

2002 No. 1188

**DISABLED PERSONS
TRANSPORT**

**The Rail Vehicle Accessibility (Middleton Railway
Drewry Car) Exemption Order 2002**

<i>Made - - - - -</i>	<i>25th April 2002</i>
<i>Laid before Parliament</i>	<i>30th April 2002</i>
<i>Coming into force - -</i>	<i>22nd May 2002</i>

The Secretary of State, in exercise of the powers conferred upon him by section 47(1), (3) and (4) of the Disability Discrimination Act 1995(a), having consulted the Disabled Persons Transport Advisory Committee and such other persons as he considered appropriate in accordance with section 47(3) of that Act, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Rail Vehicle Accessibility (Middleton Railway Drewry Car) Exemption Order 2002 and shall come into force on 22nd May 2002.

Interpretation

2. Any reference in this Order to a numbered regulation is a reference to a regulation bearing that number in the Rail Vehicle Accessibility Regulations 1998(b).

Application

3. This Order applies to the vehicle known as the Drewry Car number DB998901 (“the exempted vehicle”) as owned by the EM2 Locomotive Society and operated by the Middleton Railway Trust Limited.

Exemption

4.—(1) Subject to articles 5 and 6 the exempted vehicle is hereby authorised to be used for carriage even though it does not conform with those provisions of the Rail Vehicle Accessibility Regulations 1998 referred to in paragraph (2).

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

- (a) regulation 4(1);
- (b) regulation 4(2);
- (c) regulation 4(3);
- (d) regulation 10(1)(b);
- (e) regulation 11(1)(a);
- (f) regulation 11(2)(a);

(a) 1995 c. 50.
(b) S.I. 1998/2456, as amended by S.I. 2000/3215.

- (g) regulation 11(3);
- (h) regulation 12;
- (i) regulation 13;
- (j) regulation 16(1)(e);
- (k) regulation 19(1);
- (l) regulation 19(2);
- (m) regulation 23(7)(b); and
- (n) regulation 23(7)(d).

5.—(1) It is a condition of the exemption given by article 4(2)(a) and (e) that the operator shall provide, so far as is practicable, a person other than the driver who is available on the platform or in the exempted vehicle to assist ambulant disabled or visually impaired persons to board and alight from the exempted vehicle.

(2) It is a condition of the exemption given by article 4(2)(d) that the operator shall provide, so far as is practicable, a person other than the driver who is available in the exempted vehicle to assist the safe passage of visually impaired persons.

6. The authorisation granted by article 4(1) shall cease forthwith if the exempted vehicle is—

- (a) operated by a person other than the Middleton Railway Trust Limited unless the Secretary of State has been given written notice in advance specifying the name and address of that other person; or
- (b) not operated on the Middleton Railway in Leeds.

Signed by authority of the
Secretary of State for Transport,
Local Government and the Regions

Sally Keeble
Parliamentary Under Secretary of State, Department for Transport,
Local Government and the Regions

25th April 2002

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the use of the vehicle known as the Drewry Car DB998901 on the Middleton Railway in Leeds even though it does not comply with certain requirements of the Rail Vehicle Accessibility Regulations 1998 (S.I. 1998/2456 as amended by S.I. 2000/3215) because:

- the colour of the exterior doors does not contrast with that of the vehicle body;
- no audible warning device is fitted to passenger doorways;
- the interior transparent surfaces are not marked as required;
- there is no handrail on the interior side of the external passenger doorways;
- the handrails are not of the required diameter;
- handholds are not fitted to the top of the seat backs;
- more force than is permitted is required to operate the door handles;
- there is no passenger information system;
- the wheelchair space is not fitted with a communication device;
- there is no wheelchair compatible doorway on one side of the vehicle;
- the wheelchair compatible doorway is not of the required width; and
- the wheelchair ramp is not of the required width and cannot support the required minimum weight.

This Order also imposes conditions on the authorisation.

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