
STATUTORY INSTRUMENTS

1998 No. 2457

DISABLED PERSONS TRANSPORT

The Rail Vehicle (Exemption Applications) Regulations 1998

Made - - - - *5th October 1998*
Laid before Parliament *9th October 1998*
Coming into force - - *1st November 1998*

The Secretary of State, in exercise of the powers conferred on him by section 47 of the Disability Discrimination Act 1995(1) and of all other powers enabling him in that behalf, having consulted the Disabled Persons Transport Advisory Committee and such other representative organisations as he thought fit in accordance with section 46(11) of the said Act, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Rail Vehicle (Exemption Applications) Regulations 1998 and shall come into force on 1st November 1998.

Interpretation

2. In these Regulations—

“application” means an application for an exemption;

“exemption” means an exemption under section 47 of the Act from any relevant requirement;

“relevant requirement” means any requirement of the Rail Vehicle Accessibility Regulations 1998(2) with which a rail vehicle is required to conform; and

“the Act” means the Disability Discrimination Act 1995.

Manner of making exemption applications

3. Every application shall be made in writing to the Secretary of State and shall contain the particulars specified in the Schedule to these Regulations.

(1) 1995 c. 50.
(2) S.I. 1998/2456.

Period and revocation of exemptions

4.—(1) An exemption shall continue in force for such period as may be specified in the exemption, but may be revoked by notice by the Secretary of State—

- (a) at any time if the operator of the relevant regulated rail vehicle so requests; or
- (b) forthwith if (having consulted the operator) the Secretary of State is satisfied that the operator has failed to comply with any restriction or condition subject to which the exemption was granted.

(2) Before giving a notice pursuant to paragraph (1) above the Secretary of State shall consult the Disabled Persons Transport Advisory Committee.

SCHEDULE

Regulation 3

Particulars to be provided with application

1. The full name of the applicant and his address (being in the case of a company the address of its registered or principal office).
2. The description of rail vehicle to which the application relates.
3. If relevant, the circumstances in which the exemption is to apply.
4. Every relevant requirement from which exemption is sought.
5. The technical, economic and operational reasons why exemption is sought.
6. The effect which non-compliance with any relevant requirement from which exemption is sought would have on a disabled person's ability to use rail vehicles of the description to which the application relates.
7. Any measures which could be taken to enable disabled persons to use such rail vehicles if the exemption sought is granted.
8. Any proposals of the applicant for later modification of such rail vehicles to secure their compliance with the Rail Vehicle Accessibility Regulations 1998 within a stated period.
9. Unless a permanent exemption is sought, the period during which the exemption is to apply.
10. Such further information as in the opinion of the Secretary of State is necessary to enable him to determine whether to grant the exemption or to impose restrictions or conditions if he grants the exemption.
11. In this Schedule "use" means—
 - (a) in the case of disabled persons—
 - (i) getting on to and off a rail vehicle in safety and without unreasonable difficulty;
 - (ii) being carried in such a vehicle in safety and reasonable comfort; and
 - (b) in the case of disabled persons in wheelchairs—
 - (i) getting on to and off such a vehicle in safety and without unreasonable difficulty while remaining in their wheelchairs; and
 - (ii) being carried in such a vehicle in safety and reasonable comfort while remaining in their wheelchairs,and "to use" shall be construed accordingly.

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

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

Glenda Jackson
Parliamentary Under Secretary of
State, Department of Environment, Transport and
the Regions

5th October 1998

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify the manner in which applications to the Secretary of State for exemption from the requirements of the Rail Vehicle Accessibility Regulations 1998 (S.I. [1998/2456](#)) are to be made, and the information which must be supplied with any such application. The Regulations also make provision for the period and revocation of exemptions.