

2001 No. 847

**DISABLED PERSONS
TRANSPORT**

**The Rail Vehicle Accessibility (Gatwick Express Class 460
Vehicles) Exemption Order 2001**

Made - - - - 8th March 2001

Laid before Parliament 9th March 2001

Coming into force 31st March 2001

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 the said Act, hereby makes the following Order:—

1. This Order may be cited as the Rail Vehicle Accessibility (Gatwick Express Class 460 Vehicles) Exemption Order 2001 and shall come into force on 31st March 2001.

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) and any reference to a diagram is a reference to the diagram bearing that number in the Schedule to those Regulations.

3. This order applies to the rail vehicles which are numbered 67901 to 67908, 67911 to 67918, 74401 to 74408, 74411 to 74418, 74421 to 74428, 74431 to 74438, 74441 to 74448 and 74451 to 74458 and which form the electrical multiple-units numbered 460001 to 460008 of the class known as “Class 460” (“the exempted vehicles”) as manufactured by ALSTOM Transport Limited for use by Gatwick Express Limited.

4.—(1) Subject to articles 5 and 6 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—

- (a) regulation 4(2), but only in so far as it relates to the emission of warning sounds outside the exempted vehicle;
- (b) regulation 5(1)(a) and, in so far as it relates to doors in the ends of exempted vehicles, (c);
- (c) subject to paragraph (3) below, regulation 5(1)(b), but only in so far as it relates to doors in the ends of exempted vehicles and only in so far as it relates to the maximum force in newtons required to operate the door control;

(a) 1995 c. 50.

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

- (d) regulation 6(1)(d);
- (e) regulation 8(3), but only to the extent specified in paragraph (4) below;
- (f) regulation 10(1)(b), but only in so far as it relates to the height of the bottom edge of the coloured marking measured from the floor;
- (g) regulation 11(1)(a), but only in so far as it specifies as a minimum for the lower point for fitting a handrail of not more than 700 millimetres above the floor;
- (h) regulation 11(2)(c), but only in so far as it relates to a handrail at the short draught-screen in the vestibule adjacent to a wheelchair space;
- (i) regulation 13(7), but only in so far as it relates to the height of letters and numbers on visual systems which are inside the passenger saloon;
- (j) regulation 15(3), but subject to the condition specified in paragraph (5) below;
- (k) regulation 18(1);
- (l) regulation 20(1)(d) and (e); and
- (m) regulation 20(1)(f), but subject to the condition specified in paragraph (6) below.

(3) The exemption given by paragraph (2)(c) above in relation to regulation 5(1)(b) shall apply to an exempted vehicle only while—

- (a) the maximum amount of force required to operate a door control does not exceed 40 newtons; and
- (b) the operator provides 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 reasonably available to assist a disabled person.

(4) The exemption given by paragraph (2)(e) above in relation to regulation 8(3) shall extend only to the following seat specifications—

- (a) in respect of priority seats in the exempted vehicles which are numbered 67901 to 67908, all the dimensions shown in diagrams B1, B2, B3 and B4 other than the 1250 millimetres minimum clear headroom shown in diagrams B2, B3 and B4;
- (b) in respect of priority seats in the other exempted vehicles—
 - (i) in diagrams B2, B3 and B4, the vertical distance of 430 to 460mm specified for the distance between the passenger compartment floor and the highest point of the seat cushion;
 - (ii) in diagram B2, the 600mm horizontal distance between facing seats;
 - (iii) in diagram B3 the 680mm horizontal distance specified between the rear of the seat cushion and the back of the seat in front, and the 230mm horizontal distance specified for the clear space between seats; and
 - (iv) in diagram B4, the 230mm minimum horizontal distance between either side of the table and the fronts of the seats adjacent to that table.

(5) The exemption given by paragraph (2)(j) above in relation to regulation 15(3) shall apply only where a train consists of 8 to 11 exempted vehicles and there are not less than 2 wheelchair spaces in that train.

(6) The exemption given by paragraph (2)(m) above in relation to regulation 20(1)(f) is given on the condition that, until a handrail compliant with regulation 20(1)(f) is installed, no other hinged handrail is installed to the side of the toilet in the nearest toilet cubicle to a wheelchair space.

5.—(1) The exemption given in respect of regulation 4(2) shall cease at the end of 31st December 2001.

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(2) The exemption given in respect of regulations 5(1)(a), 6(1)(d), 11(1)(a), 11(2)(c) and 20(1)(d) and (e) shall cease at the end of 28th April 2011.

(3) The exemption given in respect of regulation 5(1)(b) shall cease at the end of 28th April 2011.

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

(a) at the end of 28th April 2011; 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, that 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 8(3) shall cease—

(a) in relation to the specifications described in article 4(4)(a) above at the end of 28th April 2011;

(b) in relation to the specifications described in article 4(4)(b)(i) above—

(i) at the end of 28th April 2011, or

(ii) in respect of an exempted vehicle in which all the seats are replaced before that date, when such replacement is completed;

(c) in relation to the specifications mentioned in article 4(4)(b)(ii), (iii) and (iv) above at the end of 31st December 2001.

(6) The exemption given in respect of regulation 10(1)(b) shall cease—

(a) at the end of 28th April 2011; or

(b) in respect of an exempted vehicle in which all the doors in the ends of the vehicle are replaced before that date, when such replacement is completed.

(7) The exemption given in respect of regulation 13(7) shall cease at the end of 30th September 2004.

(8) The exemption given in respect of regulation 15(3) shall cease at the end of 31st March 2005.

(9) The exemption given in respect of regulation 18(1) shall cease at the end of 30th June 2001.

(10) The exemption given in respect of regulation 20(1)(f) shall cease at the end of 31st August 2001.

6. The authorisation shall cease forthwith in respect of an exempted vehicle—

(a) which is operated by a person other than Gatwick Express Limited unless the Secretary of State has been given written notice in advance specifying the name and address of that other person; or

(b) which is operated on any route other than a route between Gatwick Airport station and a railway terminus in London via East Croydon station.

7. The Orders specified in the Schedule to this Order are hereby revoked.

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

Keith Hill
Parliamentary Under Secretary of State,
Department of the Environment,
Transport and the Regions

8th March 2001

SCHEDULE

Regulation 7

Revocations

<i>Orders</i>	<i>References</i>
The Rail Vehicle Accessibility (Gatwick Express Class 460 Vehicles) Exemption Order 2000	S.I. 2000/770
The Rail Vehicle Accessibility (Gatwick Express Class 460 Vehicles) Exemption (Amendment) Order 2000	S.I. 2000/2327
The Rail Vehicle Accessibility (Gatwick Express Class 460 Vehicles) Exemption (Amendment No. 2) Order 2000	S.I. 2000/3187

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the use of specified rail vehicles forming Class 460 electrical multiple-units, although they do not conform with certain requirements of the Rail Vehicle Accessibility Regulations 1998 because:

- doorway warning sounds cannot be heard outside the vehicle;
- door controls are not positioned as required;
- the amount of force needed to operate the door controls is greater than permitted;
- internal door controls are not illuminated;
- no illumination is provided for steps;
- the priority seats and the spaces around them do not meet the required dimensions;
- transparent surfaces do not have the required coloured markings;
- handrails at external doors are not positioned as required;
- the gap between certain handrails and the surface on which they are fixed is too small;
- the characters for the internal visual announcements are smaller than required;
- there are too few wheelchair spaces;
- there are no tables in the wheelchair spaces;
- a disabled person cannot wash and dry their hands without moving from the toilet;
- it is not possible for a disabled person to move to the toilet seat from a wheelchair placed at the side or the front of the toilet; and
- there is no hinged handrail beside the toilet in the toilet cubicle provided for disabled persons in wheelchairs.

It sets time limits on the authorisation and imposes conditions.

This Order consolidates and replaces, to the extent that they are not spent, the provisions of:

- (1) The Rail Vehicle Accessibility (Gatwick Express Class 460 Vehicles) Exemption Order 2000;
- (2) The Rail Vehicle Accessibility (Gatwick Express Class 460 Vehicles) Exemption (Amendment) Order 2000; and
- (3) The Rail Vehicle Accessibility (Gatwick Express Class 460 Vehicles) Exemption (Amendment No. 2) Order 2000.

The only change of substance is the termination date for one of the exemptions from 31st March 2001 to 31st August 2001.

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The Rail Vehicle Accessibility (Gatwick Express Class 460
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