

2001 No. 3953

DISABLED PERSONS

TRANSPORT

**The Rail Vehicle Accessibility (ScotRail Class 170/4
Vehicles) Exemption Order 2001**

Made - - - - - 10th December 2001

Laid before Parliament 11th December 2001

Coming into force 1st January 2002

The Secretary of State, in exercise of the powers conferred on him by section 47 of the Disability Discrimination Act 1995(a) 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 that Act, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Rail Vehicle Accessibility (ScotRail Class 170/4 Vehicles) Exemption Order 2001 and shall come into force on 1st January 2002.

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(b).

Application

3. This Order applies to the rail vehicles which are numbered—

(a) 50401 to 50424 and 79401 to 79424 (“the first exempted vehicles”); and

(b) 56401 to 56424 (“the second exempted vehicles”);

and which together form the diesel multiple-units numbered 170401 to 170424 of the class known as “class 170/4” as manufactured by ABB Daimler Benz Transportation (UK) Limited for use by ScotRail Railways Limited.

Exemption

4.—(1) Subject to articles 5, 6 and 7 below, the first exempted vehicles and the second 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 paragraphs (2) and (3) below.

(2) The first exempted vehicles and the second exempted vehicles are not required to conform with the provisions of regulation 5(1)(a), in so far as it relates to control devices which control doors in the side of one of those vehicles.

(a) 1995 c.50.

(b) S.I. 1998/2456, as amended by S.I. 2000/3215.

(3) The first exempted vehicles and the second exempted vehicles are not required to conform with the provisions of regulation 5(3)(a) and (4), in so far as it relates to control devices which control doors which are not in the side of one of those vehicles.

5. The exemption given by article 4(3) above in respect of regulation 5(3)(a) and (4) shall apply only while instructions for the operation of any door which is operated by a control device to which the exemption relates are displayed on a sign—

- (a) which is placed on or near that door and on the same side of that door as any such control device; and
- (b) on which the letters, numbers or diagrams contrast with their background and are identifiable by touch.

6.—(1) The exemption given by article 4(2) above in respect of regulation 5(1)(a) shall cease—

- (a) at the end of 31st December 2011; or
- (b) in respect of any vehicle in which all the door control devices for the doors in the sides of that vehicle and the control systems for those doorways are replaced before that date, when such replacement is completed.

(2) The exemption given by article 4(3) above in respect of regulation 5(3)(a) and (4) shall cease—

- (a) at the end of 31st December 2003 in relation to control devices fitted to doors between the vestibule adjoining a doorway in the side of a vehicle and a passenger saloon in the first exempted vehicles; and
- (b) at the end of 31st December 2011 in relation to control devices fitted to doors in the ends of the first exempted vehicles and the second exempted vehicles.

7. The authorisation shall cease forthwith in respect of any vehicle which is operated by a person other than ScotRail Railways 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 (ScotRail Class 170/4 Vehicles) Exemption Order 2000^(a) 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

10th December 2001

^(a) S.I. 2000/1769.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the use of specified rail vehicles forming Class 170/4 diesel multiple-units, although they do not conform with certain provisions of the Rail Vehicle Accessibility Regulations 1998 (S.I. 1998/2456, as amended by S.I. 2000/3215) because—

operation of some doors is by means of non-compliant beam operated sensors; and

the door control devices for doors in the sides of the vehicles are not at the required height.

It sets time limits on the exemption from those provisions 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 (ScotRail Class 170/4 Vehicles) Exemption Order 2000 (S.I. 2000/1769), which is revoked.

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