

2010 No. 427

DISABLED PERSONS

TRANSPORT

The Rail Vehicle Accessibility (Applications for Exemption Orders) Regulations 2010

<i>Made</i>	- - - -	<i>23rd February 2010</i>
<i>Laid before Parliament</i>		<i>1st March 2010</i>
<i>Coming into force</i>	- -	<i>6th April 2010</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 47(2) of the Disability Discrimination Act 1995(a).

In accordance with section 46(11) of that Act the Secretary of State has consulted the Disabled Persons Transport Advisory Committee (b), and such other representative organisations as the Secretary of State thinks fit.

Citation, commencement and extent

1. These Regulations—
- (a) may be cited as the Rail Vehicle Accessibility (Applications for Exemption Orders) Regulations 2010;
 - (b) come into force on 6th April 2010; and
 - (c) do not extend to Northern Ireland.

Interpretation

2. In these Regulations—
- “the 1995 Act” means the Disability Discrimination Act 1995;
- “exemption order” means an order made under section 47 of the 1995 Act;
- “network” means any permanent way or other means of guiding or supporting rail vehicles or any section of it;

(a) 1995 c.50. Section 47 (1) and (1A) were substituted for subsection (1), as originally enacted, by the Disability Discrimination Act 2005 (c. 13) section 6(3).

(b) The Disabled Persons Transport Advisory Committee was established under section 125 of the Transport Act 1985 (c. 67) and has a statutory duty to provide the Secretary of State with advice on the public passenger transport needs of disabled people.

“network exemption order” means an exemption order which relates to a specified network;

“operator”, in relation to a rail vehicle, means the person having the management of that vehicle;

“prescribed system” has the same meaning as in section 46 of the 1995 Act;

“rail vehicle” has the same meaning as in section 46 of the 1995 Act(a);

“railway” has the same meaning as in section 67(1) of the Transport and Works Act 1992(b);

“regulated rail vehicle” has the same meaning as in section 46 of the 1995 Act(c);

“relevant lessee” means a person who is both—

- (a) a lessee of a regulated rail vehicle, and
- (b) a party to a contract that is designated as a “PPP agreement” under section 212 of the Greater London Authority Act 1999(d) for the purposes of section 210(6) of that Act, but does not include a “relevant body” listed in section 210(2) of that Act(e);

“RVAR” means any rail vehicle accessibility regulations made under section 46 of the 1995 Act from time to time;

“tramway” has the same meaning as in section 67(1) of the Transport and Works Act 1992.

Applications for exemption orders for rail vehicles

3.—(1) Subject to paragraph (2), an application for an exemption order in respect of a rail vehicle—

- (a) may be made by—
 - (i) the operator of the vehicle,
 - (ii) the owner of the vehicle, or
 - (iii) the relevant lessee of the vehicle;
- (b) must be submitted to the Secretary of State in writing; and
- (c) must contain the particulars specified in Schedule 1.

(2) Before making an application under paragraph (1) the owner or relevant lessee of the rail vehicle must consult the operator of the vehicle, if a different person.

Applications for network exemption orders

4. An application for a network exemption order—

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- (a) The definition of “rail vehicle” in section 46(6) was substituted by section 6(2)(b) of the Disability Discrimination Act 2005 (c.13), as inserted by S.I. 2008/1746.
 - (b) 1992 c.42.
 - (c) The definition of “regulated rail vehicle” was amended by Schedule 1, Part 1 paragraphs 1 and 27(b), of the Disability Discrimination Act 2005.
 - (d) 1999 c.29. “PPP agreement” is the term used in sections 210 and 212 of the 1999 Act to refer to a “public-private partnership agreement” as defined in section 210 of that Act.
 - (e) The “relevant bodies” so listed are London Regional Transport, Transport for London and any subsidiary of London Regional Transport or Transport for London.

- (a) may be made in respect of a network by a person having ownership or control of that network;
- (b) must be submitted to the Secretary of State in writing; and
- (c) must contain the particulars specified in Schedule 2.

Revocation

- 5. The Rail Vehicle (Exemption Applications) Regulations 1998~~(a)~~ are revoked.

Signed by authority of the Secretary of State for Transport

23rd February 2010

C.D.Mole
Parliamentary Under Secretary of State
Department for Transport

(a) S.I. 1998/2457.

**PARTICULARS TO BE PROVIDED WITH APPLICATIONS FOR
EXEMPTION ORDERS FOR RAIL VEHICLES**

The particulars referred to in regulation 3 (1) (c) are—

- (a) the full name of the applicant;
- (b) the address of the applicant which, in the case of a company, must be the address of its registered or principal office;
- (c) a description of the rail vehicle to which the application relates, including the—
 - (i) class number;
 - (ii) unit number;
 - (iii) vehicle number;
 - (iv) name of the manufacturer;
 - (v) place of manufacture; and
 - (vi) date the vehicle first brought into use, (unless not yet brought into use);
- (d) a general description of the services which the rail vehicle is likely to be used to provide and the routes on which it is likely to be operated;
- (e) the provisions of RVAR from which exemption is sought;
- (f) the technical, economic and operational reasons for the application;
- (g) the effect which non-compliance with the provisions referred to in sub-paragraph (e) would have on a disabled person's ability to use the rail vehicle;
- (h) the measures proposed, if the application is granted, to enable a disabled person to use the rail vehicle;
- (i) the period for which the exemption order is requested to be in force;
- (j) unless an exemption order is sought for an indefinite period, the proposed timetable of action, before it would cease to be in force, to render the rail vehicle compliant with any RVAR provisions from which it had been exempt;
- (k) where prior consultation with the operator of the rail vehicle is required by regulation 3(2), the response of the operator to the consultation; and
- (l) such additional information as the Secretary of State may request to enable the Secretary of State to determine—
 - (i) whether to make the exemption order and on what terms, and if so
 - (ii) what, if any, restrictions or conditions to specify.

SCHEDULE 2

Regulation 4 (c)

PARTICULARS TO BE PROVIDED WITH APPLICATIONS FOR NETWORK EXEMPTION ORDERS

The particulars referred to in regulation 4 (c) are—

- (a) the full name of the applicant;
- (b) the address of the applicant which, in the case of a company, must be the address of its registered or principal office;
- (c) the name or description of the network to which the application relates;
- (d) a description of the types of rail vehicle intended to operate on the network;
- (e) a general description of the services which rail vehicles on it are likely to be used for;
- (f) the provisions of RVAR from which exemption is sought;
- (g) the technical, economic and operational reasons for the application;
- (h) the effect which non-compliance with the provisions referred to in sub-paragraph (f) would have on a disabled person's ability to use rail vehicles on the network;
- (i) the measures proposed, if the application is granted, to enable a disabled person to use rail vehicles on the network;
- (j) the period for which the exemption order is requested to be in force; and
- (k) such additional information as the Secretary of State may request to enable the Secretary of State to determine—
 - (i) whether to make the network exemption order and on what terms, and if so
 - (ii) what, if any, restrictions or conditions to specify.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision with respect to the making of applications to the Secretary of State, under section 47 of the Disability Discrimination Act 1995, for exemption from the need to comply with requirements of rail vehicle accessibility regulations made under section 46 of that Act.

Rail vehicle accessibility regulations made under section 46 set standards to be complied with to improve the accessibility for disabled persons of passenger vehicles used on light rail systems (e.g. metro, underground and tramways including prescribed guided transport systems) or which are otherwise not subject to EU accessibility specifications (EU accessibility specifications apply to the main line rail system under the interoperability directives as transposed by the Railways (Interoperability) Regulations 2006, (S.I. 2006/397)).

Regulation 3 makes such provision in relation to applications relating to rail vehicles. *Regulation 4* makes such provision in relation to applications relating to the use of rail vehicles on specific rail networks.

An impact assessment has not been produced for this instrument as no impact on the private, public or voluntary sectors is foreseen.

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STATUTORY INSTRUMENTS

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