

2014 No. 3244

DISABLED PERSONS

TRANSPORT

The Railways and Rail Vehicles (Revocations and Consequential Amendments) Order 2014

<i>Made</i> - - - -	<i>8th December 2014</i>
<i>Laid before Parliament</i>	<i>12th December 2014</i>
<i>Coming into force</i> - -	<i>5th January 2015</i>

The Secretary of State, in exercise of the powers conferred by the provisions set out in Schedule 1, makes the following Order.

The Secretary of State has consulted the Office of Rail Regulation so far as is required by section 7(1) of the Railways Act 1993(a) for the purposes of this Order.

The Secretary of State has consulted the Disabled Persons Transport Advisory Committee(b) and such other persons as the Secretary of State considers appropriate so far as is required by section 183(4) of the Equality Act 2010(c) for the purposes of this Order.

In accordance with section 184(1), (2) and (3) of the Equality Act 2010, and regulation 2(1) and (3)(c) of the Rail Vehicle Accessibility Exemption Orders (Parliamentary Procedures) Regulations 2008(d), and having had regard to representations by the Disabled Persons Transport Advisory Committee after consultation under section 184(2) of that Act, the Secretary of State has decided, so far as it is relevant to this Order, that this Order is to be subject to annulment in pursuance of a resolution of either House of Parliament.

Citation and commencement

1. This Order may be cited as the Railways and Rail Vehicles (Revocations and Consequential Amendments) Order 2014 and comes into force on 5th January 2015.

(a) 1993 c. 43. Section 7(1) is amended by the Railways and Transport Safety Act 2003 (c. 20), section 16(5) and Schedule 2, Part 1, paragraphs 1 and 3(a). There are other amendments to section 7(1) which are not relevant to this Order.

(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 Government with advice on the public passenger transport needs of disabled persons.

(c) 2010 c. 15.

(d) S.I. 2008/2975. Following the repeal of sections 67 and 67A of the Disability Discrimination Act 1995 (c. 50), under which these Regulations were made, the Regulations have effect as if made under the Equality Act 2010, sections 184(4) and 207(4), by virtue of S.I. 2010/2317, article 21(1) and Schedule 7.

Revocations

2. The Orders listed in Schedule 2 are revoked.

Amendment of Order

3.—(1) The Rail Vehicle Accessibility (Croydon Tramlink Class CR4000 Vehicles) Exemption Order 2001(a) is amended as follows.

- (2) In article 4 insert “and” at the end of paragraph (2)(b).
- (3) Omit articles 4(2)(c), 7, 7A and 9.

Signed by authority of the Secretary of State for Transport

8th December 2014

Claire Perry
Parliamentary Under Secretary of State
Department for transport

(a) S.I. 2001/3952, amended by S.I. 2005/395.

SCHEDULE 1

Preamble

Provisions conferring powers exercised in the making of this Order

<i>Enactment conferring power</i>	
Railways Act 1993(a)	Sections 7(1), 24(1), (2), (8) and (11), 143(4) and 153
Railways Act 2005(b)	Section 38
Equality Act 2010(c)	Section 183(1), (2)(a), (4) and (5)

SCHEDULE 2

Article 2

Revocations

<i>Instrument revoked</i>	<i>Reference</i>
The Railways Act 1993 (Consequential Modifications) (No. 3) Order 1994	S.I. 1994/2229
The Railways (Heathrow Express Temporary Network) (Exemptions) Order 1997	S.I. 1997/1531
The Rail Vehicle Accessibility (Serco Metrolink T68A Vehicles) Exemption Order 1999	S.I. 1999/2932
The Strategic Rail Authority (Licence Exemption) Order 2001	S.I. 2001/218
The Railways (Closure Provisions) (Exemptions) (St. Pancras) Order 2001	S.I. 2001/1768
The Rail Vehicle Accessibility (Croydon Tramlink Class CR4000 Vehicles) Exemption (Amendment) Order 2005	S.I. 2005/395

-
- (a) 1993 c. 43. In section 24(1) and (2) the words “appropriate designating authority” were substituted by the Railways Act 2005 (c. 14), Schedule 1, Part 1, paragraph 14(1) and (2). The term “appropriate designating authority” is defined in section 23(3) of the Railways Act 1993, as amended by the Railways Act 2005, Schedule 1, Part 1, paragraph 13(4)(a). There are amendments to section 143 which are not relevant to this Order.
- (b) 2005 c. 14. Section 38(4) of the Railways Act 2005 provides that, where any Order made under section 49(2), (4) or (5) of the Railways Act 1993 was in force immediately before the commencement of that section, it has effect as if made under section 38. Section 49 of the Railways Act 1993 was repealed by the Railways Act 2005, section 59(6) and Schedule 13, Part 1. Section 38 of the Railways Act 2005 is therefore one of the enabling powers for the revocation of S.I. 1997/1531 and S.I. 2001/1768.
- (c) Following the repeal of section 47 of the Disability Discrimination Act 1995 section 183 of the Equality Act 2010 is the enabling power for the revocation of S.I. 1999/2932 and S.I. 2005/395 and the amendment of S.I. 2001/3952, by virtue of S.I. 2010/2317, article 21(1) and Schedule 7.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes (*article 2*) six instruments relating to rail transport and makes consequential amendments (*article 3*) arising from one of the revocations.

The Railways Act 1993 (Consequential Modifications) (No. 3) Order 1994 (S.I. 1994/2229) modified the Regulation of Railways Act 1871 (c. 78) (“the 1871 Act”) in consequence of provisions in the 1993 Act and instruments made under or by virtue of it. The 1871 Act has been repealed and this instrument is spent.

The Railways (Heathrow Express Temporary Network) (Exemptions) Order 1997 (S.I. 1997/1531) exempted a temporary network, used during construction of a railway line to Heathrow Airport, from the franchising and closure provisions in the Railways Act 1993 (c. 43) (“the 1993 Act”). The Railways (Closure Provisions) (Exemptions) (St. Pancras) Order 2001 (S.I. 2001/1768) provided that specified provisions in the 1993 Act did not apply to St. Pancras station and certain railway lines within the vicinity of that station. Both Orders were made in connection with work being carried out on the railway network. This work is now complete and the Orders are no longer required.

The Rail Vehicle Accessibility (Serco Metrolink T68A Vehicles) Exemption Order 1999 (S.I. 1999/2932) (“the Metrolink Order”) and the Rail Vehicle Accessibility (Croydon Tramlink Class CR4000 Vehicles) Exemption (Amendment) Order 2005 (S.I. 2005/395) (“the Croydon Order”) exempted specified rail vehicles from particular requirements of the Rail Vehicle Accessibility Regulations 1998 (S.I. 1998/2456) (“the 1998 Regulations”). The exemptions subsequently took effect as exemptions from requirements of the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010 (S.I. 2010/432) (see regulation 7(2)). The exemptions granted by the Croydon Order are spent because the vehicles are now compliant with the relevant requirements. The Metrolink Order is spent because the vehicles are compliant with the relevant requirements, and have also now been withdrawn from service.

The Strategic Rail Authority (Licence Exemption) Order 2001 (S.I. 2001/218) exempted the Strategic Rail Authority and its wholly owned subsidiaries from the requirement to hold a railway operators’ licence under section 6 of the 1993 Act. The Strategic Rail Authority was abolished in 2006 (see Part 1 of the Railways Act 2005 (c. 14) and article 2 of S.I. 2006/2925) and this Order is spent.

Article 3 of this Order makes consequential amendments to the Rail Vehicle Accessibility (Croydon Tramlink Class CR4000 Vehicles) Exemption Order 2001 (S.I. 2001/3952) arising from the revocation of the Croydon Order.

A full impact assessment has not been produced for this instrument because no impact on business or the voluntary sector is foreseen. The Explanatory Memorandum is published alongside the instrument on www.legislation.gov.uk.

© Crown copyright 2014

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

£4.25

UK2014120910 12/2014 19585

<http://www.legislation.gov.uk/id/uksi/2014/3244>

ISBN 978-0-11-112506-9



9 780111 125069