears to the Department for Regional Development that the vehicle still does not conform with the provision identified in the notice.
- (4) The Department for Regional Development may give to the operator a further notice—
- (a) identifying the vehicle, the provision and how the vehicle fails to conform to the provision; and
  - (b) specifying the final deadline.
- (5) The final deadline specified in a notice under subsection (4) may not be earlier than the end of the prescribed period beginning with the day when the notice is given to the operator.
- (6) If—
- (a) the Department for Regional Development has given a notice under subsection (4) to the operator of a regulated rail vehicle, and
  - (b) the vehicle is used for carriage at a time after the final deadline when the vehicle does not conform with the provision identified in the notice,
- the Department for Regional Development may require the operator to pay a penalty.]

#### Textual Amendments

- F31** Ss. 47D-47H, 47J-47M inserted (N.I.) (prosp.) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **10(1)**

PROSPECTIVE

#### [<sup>F20</sup>47F **Penalty for using rail vehicle otherwise than in conformity with accessibility regulations** **E+W+S**

- [<sup>F23</sup>(1) Where it appears to the Secretary of State that a regulated rail vehicle has been used for carriage otherwise than in conformity with a provision of rail vehicle accessibility regulations with which use of the vehicle is required to conform, the Secretary of State may give to the operator of the vehicle a notice—
- (a) identifying the provision and how it was breached;
  - (b) identifying which of the regulated rail vehicles operated by the operator is or are covered by the notice; and
  - (c) specifying the improvement deadline.
- (2) The improvement deadline specified in a notice under subsection (1) may not be earlier than the end of the prescribed period beginning with the day when the notice is given to the operator.
- (3) Subsection (4) applies where—
- (a) the Secretary of State has given a notice under subsection (1);

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Rail vehicles. (See end of Document for details)*

- (b) the improvement deadline specified in the notice has passed; and
  - (c) it appears to the Secretary of State that a vehicle covered by the notice has after that deadline been used for carriage otherwise than in conformity with the provision identified in the notice.
- (4) The Secretary of State may give to the operator a further notice—
- (a) identifying the provision and how it was breached;
  - (b) identifying which of the regulated rail vehicles covered by the notice under subsection (1) is or are covered by the further notice; and
  - (c) specifying the final deadline.
- (5) The final deadline specified in a notice under subsection (4) may not be earlier than the end of the prescribed period beginning with the day when the notice is given to the operator.
- (6) If—
- (a) the Secretary of State has given a notice under subsection (4), and
  - (b) a vehicle covered by the notice is at a time after the final deadline used for carriage otherwise than in conformity with the provision identified in the notice,
- the Secretary of State may require the operator of the vehicle to pay a penalty.
- (7) For the purposes of subsection (1), a vehicle is operated by a person if that person is the operator of the vehicle.]]

#### Extent Information

**E8** This section extended to England, Wales and Scotland only; a separate s. 47F exists for Northern Ireland only.

#### Textual Amendments

**F20** Ss. 47D-47M inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {8(1)}, 20(3)-(6)

**F23** 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\(h\)](#)

#### [<sup>F31</sup> 47F **Penalty for using rail vehicle otherwise than in conformity with accessibility regulations** **N.I.**

- (1) Where it appears to the Department for Regional Development that a regulated rail vehicle has been used for carriage otherwise than in conformity with a provision of rail vehicle accessibility regulations with which use of the vehicle is required to conform, that Department may give to the operator of the vehicle a notice—
- (a) identifying the provision and how it was breached;
  - (b) identifying which of the regulated rail vehicles operated by the operator is or are covered by the notice; and
  - (c) specifying the improvement deadline.

*Status:* This version of this cross heading contains provisions that are prospective.

*Changes to legislation:* There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Rail vehicles. (See end of Document for details)

- (2) The improvement deadline specified in a notice under subsection (1) may not be earlier than the end of the prescribed period beginning with the day when the notice is given to the operator.
- (3) Subsection (4) applies where—
  - (a) the Department for Regional Development has given a notice under subsection (1);
  - (b) the improvement deadline specified in the notice has passed; and
  - (c) it appears to that Department that a vehicle covered by the notice has after that deadline been used for carriage otherwise than in conformity with the provision identified in the notice.
- (4) The Department for Regional Development may give to the operator a further notice—
  - (a) identifying the provision and how it was breached;
  - (b) identifying which of the regulated rail vehicles covered by the notice under subsection (1) is or are covered by the further notice; and
  - (c) specifying the final deadline.
- (5) The final deadline specified in a notice under subsection (4) may not be earlier than the end of the prescribed period beginning with the day when the notice is given to the operator.
- (6) If—
  - (a) the Department for Regional Development has given a notice under subsection (4), and
  - (b) a vehicle covered by the notice is at a time after the final deadline used for carriage otherwise than in conformity with the provision identified in the notice,that Department may require the operator of the vehicle to pay a penalty.
- (7) For the purposes of subsection (1), a vehicle is operated by a person if that person is the operator of the vehicle.]

#### Textual Amendments

**F31** Ss. 47D-47H, 47J-47M inserted (N.I.) (prosp.) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **10(1)**

PROSPECTIVE

#### [<sup>F20</sup> 47G Sections 47E and 47F: inspection of rail vehicles **E+W+S**

- [<sup>F24</sup>(1) Where the Secretary of State has reasonable grounds for suspecting that a regulated rail vehicle may not conform with provisions of rail vehicle accessibility regulations with which it is required to conform, a person authorised by the Secretary of State—
- (a) may inspect the vehicle for conformity with the provisions;
  - (b) for the purpose of exercising his power under paragraph (a)—
    - (i) may enter premises if he has reasonable grounds for suspecting the vehicle to be at those premises, and

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Rail vehicles. (See end of Document for details)*

- (ii) may enter the vehicle; and
- (c) for the purpose of exercising his power under paragraph (a) or (b), may require any person to afford such facilities and assistance with respect to matters under that person's control as are necessary to enable the power to be exercised.
- (2) Where the Secretary of State has given a notice under section 47E(1) or (4), a person authorised by the Secretary of State—
- (a) may inspect the vehicle concerned for conformity with the provision specified in the notice;
- (b) for the purpose of exercising his power under paragraph (a)—
- (i) may enter premises if he has reasonable grounds for suspecting the vehicle to be at those premises, and
- (ii) may enter the vehicle; and
- (c) for the purpose of exercising his power under paragraph (a) or (b), may require any person to afford such facilities and assistance with respect to matters under that person's control as are necessary to enable the power to be exercised.
- (3) A person exercising power under subsection (1) or (2) shall, if required to do so, produce evidence of his authority to exercise the power.
- (4) Where a person obstructs the exercise of power under subsection (1), the Secretary of State may, for purposes of section 47E(1) or 47F(1), draw such inferences from the obstruction as appear proper.
- (5) Where—
- (a) a person obstructs the exercise of power under subsection (2), and
- (b) the obstruction occurs before a notice under section 47E(4) is given in respect of the vehicle concerned,
- the Secretary of State may treat section 47E(3)(c) as satisfied in the case concerned.
- (6) Where a person obstructs the exercise of power under subsection (2) and the obstruction occurs—
- (a) after a notice under section 47E(4) has been given in respect of the vehicle concerned, and
- (b) as a result of the operator, or a person who acts on his behalf, behaving in a particular way with the intention of obstructing the exercise of the power,
- the Secretary of State may require the operator of the vehicle to pay a penalty.
- (7) In this section “inspect” includes test.]]

#### Extent Information

- E9** This section extended to England, Wales and Scotland only; a separate s. 47G exists for Northern Ireland only.

#### Textual Amendments

- F20** Ss. 47D-47M inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {8(1)}, 20(3)-(6)
- F24** 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.](#)



*Status:* This version of this cross heading contains provisions that are prospective.  
*Changes to legislation:* There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Rail vehicles. (See end of Document for details)

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)**

**[<sup>F31</sup>47G Sections 47E and 47F: inspection of rail vehicles N.I.]**

- (1) Where the Department for Regional Development has reasonable grounds for suspecting that a regulated rail vehicle may not conform with provisions of rail vehicle accessibility regulations with which it is required to conform, a person authorised by that Department—
  - (a) may inspect the vehicle for conformity with the provisions;
  - (b) for the purpose of exercising his power under paragraph (a)—
    - (i) may enter premises if he has reasonable grounds for suspecting the vehicle to be at those premises, and
    - (ii) may enter the vehicle; and
  - (c) for the purpose of exercising his power under paragraph (a) or (b), may require any person to afford such facilities and assistance with respect to matters under that person's control as are necessary to enable the power to be exercised.
- (2) Where the Department for Regional Development has given a notice under section 47E(1) or (4), a person authorised by that Department—
  - (a) may inspect the vehicle concerned for conformity with the provision specified in the notice;
  - (b) for the purpose of exercising his power under paragraph (a)—
    - (i) may enter premises if he has reasonable grounds for suspecting the vehicle to be at those premises, and
    - (ii) may enter the vehicle; and
  - (c) for the purpose of exercising his power under paragraph (a) or (b), may require any person to afford such facilities and assistance with respect to matters under that person's control as are necessary to enable the power to be exercised.
- (3) A person exercising power under subsection (1) or (2) shall, if required to do so, produce evidence of his authority to exercise the power.
- (4) Where a person obstructs the exercise of power under subsection (1), the Department for Regional Development may, for purposes of section 47E(1) or 47F(1), draw such inferences from the obstruction as appear proper.
- (5) Where a person—
  - (a) obstructs the exercise of power under subsection (2), and
  - (b) the obstruction occurs before a notice under section 47E(4) is given in respect of the vehicle concerned,the Department for Regional Development may treat section 47E(3)(c) as satisfied in the case concerned.
- (6) Where a person obstructs the exercise of power under subsection (2) and the obstruction occurs—
  - (a) after a notice under section 47E(4) has been given in respect of the vehicle concerned, and
  - (b) as a result of the operator, or a person who acts on his behalf, behaving in a particular way with the intention of obstructing the exercise of the power,

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*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Rail vehicles. (See end of Document for details)*

the Department for Regional Development may require the operator of the vehicle to pay a penalty.

(7) In this section “inspect” includes test.]

#### Textual Amendments

**F31** Ss. 47D-47H, 47J-47M inserted (N.I.) (prosp.) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, **10(1)**

PROSPECTIVE

#### [<sup>F20</sup>47H Sections 47E and 47F: supplementary powers **E+W+S**

[<sup>F25</sup>(1) For the purposes of section 47E, the Secretary of State may give notice to a person requiring the person to supply the Secretary of State, by a time specified in the notice, with a vehicle number or other identifier for a rail vehicle—

- (a) of which that person is the operator; and
- (b) which is described in the notice.

(2) The time specified in a notice given to a person under subsection (1) may not be earlier than the end of 14 days beginning with the day when the notice is given to the person.

(3) If a person to whom a notice is given under subsection (1) does not comply with the notice by the time specified in the notice, the Secretary of State may require the person to pay a penalty.

(4) Where the Secretary of State has given a notice to a person under section 47E(1) or (4) or 47F(1) or (4), the Secretary of State may request that person to supply the Secretary of State, by a time specified in the request, with a statement detailing the steps taken in response to the notice.

(5) The time specified in a request under subsection (4) must—

- (a) if the request relates to a notice under section 47E(1) or 47F(1), be no earlier than the improvement deadline; and
- (b) if the request relates to a notice under section 47E(4) or 47F(4), be no earlier than the final deadline.

(6) Where a request under subsection (4)—

- (a) relates to a notice under section 47E(1) or 47F(1), and
- (b) is not complied with by the time specified in the request,

the Secretary of State may treat section 47E(3)(c) or (as the case may be) section 47F(3)(c) as being satisfied in the case concerned.]]

#### Extent Information

**E10** This section extended to England, Wales and Scotland only; a separate s. 47H exists for Northern Ireland only.

*Status:* This version of this cross heading contains provisions that are prospective.  
*Changes to legislation:* There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Rail vehicles. (See end of Document for details)

### Textual Amendments

- F20** Ss. 47D-47M inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {8(1)}, 20(3)-(6)
- F25** 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\(h\)](#)

### [<sup>F31</sup>47H Sections 47E and 47F: supplementary powers **N.I.**

- (1) For the purposes of section 47E, the Department for Regional Development may give notice to a person requiring the person to supply the Department for Regional Development, by a time specified in the notice, with a vehicle number or other identifier for a rail vehicle—
  - (a) of which that person is the operator; and
  - (b) which is described in the notice.
- (2) The time specified in a notice given to a person under subsection (1) may not be earlier than the end of 14 days beginning with the day when the notice is given to the person.
- (3) If a person to whom a notice is given under subsection (1) does not comply with the notice by the time specified in the notice, the Department for Regional Development may require the person to pay a penalty.
- (4) Where the Department for Regional Development has given a notice to a person under section 47E(1) or (4) or 47F(1) or (4), that Department may request that person to supply that Department, by a time specified in the request, with a statement detailing the steps taken in response to the notice.
- (5) The time specified in a request under subsection (4) must—
  - (a) if the request relates to a notice under section 47E(1) or 47F(1), be no earlier than the improvement deadline; and
  - (b) if the request relates to a notice under section 47E(4) or 47F(4), be no earlier than the final deadline.
- (6) Where a request under subsection (4)—
  - (a) relates to a notice under section 47E(1) or 47F(1), and
  - (b) is not complied with by the time specified in the request,the Department for Regional Development may treat section 47E(3)(c) or (as the case may be) section 47F(3)(c) as being satisfied in the case concerned.]

### Textual Amendments

- F31** Ss. 47D-47H, 47J-47M inserted (N.I.) (prosp.) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **10(1)**

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Rail vehicles. (See end of Document for details)*

PROSPECTIVE

**[<sup>F20</sup>47J Penalties under sections 47D to 47H: amount, due date and recovery E+W+S**

- <sup>F26</sup>(1) In this section “penalty” means a penalty under any of sections 47D to 47H.
- (2) The amount of a penalty—
- (a) must not exceed the maximum prescribed for the purposes of this subsection; and
  - (b) must not exceed 10 per cent of the turnover of the person on whom it is imposed.
- (3) For the purposes of subsection (2)(b), a person’s turnover shall be determined in accordance with regulations.
- (4) A penalty must be paid to the Secretary of State before the end of the prescribed period.
- (5) Any sum payable to the Secretary of State as a penalty may be recovered by the Secretary of State as a debt due to him.
- (6) In proceedings under subsection (5) for enforcement of a penalty, no question may be raised as to—
- (a) liability to the imposition of the penalty; or
  - (b) its amount.
- (7) Any sum paid to the Secretary of State as a penalty shall be paid by him into the Consolidated Fund.
- (8) The Secretary of State shall issue a code of practice specifying matters to be considered in determining the amount of a penalty.
- (9) The Secretary of State may from time to time revise the whole or any part of the code and issue the code as revised.
- (10) Before issuing the first or a revised version of the code, the Secretary of State shall lay a draft of that version before Parliament.
- (11) After laying the draft of a version of the code before Parliament, the Secretary of State may bring that version of the code into operation by order.
- (12) The Secretary of State shall have regard to the code (in addition to any other matters he thinks relevant)—
- (a) when imposing a penalty; and
  - (b) when considering under section 47K(6) a notice of objection under section 47K(4).]]

**Extent Information**

- E11** This section extended to England, Wales and Scotland only; a separate s. 47J exists for Northern Ireland only.

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*Status:* This version of this cross heading contains provisions that are prospective.  
*Changes to legislation:* There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Rail vehicles. (See end of Document for details)

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### Textual Amendments

- F20** Ss. 47D-47M inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {8(1)}, 20(3)-(6)
- F26** 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\(h\)](#)

### [<sup>F31</sup>47J Penalties under sections 47D to 47H: amount, due date and recovery **N.I.**

- (1) In this section “penalty” means a penalty under any of sections 47D to 47H.
- (2) The amount of a penalty—
  - (a) must not exceed the maximum prescribed for the purposes of this subsection; and
  - (b) must not exceed 10 per cent of the turnover of the person on whom it is imposed.
- (3) For the purposes of subsection (2)(b), a person's turnover shall be determined in accordance with regulations.
- (4) A penalty must be paid to the Department for Regional Development before the end of the prescribed period.
- (5) Any sum payable to the Department for Regional Development as a penalty may be recovered by that Department as a debt due to it.
- (6) In proceedings under subsection (5) for enforcement of a penalty, no question may be raised as to—
  - (a) liability to the imposition of the penalty; or
  - (b) its amount.
- (7) Any sum paid to the Department for Regional Development as a penalty shall be paid by it into the Consolidated Fund.
- (8) The Department for Regional Development shall issue a code of practice specifying matters to be considered in determining the amount of a penalty.
- (9) The Department for Regional Development may from time to time revise the whole or any part of the code and issue the code as revised.
- (10) Before issuing the first or a revised version of the code, the Department for Regional Development shall lay a draft of that version before the Assembly.
- (11) After laying the draft of a version of the code before the Assembly, the Department for Regional Development may bring that version of the code into operation by order.
- (12) The Department for Regional Development shall have regard to the code (in addition to any other matters it thinks relevant)—
  - (a) when imposing a penalty; and
  - (b) when considering under section 47K(6) a notice of objection under section 47K(4).]

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Rail vehicles. (See end of Document for details)*

### Textual Amendments

**F31** Ss. 47D-47H, 47J-47M inserted (N.I.) (prosp.) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **10(1)**

PROSPECTIVE

### [<sup>F20</sup> **47K Penalties under sections 47D to 47H: procedure** **E+W+S**

[<sup>F27</sup>(1) In this section “penalty” means a penalty under any of sections 47D to 47H.

- (2) If the Secretary of State decides that a person is liable to a penalty, the Secretary of State must notify the person of the decision.
- (3) A notification under subsection (2) must—
  - (a) state the Secretary of State’s reasons for deciding that the person is liable to the penalty;
  - (b) state the amount of the penalty;
  - (c) specify the date before which, and the manner in which, the penalty must be paid; and
  - (d) include an explanation of the steps that the person may take if he objects to the penalty.
- (4) Where a person to whom a notification under subsection (2) is issued objects on the ground that—
  - (a) he is not liable to the imposition of a penalty, or
  - (b) the amount of the penalty is too high,
 the person may give a notice of objection to the Secretary of State.
- (5) A notice of objection must—
  - (a) be in writing;
  - (b) give the objector’s reasons; and
  - (c) be given before the end of the prescribed period.
- (6) Where the Secretary of State receives a notice of objection to a penalty in accordance with this section, he shall consider it and—
  - (a) cancel the penalty;
  - (b) reduce the penalty; or
  - (c) determine to do neither of those things.
- (7) Where the Secretary of State considers under subsection (6) a notice of objection under subsection (4), he shall—
  - (a) inform the objector of his decision before the end of the prescribed period or such longer period as he may agree with the objector; and
  - (b) if he reduces the penalty, notify the objector of the reduced amount.]]

*Status:* This version of this cross heading contains provisions that are prospective.  
*Changes to legislation:* There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Rail vehicles. (See end of Document for details)

### Extent Information

- E12** This section extended to England, Wales and Scotland only; a separate s. 47K exists for Northern Ireland only.

### Textual Amendments

- F20** Ss. 47D-47M inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {8(1)}, 20(3)-(6)
- F27** 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\(h\)](#)

## <sup>F31</sup> 47K Penalties under sections 47D to 47H: procedure **N.I.**

- (1) In this section “penalty” means a penalty under any of sections 47D to 47H.
- (2) If the Department for Regional Development decides that a person is liable to a penalty, that Department must notify the person of the decision.
- (3) A notification under subsection (2) must—
  - (a) state that Department's reasons for deciding that the person is liable to the penalty;
  - (b) state the amount of the penalty;
  - (c) specify the date before which, and the manner in which, the penalty must be paid; and
  - (d) include an explanation of the steps that the person may take if he objects to the penalty.
- (4) Where a person to whom a notification under subsection (2) is issued objects on the ground that—
  - (a) he is not liable to the imposition of a penalty, or
  - (b) the amount of the penalty is too high,the person may give a notice of objection to the Department for Regional Development.
- (5) A notice of objection must—
  - (a) be in writing;
  - (b) give the objector's reasons; and
  - (c) be given before the end of the prescribed period.
- (6) Where the Department for Regional Development receives a notice of objection to a penalty in accordance with this section, that Department shall consider it and—
  - (a) cancel the penalty;
  - (b) reduce the penalty; or
  - (c) determine to do neither of those things.
- (7) Where the Department for Regional Development considers under subsection (6) a notice of objection under subsection (4), it shall—

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Rail vehicles. (See end of Document for details)*

- (a) inform the objector of its decision before the end of the prescribed period or such longer period as it may agree with the objector; and
- (b) if it reduces the penalty, notify the objector of the reduced amount.]

#### Textual Amendments

**F31** Ss. 47D-47H, 47J-47M inserted (N.I.) (prosp.) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, **10(1)**

PROSPECTIVE

#### [<sup>F20</sup>47L Penalties under sections 47D to 47H: appeals **E+W+S**

- [<sup>F28</sup>(1) A person may appeal to the court against a penalty imposed on him under any of sections 47D to 47H on the ground that—
- (a) he is not liable to the imposition of a penalty; or
  - (b) the amount of the penalty is too high.
- (2) On an appeal under this section, the court may—
- (a) allow the appeal and cancel the penalty;
  - (b) allow the appeal and reduce the penalty; or
  - (c) dismiss the appeal.
- (3) An appeal under this section shall be a re-hearing of the Secretary of State’s decision to impose a penalty, and shall be determined having regard to—
- (a) any code of practice under section 47J which has effect at the time of the appeal; and
  - (b) any other matters which the court thinks relevant (which may include matters of which the Secretary of State was unaware).
- (4) An appeal may be brought by a person under this section against a penalty whether or not—
- (a) he has given notice of objection under section 47K(4); or
  - (b) the penalty has been reduced under section 47K(6).
- (5) A reference in this section to “the court” is a reference—
- (a) in England and Wales, to a county court; and
  - (b) in Scotland, to the sheriff.
- (6) The sheriff may transfer proceedings under this section to the Court of Session.
- (7) Where the sheriff has made a determination under subsection (2), any party to the proceedings may appeal on a point of law, either to the Sheriff Principal or to the Court of Session, against that determination.]]

#### Extent Information

**E13** This section extended to England, Wales and Scotland only; a separate s. 47L exists for Northern Ireland only.



*Status:* This version of this cross heading contains provisions that are prospective.  
*Changes to legislation:* There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Rail vehicles. (See end of Document for details)

### Textual Amendments

- F20** Ss. 47D-47M inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {8(1)}, 20(3)-(6)
- F28** 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\(h\)](#)

### [<sup>F31</sup>47L Penalties under sections 47D to 47H: appeals **N.I.**

- (1) A person may appeal to the county court against a penalty imposed on him under any of sections 47D to 47H on the ground that—
  - (a) he is not liable to the imposition of a penalty; or
  - (b) the amount of the penalty is too high.
- (2) On an appeal under this section, the county court may—
  - (a) allow the appeal and cancel the penalty;
  - (b) allow the appeal and reduce the penalty; or
  - (c) dismiss the appeal.
- (3) An appeal under this section shall be a re-hearing of the decision of the Department for Regional Development to impose a penalty, and shall be determined having regard to—
  - (a) any code of practice under section 47J which has effect at the time of the appeal; and
  - (b) any other matters which the county court thinks relevant (which may include matters of which the Department for Regional Development was unaware).
- (4) An appeal may be brought by a person under this section against a penalty whether or not—
  - (a) he has given notice of objection under section 47K(4); or
  - (b) the penalty has been reduced under section 47K(6).]

### Textual Amendments

- F31** Ss. 47D-47H, 47J-47M inserted (N.I.) (prosp.) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **10(1)**

PROSPECTIVE

### [<sup>F20</sup>47M Sections 46 to 47H: interpretation **E+W+S**

- [<sup>F29</sup>(1) In sections 46 to 47H “operator”, in relation to any rail vehicle, means the person having the management of that vehicle.
- (2) For the purposes of those sections, a person uses a vehicle for carriage if he uses it for the carriage of passengers.

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Rail vehicles. (See end of Document for details)*

- (3) Where an exemption order under section 47 authorises use of a rail vehicle even though the vehicle does not conform with a provision of rail vehicle accessibility regulations, references in sections 47A to 47G to provisions of rail vehicle accessibility regulations with which the vehicle is required to conform do not, in the vehicle's case, include that provision.]]

#### Extent Information

- E14** This section extended to England, Wales and Scotland only; a separate s. 47M exists for Northern Ireland only.

#### Textual Amendments

- F20** Ss. 47D-47M inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {8(1)}, 20(3)-(6)
- F29** 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\(h\)](#)

#### [<sup>F31</sup>47M Sections 46 to 47H: interpretation **N.I.**

- (1) In sections 46 to 47H “operator”, in relation to any rail vehicle, means the person having the management of that vehicle.
- (2) For the purposes of those sections, a person uses a vehicle for carriage if he uses it for the carriage of passengers.
- (3) Where an exemption order under section 47 authorises use of a rail vehicle even though the vehicle does not conform with a provision of rail vehicle accessibility regulations, references in sections 47A to 47G to provisions of rail vehicle accessibility regulations with which the vehicle is required to conform do not, in the vehicle's case, include that provision.]

#### Textual Amendments

- F31** Ss. 47D-47H, 47J-47M inserted (N.I.) (prosp.) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **10(1)**

**Status:**

This version of this cross heading contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Disability Discrimination Act 1995,  
Cross Heading: Rail vehicles.