

**2004 No. 954**

**DISABLED PERSONS**

**TRANSPORT**

**The Rail Vehicle Accessibility (Midland Mainline Class 222  
Vehicles) Exemption Order 2004**

<i>Made</i> - - - -	<i>29th March 2004</i>
<i>Laid before Parliament</i>	<i>6th April 2004</i>
<i>Coming into force</i> - -	<i>30th April 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 (Midland Mainline Class 222 Vehicles) Exemption Order 2004 and shall come into force on 30th April 2004.

**Interpretation**

2. In this Order—

- (a) any reference to a numbered vehicle is a reference to a rail vehicle which forms part of the fleet of diesel electric multiple-units numbered 222001 to 222023, of the class known as “Class 222”, as manufactured by Bombardier Transportation in Belgium for use by Midland Mainline Limited; and
- (b) any reference to a numbered regulation is a reference to a 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 60241 to 60263, 60341 to 60347, 60441 to 60447 and 60918 to 60933 are authorised to be used for carriage even though they do not conform with the requirements of regulation 7(b);
- (b) the vehicles numbered 60341 to 60347, 60441 to 60447 60531 to 60537, 60541 to 60547, 60551 to 60557, 60561 to 60567, and 60918 to 60933 are authorised to be used

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(a) 1995 c.50.

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

for carriage even though they do not conform with the requirements of regulation 12, in so far as it applies to a door handle used to open the door of a toilet cubicle;

- (c) the vehicles numbered 60161 to 60183 and 60241 to 60263 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; and
- (d) the vehicles numbered 60161 to 60183, 60241 to 60263, 60341 to 60347, 60441 to 60447, 60531 to 60537, 60541 to 60547, 60551 to 60557, 60561 to 60567 and 60918 to 60933 are authorised to be used for carriage even though they do not conform with the provisions of regulation 14(c), in so far as it requires there to be a contrast in the amount of light reflected by the surfaces of the seat and any lid on the toilet with the adjacent parts of the toilet cubicle.

### **Expiry**

4.—(1) The exemption given by article 3(d), in respect of regulation 14(c), shall cease at the end of May 2005.

(2) The exemptions given by article 3(a) to (c), in respect of regulations 7(b), 12 and 14(b), shall cease at the end of May 2019.

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

29th March 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 222 diesel 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:

there is not sufficient contrast between the carpet in the vestibule and the carpet in some of the passenger saloons;

more force than is permitted is required to operate the handles which open the toilet cubicle doors;

more force than is permitted is required to operate the folding nappy-changing table which is situated in the wheelchair accessible toilet ; and

the colour of the toilet seats and lids does not contrast sufficiently with the adjacent parts of the toilet cubicles.

The Order imposes time limits on the exemptions.

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