

**2004 No.1302**

**DISABLED PERSONS**

**TRANSPORT**

**The Rail Vehicle Accessibility (South Eastern Trains Class 376)  
Exemption Order 2004**

<i>Made</i> - - - -	<i>6th May 2004</i>
<i>Laid before Parliament</i>	<i>17th May 2004</i>
<i>Coming into force</i> - -	<i>20th June 2004</i>

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 (South Eastern Trains Class 376) Exemption Order 2004 and shall come into force on 20th June 2004.

**Interpretation**

2. In this Order—

- (a) any reference to “the exempted vehicles” is a reference to the rail vehicles numbered 61101 to 61136 and 61601 to 61636, which form part of the fleet of electric multiple-units numbered 376001 to 376036, as manufactured by Bombardier Transportation in the United Kingdom for use by South Eastern Trains Limited;
- (b) any reference to a numbered regulation is a reference to the regulation bearing that number in the Rail Vehicle Accessibility Regulations 1998(b);
- (c) “wheelchair space” means a space within an exempted vehicle for a disabled person in a wheelchair which is provided in accordance with regulation 16; and
- (d) “overhead handrail” means a handrail fitted within a wheelchair space for use by standing passengers.

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(a) 1995 c.50.

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

### **Authorisation and exemptions**

3.—(1) Subject to articles 4 to 6, the exempted vehicles are authorised to be used for carriage even though they do not conform with those provisions of the Rail Vehicle Accessibility Regulations referred to in paragraph (2).

(2) Those provisions are—

- (a) regulation 16(1)(b); and
- (b) regulation 16(1)(d),

in so far as they apply to an overhead handrail.

### **Condition**

4. It is a condition of the exemptions granted by article 3(2) that the operator shall have in place, immediately adjacent to a wheelchair space, a sign approved by the Secretary of State, which is clearly visible to passengers using an overhead handrail, specifying that a disabled person in a wheelchair has priority over standing passengers in the use of that wheelchair space.

### **Expiry**

5. The exemptions given by article 3(2), in respect of regulation 16(1)(b) and (d), shall cease at the end of May 2019.

6. The authorisation given by article 3(1) shall cease immediately in respect of any exempted vehicle if the electric multiple-unit of which the exempted vehicle forms a part is operated by a person other than South Eastern 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

6th May 2004

*Tony McNulty*  
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 376 electric multiple-units even though they do not conform with certain requirements of the Rail Vehicle Accessibility Regulations 1998 (S.I. 1998/2456, amended by S.I. 2000/3215) because an overhead handrail for use by standing passengers is sited within the wheelchair space.

The Order imposes a condition and time limit on the exemption.

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