

2004 No. 3198

DISABLED PERSONS

TRANSPORT

**The Rail Vehicle Accessibility (South Central Class 377/4)
Exemption Order 2004**

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| <i>Made</i> - - - - | <i>2nd December 2004</i> |
| <i>Laid before Parliament</i> | <i>9th December 2004</i> |
| <i>Coming into force</i> - - | <i>31st December 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 Central Class 377/4) Exemption Order 2004 and shall come into force on 31st December 2004.

Interpretation

2. In this Order—

- (a) any reference to a numbered vehicle is a reference to a vehicle which forms part of the fleet of electric multiple-units numbered 377401 to 377475, of the class known as “Class 377/4”, as manufactured by Bombardier Transportation (UK) Limited for use by South Central Limited; and
- (b) any reference to a numbered regulation is a reference to the regulation bearing that number in the Rail Vehicle Accessibility Regulations 1998(b).

Authorisation and exemptions

3. Subject to articles 4 and 5—

- (a) the vehicles numbered 73401 to 73437 and 73801 to 73837 are authorised to be used for carriage even though they do not conform with regulation 11(3), in so far as it requires two seats situated towards the centre of each numbered vehicle to be fitted with a handhold in accordance with that regulation; and

(a) 1995 c.50.
(b) S.I. 1998/2456, amended by S.I. 2000/3215.

- (b) the vehicles numbered 78601 to 78675 are authorised to be used for carriage even though they do not conform with regulation 14(b), in so far as it applies to the deployment of a folding nappy-changing table in any toilet cubicle to which regulation 20 applies.

Expiry

4.—(1) The authorisation given by article 3(a), in respect of regulation 11(3), shall cease at the end of May 2006.

(2) The authorisation given by article 3(b), in respect of regulation 14(b), shall cease at the end of August 2009.

5. The authorisation given by article 3 shall cease immediately in respect of any numbered vehicle if the electric multiple-unit of which that vehicle forms a part is operated by a person other than South Central 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

Charlotte Atkins
Parliamentary Under Secretary of State,
Department for Transport

2nd December 2004

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 377/4 electric multiple-units, even though they do not conform with two requirements of the Rail Vehicle Accessibility Regulations 1998 (S.I. 1998/2456, amended by S.I. 2000/3215) because:

- certain seats do not have handholds fitted to the top back as required; and
- more force than is permitted is required to deploy the folding nappy-changing table which is situated in the wheelchair accessible toilet.

The Order imposes time limits on the exemptions.

£3.00

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E1636 12/2004 141636T 19585

ISBN 0-11-050776-2



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