

2002 No. 2873

DISABLED PERSONS

TRANSPORT

**The Rail Vehicle Accessibility (Summerlee Tramcar
No. 392) Exemption Order 2002**

Made - - - - - 20th November 2002
Laid before Parliament 21st November 2002
Coming into force - - - 15th December 2002

The Secretary of State, in exercise of the powers conferred upon him by sections 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 (Summerlee Tramcar No. 392) Exemption Order 2002 and shall come into force on 15th December 2002.

Interpretation

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 expressions used in those Regulations shall have the same meaning in this Order as they do in those Regulations.

Application

3. This Order applies to the vehicle known as the Summerlee Tramcar number 392 (“the exempted vehicle”) as owned by the Summerlee Transport Group and operated by North Lanarkshire Council in the Summerlee Heritage Park in Glasgow.

Exemption

4.—(1) Subject to articles 5 to 7 the exempted vehicle is hereby authorised to be used for carriage even though it does not conform with those provisions of the Rail Vehicle Accessibility Regulations 1998 referred to in paragraph (2).

(2) The provisions with which the exempted vehicle is not required to conform are—

- (a) regulation 4;
- (b) regulation 6(1)(c);
- (c) regulation 6(1)(d);
- (d) regulation 6(1)(e);

(a) 1995 c. 50.

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

- (e) regulation 11(1)(a);
- (f) regulation 11(2)(a);
- (g) regulation 11(3)(a);
- (h) regulation 11(3)(d);
- (i) regulation 13;
- (j) regulation 16(1)(b);
- (k) regulation 16(1)(c);
- (l) regulation 16(1)(d);
- (m) regulation 16(1)(e);
- (n) regulation 18;
- (o) regulation 19(1);
- (p) regulation 19(5); and
- (q) regulation 23(4)(g).

Conditions

5. It is a condition of the exemption given by article 4(2)(k) in respect of regulation 16(1)(c) that restraints are fitted to the floor of the exempted vehicle in the wheelchair space to prevent a reference wheelchair from moving or tipping whilst the vehicle is in operation.

6. It is a condition of the exemption given by article 4(2)(q) in respect of regulation 23(4)(g) that the operator shall ensure that the person authorised to operate the lift in accordance with regulation 23(4)(h) is positioned and equipped so as to be able to stop the movement of the lift-platform if it comes into contact with any thing or person whilst it is in motion.

7. The authorisation granted by article 4(1) shall cease forthwith if the exempted vehicle is—

- (a) operated by a person other than the North Lanarkshire Council; or
- (b) operated in a place other than the Summerlee Heritage Park in Glasgow,

unless the Secretary of State has been given written notice in advance specifying the name and address of that other person or place.

Signed by authority of the
Secretary of State for Transport
20th November 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 of the vehicle known as the Summerlee Tramcar number 392 in the Summerlee Heritage Park near Glasgow even though it does not comply with certain requirements of the Rail Vehicle Accessibility Regulations 1998 (S.I. 1998/2456, amended by S.I. 2000/3215) because:

- the colour of the exterior doors does not contrast with that of the vehicle body;
- no audible warning device is fitted to passenger doorways;
- the construction and dimensions of the steps at the external doorways do not meet the requirements;
- the steps at the external doorways are not illuminated;
- only one handrail is fitted on the interior of an external doorway;
- the handrails are not of the correct dimensions;
- the handholds fitted to the backs of the seats do not full comply;
- there is no passenger information system;
- the handrails intrude into the wheelchair space and there is no structure to prevent a reference wheelchair from moving or tipping;
- the wheelchair space is not fitted with a communication device;
- a table is not provided in the wheelchair space;
- a wheelchair compatible doorway is fitted only on one side of the vehicle and the width of the passageway between that doorway and the wheelchair space is too narrow; and
- the passenger lift is not fitted with a sensor device.

This Order also imposes conditions on the authorisation.

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