*Draft Regulations laid before Parliament under section 67(4)(g) and (4A) of the Disability Discrimination Act 1995, for approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

# 2008 No. 0000

# DISABLED PERSONS

## The Rail Vehicle Accessibility Exemption Orders (Parliamentary Procedures) Regulations 2008

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|---|---|
| *Made - - - -* | *2008* |
| *Coming into force - -* | *2008* |

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

In accordance with section 67A(4) of that Act the Secretary of State has consulted the Disabled Persons Transport Advisory Committee(**2**) and such other persons as the Secretary of State considers appropriate.

A draft of these Regulations has been laid before Parliament in accordance with section 67(4)(g) and (4A) of that Act and approved by a resolution of each House of Parliament.

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Rail Vehicle Accessibility Exemption Orders (Parliamentary Procedures) Regulations 2008 and shall come into force on the day after the day on which they are made.

(2) In these Regulations—

"the 1995 Act" means the Disability Discrimination Act 1995;

"draft affirmative resolution procedure", in relation to an order, means the procedure under which the order is only made if a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament;

"exemption" means an authority given under section 47(1)(a) or (b)(**3**) of the 1995 Act by an order;

(**1**) 1995 c. 50. Section 67A was inserted by section 6(4) 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 public passenger transport needs of disabled people.
(**3**) Section 47(1) was amended by section 6(3) of the Disability Discrimination Act 2005.

"negative resolution procedure", in relation to an order, means the procedure under which a statutory instrument containing the order is subject to annulment in pursuance of a resolution of either House of Parliament;

"network" means any permanent way or other means of guiding or supporting vehicles to which the provisions of RVA Regulations apply;

"network order" means an order–

(a) which only applies to vehicles which are used on a specified network or on networks of a specified description (or which are used on both); and

(b) the application of which is not limited to specified vehicles;

"RVA Regulations" means rail vehicle accessibility regulations made under section 46(1) of the 1995 Act.

**Orders under section 47 of the 1995 Act which are normally subject to the negative resolution procedure**

**2.**—(1) When the Secretary of State comes to make an order under section 47(1) of the 1995 Act in any of the circumstances referred to in paragraph (3), the Secretary of State will decide that the negative resolution procedure is to be adopted in connection with the making of the order.

(2) But having regard to representations by the Disabled Persons Transport Advisory Committee in response to consultation under section 67A(1) of the 1995 Act, the Secretary of State may decide that the draft affirmative resolution procedure is to be adopted instead.

(3) The circumstances referred to in paragraph (1) are where—

(a) the order meets any of the qualification criteria listed in regulation 3(1) (which relates to existing vehicles and minor amendments etc) but does not meet any of the disqualification criteria listed in regulation 3(2),

(b) the order meets either of the qualification criteria listed in regulation 4(1) (which relates to vehicles used on exempt networks and historical vehicles etc) but does not meet any of the disqualification criteria listed in regulation 4(2),

(c) the order is made solely to revoke an order, to remove an exemption or to reduce the scope of an exemption, or

(d) the effects of the order could be achieved by one or more orders (each an "alternative order"), and each alternative order would fall within sub-paragraph (a), (b) or (c).

**Criteria relating to existing vehicles, and minor amendments etc**

**3.**—(1) The qualification criteria referred to in regulation 2(3)(a) are that—

(a) (i) the only vehicles to which the order applies are ones to which RVA Regulations do not apply prior to the coming into force of the amendment of section 46(6) of the 1995 Act by the Disability Discrimination Act 2005(**4**), or ones which belong to a class of vehicle to which RVA Regulations do not so apply; and

(ii) the reason, or one of the reasons, for RVA Regulations not applying is that the vehicles were first brought into use, or belong to a class of vehicle which were first brought into use, before 1st January 1999;

(**4**) Section 6(2) of the Disability Discrimination Act 2005 will amend the definition of rail vehicle in section 46(6) of the 1995 Act so that the scope of the power to make regulations under section 46(1) will not be limited to vehicles first brought into use, or belonging to a class of vehicle first brought into use, on or after 1st January 1999.