Draft Order laid before Parliament under section 67(5A) of the Disability Discrimination Act 1995, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No.

DISABLED PERSONS

TRANSPORT

The Rail Vehicle Accessibility (B2007 Vehicles) Exemption Order 2008

Made - - - -

Coming into force - -

The Secretary of State, in exercise of the powers conferred by sections 47(1), (1A), (3) and (4) and 67(2) of the Disability Discrimination Act 1995(**1**), makes the following Order.

In accordance with section 47(3) of that Act she has consulted the Disabled Persons Transport Advisory Committee(**2**) and such other persons as she considers appropriate.

In accordance with sections 67(5A) and 67A(**3**) of that Act, a draft of the Order has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Rail Vehicle Accessibility (B2007 Vehicles) Exemption Order 2008 and shall come into force on the day after the day on which it is made.

Interpretation

2. In this Order—

"exempt vehicle" means a rail vehicle of the type known as B2007 and with a number in the series 101 to 155;

"internal passenger information system" means a system for audible and visual announcements inside a passenger saloon of an exempt vehicle; and

(**1**) 1995 c.50; section 47(1) and (1A) was inserted by section 6(3) of the Disability Discrimination Act 2005 (c.13).

(**2**) 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 transport needs of disabled people.

(**3**) Section 67(5A) was inserted by section 19(1) and Schedule 1, Part 1, paragraph 33(5) of the Disability Discrimination Act 2005; section 67A was inserted by section 6(4) of that Act. The Secretary of State has no discretion as to the type of parliamentary procedure to be used if no regulations made under section 67A(3) are in force. No such regulations are in force.

[DfT 00011]

"regulation" means a regulation in the Rail Vehicle Accessibility Regulations 1998(**4**).

Exemptions

3. Subject to articles 4 to 6, an exempt vehicle is authorised to be used for carriage even if it does not, or it is used in a manner that does not, conform with—

(a) regulation 4(3)(b) (audible warning before door closes);

(b) regulation 5(2) (illumination to cease before door closes);

(c) regulation 11(3) (handhold on top of seat), but only in so far as it applies to a seat in a position where there is a gap of no more than 50 millimetres between the top of the back of the seat and a partition;

(d) regulation 13(4) (passenger information when vehicle is stationary), but only in so far as it applies to the internal passenger information system;

(e) regulation 16(1)(d) (no fitting for other passengers accessible through the wheelchair space), but only in so far as it applies to a horizontal handrail; and

(f) regulation 23(1) (boarding device when there is a wheelchair-compatible doorway).

Conditions

4.—(1) The exemption from regulation 4(3)(b) only applies if either or both of paragraphs (2) and (5) applies to each passenger door of the exempt vehicle.

(2) This paragraph applies if—

(a) the passenger door can only be closed by a member of the operator's staff on the train or next to a doorway of the train;

(b) the audible warning device that emits a distinct sound when the door becomes openable by a passenger emits a different distinct sound only while the door is closing; and

(c) that sound lasts for a period of not less than 3 seconds.

(3) The exemption from regulation 5(2) only applies if either or both of paragraphs (4) and (5) applies to each passenger door of the exempt vehicle.

(4) This paragraph applies if—

(a) the passenger door can only be closed by a member of the operator's staff on the train or next to a doorway of the train; and

(b) the illumination of the door control or its immediate surround, as required by regulation 5(1)(c), ceases when the door starts to close.

(5) This paragraph applies if the passenger door is under the direct supervision of a member of the operator's staff who is standing next to the door when it is closing.

(6) The exemption from regulation 13(4) only applies if—

(a) whilst the vehicle is stationary at a station the internal passenger information system is used to announce the name of the station; and

(b) the internal passenger information system is used to announce shortly after leaving that station the vehicle's destination and next stop.

(7) The exemption from regulation 23(1) only applies if the gap referred to in that regulation is not more than 85 millimetres measured horizontally and not more than 50 millimetres measured vertically.

(**4**) S.I. 1998/2456 as amended by S.I. 2000/3215.