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

2006 No. x

DISABLED PERSONS TRANSPORT

The Rail Vehicle Accessibility (Gatwick Express Class 458 Vehicles) Exemption Order 2006

Made - - - -	*2006*
Coming into force - -	*2006*

The Secretary of State makes the following Order in exercise of the powers conferred by section 47(1)(b), (1A)(a) and (4) of the Disability Discrimination Act 1995(**1**)

In accordance with section 47(3) of that Act he has consulted the Disabled Persons Transport Advisory Committee(**2**) and such other representative organisations as he considers likely to be affected by the Order.

In accordance with section 67(5A) of that Act, a draft of this instrument was 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 (Gatwick Express Class 458 Vehicles) Exemption Order 2006 and shall come into force on the tenth day after the day on which it is made.

Interpretation

2. In this Order—

"corridor door control device" means a door control device situated inside a corridor connecting one exempted vehicle with another and which operates a power operated door so as to provide passenger access out of that corridor;

"exempted vehicle" means a rail vehicle specified in article 3; and

(**1**) 1995 c.50; sections 47(1) and 47(1A) were inserted by section 6(3) of the Disability Discrimination Act 2005(c.13); section 67(5A) was inserted by section 19(1) and Schedule 1, Part 1, paragraph 33(3) of that Act.

(**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.

"exemption" means the authorisation to use an exempted vehicle for carriage conferred by article 4.

Application

3. This Order applies to the rail vehicles which are numbered 67601, 67602, 74001, 74002, 74101, 74102, 67701 and 67702 and which form the electrical multiple-units numbered 458001 to 458002 of the class known as "Class 458" as manufactured by Alstom Transport Limited.

Exemption

4.—(1) Subject to articles 5 to 7, the exempted vehicles are authorised to be used for carriage even though they do not conform with those provisions of the Rail Vehicle Accessibility Regulations 1998(**3**) referred to in paragraph (2).

(2) The provisions with which the exempted vehicles are not required to conform are—

regulation 5(1)(a), (b) and (c) (door control device);

regulation 6(1)(d) (step illumination);

regulation 11(1)(a) (handrail position);

regulation 13(7) (passenger visual information), but only in so far as it relates to the height of letters and numbers on visual systems which are not on the front of an exempted vehicle; and

regulation 20(1)(d) and (e) (toilet cubicle).

5. It is a condition of the exemption in relation to regulation 5(1)(b) of the Rail Vehicle Accessibility Regulations 1998 that it shall apply only to the corridor door control device and that—

(a) the control device is operable by the palm of the hand exerting a force not exceeding 40 newtons; and

(b) any door connecting one exempted vehicle with another shall remain open for a period of not less than 20 seconds before it starts to close.

Expiry

6. The exemption shall cease at the end of 28th April 2011.

7. The exemption shall cease forthwith in respect of an exempted vehicle—

(a) which is operated by a person other than Gatwick Express unless the Secretary of State has been given written notice in advance by the new operator specifying the name and address of that new operator; or

(b) which is operated on any route other than a route between Gatwick airport station and a railway terminus in London via East Croydon station.

Signed by authority of the Secretary of State for Transport

Parliamentary Under Secretary of State
Department for Transport

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