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STATUTORY INSTRUMENTS

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**2002 No. 657**

**DISABLED PERSONS  
TRANSPORT**

**The Rail Vehicle Accessibility (Cairngorm  
Funicular Railway) Exemption Order 2002**

<i>Made</i>	- - - -	<i>8th March 2002</i>
<i>Laid before Parliament</i>		<i>13th March 2002</i>
<i>Coming into force</i>	- -	<i>3rd April 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<sup>(1)</sup>, 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 (Cairngorm Funicular Railway) Exemption Order 2002 and shall come into force on 3rd April 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<sup>(2)</sup>.

**Application**

3. This Order applies to the rail vehicles which are numbered 1 and 2 (“the exempted vehicles”) as manufactured by Carrosserie Gangloff AG for use by Cairngorm Mountain Limited.

**Exemption**

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

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(1) 1995 c. 50.

(2) S.I. 1998/2456, to which amendments have been made which are not relevant to this Order.

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

- (a) regulation 4(1); and
- (b) regulation 13(2)(a).

5. It is a condition of the exemption given by article 4(2)(a) that the floor surface of the passenger compartment of an exempted vehicle shall contrast, in respect of the amount of light reflected by it, with the surface of the platform adjacent to that floor surface when the vehicle is stationary at Base and Ptarmigan stations.

### **Expiry**

6. The exemptions given by article 4(2) shall cease at the end of 31st December 2011.

7. The authorisation given by article 4(1) shall cease immediately in respect of an exempted vehicle which—

- (a) is operated by a person other than Cairngorm Mountain Limited, unless the Secretary of State has been given written notice in advance specifying the name and address of that other person; or
- (b) is not operated on the Cairngorm Funicular Railway in Inverness-shire.

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

8th March 2002

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order authorises the use of two specified rail vehicles on the Cairngorm Funicular Railway although they do not conform with certain provisions 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; and
- there is no system for visual announcements on the front exterior of the vehicles.

Both exemptions expire on 31st December 2011. The Order also requires the floor surface of the passenger apartments to contrast with the platform surface at Base and Ptarmigan stations.