

2002 No. 1699

DISABLED PERSONS

TRANSPORT

**The Rail Vehicle Accessibility (Virgin West Coast Class 390
Vehicles) Exemption Order 2002**

Made - - - - - 28th June 2002

Laid before Parliament 3rd July 2002

Coming into force - - 22nd July 2002

The Secretary of State, in exercise of the powers conferred upon him by section 47(1), (3) and (4) of the Disability Discrimination Act 1995(a), 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 (Virgin West Coast Class 390 Vehicles) Exemption Order 2002 and shall come into force on 22nd July 2002.

Interpretation

2.—(1) Any reference to a numbered regulation is a reference to a regulation bearing that number in the Rail Vehicle Accessibility Regulations 1998(b).

(2) Any reference to a numbered vehicle is a reference to a vehicle which forms part of the fleet of electrical multiple units numbered 390001 to 390053 of the class known as “Class 390” and is manufactured by ALSTOM Transport Limited for use by Virgin West Coast Trains Limited.

(3) In this Order “adjustable table” means a table available for use in a wheelchair space, as defined in regulation 2(1), the height of which, at its lowest point, may be adjusted in steps of 20 millimetres within the range of 680 millimetres to 760 millimetres.

Exemptions

3. Subject to article 10, the vehicles numbered 68801 to 68815, 69101 to 69115, 69201 to 69215, 69501 to 69515 and 69601 to 69615 are hereby authorised to be used for carriage even though they do not conform with the provisions of regulation 6(1)(d).

4. Subject to articles 8(1) and 10, the vehicles numbered 69816 to 69853 are hereby authorised to be used for carriage even though they do not conform with the provisions of regulation 12 in so far as it requires that a refrigerator door handle for the use of passengers shall be operable by the exertion of a particular force.

(a) 1995 c. 50.

(b) S.I. 1998/2456, to which amendments have been made which are not relevant to this Order.

5. Subject to articles 8(2) and 10, the vehicles numbered 69416 to 69453, 69716 to 69753 and 69916 to 69953 are hereby authorised to be used for carriage even though they do not conform with the provisions of regulation 18(4).

6. Subject to article 10 and, in respect of sub-paragraph (b), article 8(1), the vehicles numbered 69801 to 69815 are hereby authorised to be used for carriage even though they do not conform with the provisions of—

- (a) regulation 6(1)(d); and
- (b) regulation 12 in so far as it requires that a refrigerator door handle for the use of passengers shall be operable by the exertion of a particular force.

7. Subject to article 10 and, in respect of sub-paragraph (b), article 8(2), the vehicles numbered 69401 to 69415, 69701 to 69715 and 69901 to 69915 are hereby authorised to be used for carriage even though they do not conform with the provisions of—

- (a) regulation 6(1)(d); and
- (b) regulation 18(4).

Conditions

8.—(1) It is a condition of the exemption given by articles 4 and 6(b) that the door handle shall be operable by the exertion of a force not exceeding 25 newtons.

(2) It is a condition of the exemption given by articles 5 and 7(b) that—

- (a) the operator shall provide, so far as is practicable, in that vehicle or, where that vehicle forms part of a train, in that train a person, other than the driver of that vehicle or train, who is available to alter the height of an adjustable table; and
- (b) the operator shall have in place, adjacent to an adjustable table, a sign clearly visible from the position of an occupant of a wheelchair in the wheelchair space indicating that the height of the table can be adjusted on request to a member of the train crew.

Expiry

9.—(1) The exemption given by articles 3, 6(a) and 7(a) in respect of regulation 6(1)(d) shall cease at the end of 31st December 2002.

(2) The exemption given by articles 4, 5, 6(b) and 7(b) in respect of regulations 12 and 18(4) shall cease at the end of 31st May 2012.

10. The authorisations given by articles 3 to 7 shall cease forthwith if any vehicle authorised to be used for carriage by this Order is operated by a person other than Virgin West Coast Trains Limited unless the Secretary of State has been given written notice in advance specifying the name and address of that other person.

Signed by authority of the
Secretary of State for Transport

28th June 2002

David Jamieson
Parliamentary Under Secretary of State,
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the use for carriage of specified rail vehicles forming part of the fleet of Class 390 electrical multiple units even though they do not conform with certain provisions in the Rail Vehicle Accessibility Regulations 1998 (S.I. 1998/2456, amended by S.I. 2000/3215) because:

- the step illumination is inadequate;
- more force than is permitted is required to operate a refrigerator door handle; or
- the tables fitted in the wheelchair spaces can be fixed at a level lower than the minimum specified by the Regulations.

The Order sets time limits on the authorisations and imposes conditions.

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