



# Equality Act 2010

## 2010 CHAPTER 15

### PART 12

#### DISABLED PERSONS: TRANSPORT

### CHAPTER 3

#### RAIL VEHICLES

#### **182 Rail vehicle accessibility regulations**

- (1) The Secretary of State may make regulations (in this Chapter referred to as “rail vehicle accessibility regulations”) for securing that it is possible for disabled persons—
  - (a) to get on to and off regulated rail vehicles in safety and without unreasonable difficulty;
  - (b) to do so while in wheelchairs;
  - (c) to travel in such vehicles in safety and reasonable comfort;
  - (d) to do so while in wheelchairs.
- (2) The 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;
  - (g) assistance to be given to disabled persons.
- (3) The regulations may contain different provision—

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- (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.
- (4) In this section—
- “network” means any permanent way or other means of guiding or supporting rail vehicles, or any section of it;
  - “rail vehicle” means a vehicle constructed or adapted to carry passengers on a 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;
  - “regulated rail vehicle” means a rail vehicle to which provisions of rail vehicle accessibility regulations are expressed to apply.
- (5) In subsection (4)—
- “conventional TEN rail system” and “high-speed rail system” have the meaning given in regulation 2(3) of the Railways (Interoperability) Regulations 2006 ([S.I. 2006/397](#));
  - “prescribed system” means a system using a mode of guided transport (“guided transport” having the same meaning as in the Transport and Works Act 1992) that is specified in rail vehicle accessibility regulations;
  - “railway” and “tramway” have the same meaning as in the Transport and Works Act 1992.
- (6) The Secretary of State must exercise the power to make rail vehicle accessibility regulations so as to secure that on and after 1 January 2020 every rail vehicle is a regulated rail vehicle.
- (7) Subsection (6) does not affect subsection (3), section 183(1) or section 207(4)(a).
- (8) Before making regulations under subsection (1) or section 183, the Secretary of State must consult—
- (a) the Disabled Persons Transport Advisory Committee, and
  - (b) such other representative organisations as the Secretary of State thinks fit.

### **183 Exemptions from rail vehicle accessibility regulations**

- (1) The Secretary of State may by order (an “exemption order”)—
- (a) authorise the use for carriage of a regulated rail vehicle even though the vehicle does not conform with the provisions of rail vehicle accessibility regulations with which it is required to conform;
  - (b) authorise a regulated rail vehicle to be used for carriage otherwise than in conformity with the provisions of rail vehicle accessibility regulations with which use of the vehicle is required to conform.
- (2) Authority under subsection (1)(a) or (b) may be for—
- (a) a regulated rail vehicle that is specified or of a specified description,
  - (b) use in specified circumstances of a regulated rail vehicle, or
  - (c) use in specified circumstances of a regulated rail vehicle that is specified or of a specified description.

- (3) The Secretary of State may by regulations make provision as to exemption orders including, in particular, provision as to—
  - (a) the persons by whom applications for exemption orders may be made;
  - (b) the form in which applications are to be made;
  - (c) information to be supplied in connection with applications;
  - (d) the period for which exemption orders are to continue in force;
  - (e) the revocation of exemption orders.
- (4) After consulting the Disabled Persons Transport Advisory Committee and such other persons as the Secretary of State thinks appropriate, the Secretary of State may—
  - (a) make an exemption order in the terms of the application for the order;
  - (b) make an exemption order in such other terms as the Secretary of State thinks appropriate;
  - (c) refuse to make an exemption order.
- (5) The Secretary of State may make an exemption order subject to such conditions and restrictions as are specified.
- (6) “Specified” means specified in an exemption order.

#### **184 Procedure for making exemption orders**

- (1) A statutory instrument that contains an order under section 183(1), if made without a draft having been laid before and approved by a resolution of each House of Parliament, is subject to annulment in pursuance of a resolution of either House.
- (2) The Secretary of State must consult the Disabled Persons Transport Advisory Committee before deciding which of the parliamentary procedures available under subsection (1) is to be adopted in connection with the making of any particular order under section 183(1).
- (3) An order under section 183(1) may be made without a draft of the instrument that contains it having been laid before and approved by a resolution of each House of Parliament only if—
  - (a) regulations under subsection (4) are in force; and
  - (b) the making of the order without such laying and approval is in accordance with the regulations.
- (4) The Secretary of State may by regulations set out the basis on which the Secretary of State, when making an order under section 183(1), will decide which of the parliamentary procedures available under subsection (1) is to be adopted in connection with the making of the order.
- (5) Before making regulations under subsection (4), the Secretary of State must consult—
  - (a) the Disabled Persons Transport Advisory Committee; and
  - (b) such other persons as the Secretary of State considers appropriate.

#### **185 Annual report on exemption orders**

- (1) After the end of each calendar year the Secretary of State must prepare a report on—
  - (a) the exercise in that year of the power to make orders under section 183(1);
  - (b) the exercise in that year of the discretion under section 184(1).

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- (2) A report under subsection (1) must (in particular) contain—
  - (a) details of each order made under section 183(1) in the year in question;
  - (b) details of consultation carried out under sections 183(4) and 184(2) in connection with orders made in that year under section 183(1).
- (3) The Secretary of State must lay before Parliament each report prepared under this section.

#### **186 Rail vehicle accessibility: compliance**

- (1) Schedule 20 (rail vehicle accessibility: compliance) has effect.
- (2) This section and that Schedule are repealed at the end of 2010 if the Schedule is not brought into force (either fully or to any extent) before the end of that year.

#### **187 Interpretation**

- (1) In this Chapter—
  - “rail vehicle” and “regulated rail vehicle” have the meaning given in section 182(4);
  - “rail vehicle accessibility regulations” has the meaning given in section 182(1).
- (2) For the purposes of this Chapter a vehicle is used “for carriage” if it is used for the carriage of passengers.