



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART V

#### PUBLIC TRANSPORT

##### *Rail vehicles*

#### **46 Rail vehicle accessibility regulations.**

- [<sup>F1</sup>(1) The [<sup>F2</sup>Department of the Environment] may make regulations (“rail vehicle accessibility regulations”) for the purpose of securing that it is possible—
- (a) for disabled persons—
    - (i) to get on to and off regulated rail vehicles in safety and without unreasonable difficulty;
    - (ii) to be carried in such vehicles in safety and in reasonable comfort; and
  - (b) for disabled persons in wheelchairs—
    - (i) to get on to and off such vehicles in safety and without unreasonable difficulty while remaining in their wheelchairs, and
    - (ii) to be carried in such vehicles in safety and in reasonable comfort while remaining in their wheelchairs.
- (2) Rail vehicle accessibility regulations may, in particular, make provision as to the construction, use and maintenance of regulated rail vehicles including provision as to—
- (a) the fitting of equipment to vehicles;
  - (b) equipment to be carried by vehicles;
  - (c) the design of equipment to be fitted to, or carried by, vehicles;
  - (d) the use of equipment fitted to, or carried by, vehicles;
  - (e) the toilet facilities to be provided in vehicles;
  - (f) the location and floor area of the wheelchair accommodation to be provided in vehicles;

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*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 46. (See end of Document for details)*

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- (g) assistance to be given to disabled persons.
- (3) <sup>F3</sup> .....
- (4) <sup>F3</sup> .....
- [<sup>F4</sup>(4A) The Department for Regional Development shall exercise the power to make rail vehicle accessibility regulations so as to secure that on and after 1st January 2020 every rail vehicle is a regulated rail vehicle, but this does not affect the powers conferred by subsection (5) or section 47(1) or 67(2).]
- (5) Different provision may be made in rail vehicle accessibility regulations—
- (a) as respects different classes or descriptions of rail vehicle;
  - (b) as respects the same class or description of rail vehicle in different circumstances;
  - (c) as respects different networks.
- (6) In this section—
- “network” means any permanent way or other means of guiding or supporting rail vehicles or any section of it;
- <sup>F5</sup> .....
- [<sup>F6</sup>“rail vehicle” means a vehicle constructed or adapted to carry passengers by rail;]
- “regulated rail vehicle” means any rail vehicle to which [<sup>F7</sup>provisions of] rail vehicle accessibility regulations are expressed to apply; and
- “wheelchair accommodation” has such meaning as may be prescribed.
- (7) <sup>F8</sup> .....
- (8) <sup>F9</sup> .....
- (9) <sup>F9</sup> .....
- (10) <sup>F9</sup> .....
- (11) Before making any regulations under subsection (1) or section 47 the [<sup>F2</sup>Department of the Environment] shall consult [<sup>F10</sup>such representative organisations as it thinks fit].]

#### Extent Information

**E1** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to N.I. only. Prior to that repeal, different versions of this section had been created for N.I. and E.W.S. respectively to reflect the different amendment history for each jurisdiction. This version is based on the N.I. version as it stood at the date of the repeal. It incorporates the N.I. modifications set out in Sch. 8 para. 30. It does not reflect the history of E.W.S. effects prior to the 2010 repeal, which can be found in earlier versions.

#### Textual Amendments

- F1** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with [arts. 4-25](#), [Schs. 1-16](#)); [S.I. 2011/1066](#), [art. 2\(h\)](#)
- F2** Words in [s. 46](#) substituted (N.I.) by virtue of [s. 70\(6\)](#), Sch. 8 paras. 1, 30(1)

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- F3** S. 46(3)(4) repealed (N.I.) (2.9.2013) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), art. 1, Sch. 1 para. 21(a), **Sch. 2**; S.R. 2013/216, art. 2(b)(c)
- F4** S. 46(4A) inserted (N.I.) (2.9.2013) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, **8(1)**; S.R. 2013/216, art. 2(a)
- F5** S. 46(6): definition of "operator" repealed (N.I.) (2.9.2013) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), art. 1, **Sch. 2**; S.R. 2013/216, art. 2(c)
- F6** S. 46(6) definition of "rail vehicle" substituted (N.I.) (2.9.2013) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, **8(2)**; S.R. 2013/216, art. 2(a)
- F7** Words in s. 46(6) substituted (N.I.) (2.9.2013) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), art. 1, **Sch. 1 para. 21(b)**; S.R. 2013/216, art. 2(b)
- F8** S. 46(7) omitted (N.I.) by virtue of s. 70(6), Sch. 8 para. 30(3) of this Act
- F9** S. 46(8)-(10) repealed (N.I.) (2.9.2013) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), art. 1, **Sch. 2**; S.R. 2013/216, art. 2(c)
- F10** Words in s. 46(11) substituted (N.I.) by virtue of s. 70(6), Sch. 8 para. 30(4) of this Act

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**Modifications etc. (not altering text)**

- C1** S. 46: transfer of certain functions (N.I.) (1.12.1999) by S.R. 1999/481, art. 6(d), **Sch. 4 Pt. IV**

**Changes to legislation:**

There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 46.