Draft Regulations laid before Parliament under paragraphs 2 and 2A (1), (2) (a) and (3) (a) of Schedule 2 to the European Communities Act 1972, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No.

DISABLED PERSONS TRANSPORT

The Rail Vehicle Accessibility (Interoperable Rail System) Regulations 2008

Made - - - - ****

Coming into force in accordance with regulation 1

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by—

(a) section 2(2) of the European Communities Act 1972(**1**);

(b) section 46(1) of the Disability Discrimination Act 1995(**2**); and

(c) section 247 of the Transport Act 2000(**3**).

She is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to railways and railway transport(**4**).

In accordance with section 46(11) of the Disability Discrimination Act 1995 she has consulted the Disabled Persons Transport Advisory Committee (**5**) and such other representative organisations as she thinks fit.

A draft of this instrument has been laid before Parliament in accordance with paragraphs 2 and 2A (1), (2) (a) and (3) (a) of Schedule 2 to the European Communities Act 1972(**6**) and approved by a resolution of each House of Parliament.

(**1**) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1) (a). The enabling powers of section 2(2) were extended by virtue of the amendment of section 1(2) of the 1972 Act by section 1 of the European Economic Area Act 1993 (c.51).

(**2**) 1995 c.50; section 46 was amended for Great Britain by the Disability Discrimination Act 2005 (c.13), section 6(1) and (2), section 19(1) and Schedule 1 Part 1 paragraphs 1 and 27(b), from a date to be appointed. There are other amendments to section 46 but none are relevant. Corresponding amendments were made for Northern Ireland by S.I. 2006/312 (N.I. 1), article 8(1) and (2), article 19 and Schedule 1 paragraphs 1 and 21(a) and Schedule 2 from a date to be appointed.

(**3**) 2000 c.38.

(**4**) S.I. 1996/266, to which there are amendments not relevant to these Regulations.

(**5**) 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.

(**6**) Paragraph 2 was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(2) (a). Paragraph 2A was inserted by section 29 of that Act.

Citation and commencement

1. These Regulations may be cited as the Rail Vehicle Accessibility (Interoperable Rail System) Regulations 2008 and come into force on the fifth day after the day on which they are made, or the 1st July 2008, whichever is later.

Amendments to the Rail Vehicle Accessibility Regulations 1998

2.—(1) The Rail Vehicle Accessibility Regulations 1998(**7**) are amended as follows.

(2) In regulation 2(1)(interpretation), after the definition of "contrast" insert—

""conventional TEN rail system" has the meaning given in regulation 2(3) of the Railways (Interoperability) Regulations 2006(**8**);

"high-speed rail system" has the meaning given in regulation 2(3) of the Railways (Interoperability) Regulations 2006;".

(3) In regulation 3 (application of regulations)—

(a) at the beginning of paragraph (1), insert "Subject to paragraph (3),"; and

(b) after paragraph (2) insert—

"(3) These Regulations do not apply to rail vehicles used in the provision of a service for the carriage of passengers on—

(a) the high-speed rail system; or

(b) the conventional TEN rail system.".

Amendments to the Disability Discrimination Act 2005

3.—(1) Section 6 of the Disability Discrimination Act 2005(**9**) (rail vehicles: application of accessibility regulations) is amended as follows.

(2) For subsection (2) substitute—

"(2) In subsection (6) of that section—

(a) before the first definition there is inserted—

""conventional TEN rail system" has the meaning given in regulation 2(3) of the Railways (Interoperability) Regulations 2006;

"high-speed rail system" has the meaning given in regulation 2(3) of the Railways (Interoperability) Regulations 2006;"; and

(b) for the definition of "rail vehicle" there is substituted—

""rail vehicle" means a vehicle constructed or adapted to carry passengers on any railway, tramway or prescribed system other than a vehicle used in the provision of a service for the carriage of passengers on the high-speed rail system or the conventional TEN rail system;".".

Amendments to the Railways (Interoperability) Regulations 2006

4.—(1) The Railways (Interoperability) Regulations 2006 are amended as follows.

(2) In regulation 2(3) (interpretation), at the end of the definition of "project subsystem" insert—

(**7**) S.I. 1998/2456, amended by S.I. 2000/3215.
(**8**) S.I. 2006/397, amended by S.I. 2007/3386.
(**9**) 2005 c.13.

"but where—

(a) that subsystem is rolling stock; and

(b) the project is for the upgrade or renewal of it,

"project subsystem" means the part of it upgraded or renewed;".

(3) In regulation 3 (application)—

(a) in paragraph (2), after "These Regulations" insert ", apart from regulation 4B,"; and

(b) for paragraph (3) substitute—

"(3) Notwithstanding paragraph (2)—

(a) the placing in service of a structural subsystem on the high-speed rail system or the conventional TEN rail system before 1st August 2006 shall not affect the application of these Regulations to that subsystem for any upgrading or renewal where having been upgraded or renewed that subsystem is placed in service on the high-speed rail system or the conventional TEN rail system on or after 1st August 2006; and

(b) these Regulations apply to rolling stock to which regulation 4A (2) applies.".

(4) In regulation 4 (requirement for authorisation)—

(a) in paragraph (6), in the words before sub-paragraph (a), for "project" substitute "structural";

(b) in paragraph (7)(a), for "project" substitute "structural"; and

(c) after paragraph (9) insert—

"(9A) In paragraphs (8) and (9)—

(a) "authorisation" includes authorisation deemed to be given by operation of regulation 4A(2)(a); and

(b) in such a case, the date referred to in paragraph (9)(b)(i) is deemed to be the date that the original item of rolling stock referred to in paragraph (8) was placed in service.".

(5) After regulation 4 insert—

"**Deemed authorisation**

4A.—(1) Subject to paragraphs (4) and (5), paragraph (2) applies to a unit of rolling stock which—

(a) is constructed or adapted to transport passengers; and

(b) was first brought into use after 31st December 1998 and before 1st August 2006; and

(c) is used in the provision of a service for the carriage of passengers on the high-speed rail system or the conventional TEN rail system.

(2) A unit of rolling stock to which this paragraph applies is deemed—

(a) to have been authorised under regulation 4 to be placed in service on both the high-speed rail system and the conventional TEN rail system; and

(b) to have been assessed against the Rail Vehicle Accessibility Regulations 1998, as notified national technical rules, for that authorisation.