

2003 No. 1687

**DISABLED PERSONS
TRANSPORT**

**The Rail Vehicle Accessibility (Ffestiniog Railway Company
Vehicle Number 122) Exemption Order 2003**

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| <i>Made</i> - - - - | <i>3rd July 2003</i> |
| <i>Laid before Parliament</i> | <i>7th July 2003</i> |
| <i>Coming into force</i> | <i>31st July 2003</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 (Ffestiniog Railway Company Vehicle Number 122) Exemption Order 2003 and shall come into force on 31st July 2003.

Interpretation

2.—(1) In this Order “the exempted vehicle” means the rail vehicle known as the Ffestiniog Railway Company’s third class saloon carriage number 122, as built and owned by the Ffestiniog Railway Company for use on the Ffestiniog and Welsh Highland Railways.

(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), and any reference to a diagram is a reference to the diagram bearing that number in the Schedule to those Regulations.

Authorisations and exemptions

3.—(1) Subject to articles 4 to 9, 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(2);
- (b) regulation 4(3);
- (c) regulation 8(3), in so far as it requires compliance with the specification in diagram B1;
- (d) regulation 11(1)(a);

(a) 1995 c.50.

(b) S.I. 1998/2456, amended by S.I. 2000/3215.

- (e) regulation 12;
- (f) regulation 13; and
- (g) regulation 15.

Conditions

4. It is a condition of the exemption granted by article 3(2)(c), in respect of regulation 8(3), that diagram B1 shall apply to any priority seat as if for 450 millimetres minimum seat cushion width there is substituted 430 millimetres.

5.—(1) It is a condition of the exemption granted by article 3(2)(d), in respect of regulation 11(1)(a), that handrails which comply with the requirements of subparagraph (2) are fitted on the exterior of the exempted vehicle.

(2) The requirements with which handrails fitted on the exterior of the vehicle must comply are that—

- (a) they shall be fitted immediately adjacent to one side of every passenger doorway in the side of the vehicle; and
- (b) they shall contrast with the parts of the vehicle adjacent to each handrail.

6. It is a condition of the exemption granted by article 3(2)(f), in respect of regulation 13, that the operator shall provide in any train of which the exempted vehicle forms a part a person, other than the driver of that train, who—

- (a) has attended a training course, which has been approved by the Secretary of State, to be trained in awareness of the needs of persons with visual and hearing disabilities; and
- (b) is available, so far as is practicable, to assist visually and hearing impaired persons.

Expiry

7. The authorisation given by article 3(1) shall cease forthwith if the exempted vehicle is operated by a person other than the Festiniog Railway Company unless the Secretary of State has been given written notice in advance specifying the name and address of that other person.

8. The authorisation given by article 3(1) shall cease forthwith if the exempted vehicle is operated on a route other than that between—

- (a) Blaenau Ffestiniog station and Porthmadog station, or
- (b) on the Welsh Highland Railway between Caernarfon station and Rhyd-Ddu station,

unless the Secretary of State has been given written notice in advance specifying the details of the route, and he has given his written approval for the exempted vehicle to be operated on that route.

9. The exemption given by article 3(2)(f), in respect of regulation 13, shall cease at the end of May 2026.

Signed by authority of the
Secretary of State for Transport

3rd July 2003

Tony McNulty
Parliamentary Under Secretary of State,
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the use of the vehicle known as the Festiniog Railway Company's third class saloon carriage number 122, as built and owned by the Festiniog Railway Company for use on the Ffestiniog and Welsh Highland Railways even though it does not comply with certain requirements of the Rail Vehicle Accessibility Regulations (S.I. 1998/2456, amended by S.I. 2000/3215) because:

- there is no audible warning device fitted to the doorways;
- the width of the priority seats is less than the minimum required;
- no handrails are fitted on the interior of the external doorways;
- more force than is permitted is required to operate the door handles;
- there is no public address system; and
- there is no wheelchair space.

The Order imposes conditions on the authorisation and sets a time limit on the exemption concerning the public address system.

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The Rail Vehicle Accessibility (Festiniog Railway Company
Vehicle Number 122) Exemption Order 2003

£1.75

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E0929 7/03 ON (MFK)