
STATUTORY INSTRUMENTS

2004 No. 1205

DISABLED PERSONS

TRANSPORT

**The Rail Vehicle Accessibility (Seaton Tramway
Tramcars 9, 10 and 11) Exemption Order 2004**

<i>Made</i>	- - - -	<i>23rd April 2004</i>
<i>Laid before Parliament</i>		<i>5th May 2004</i>
<i>Coming into force</i>	- -	<i>29th May 2004</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 47(1), (3) and (4) of the Disability Discrimination Act 1995⁽¹⁾, 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 (Seaton Tramway Tramcars 9, 10 and 11) Exemption Order 2004 and shall come into force on 29th May 2004.

Interpretation

2. In this Order—

- (a) any reference to “the exempted vehicles” is a reference to the rail vehicles numbered 9, 10 and 11, built by Bolton Trams in Lancashire, for use by Modern Electric Tramways Limited on the Seaton Tramway in Devon; and
- (b) any reference to a numbered regulation is a reference to the regulation bearing that number in the Rail Vehicle Accessibility Regulations 1998⁽²⁾.

Authorisation and exemption

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

(1) 1995 c. 50.
(2) S.I. 1998/2456, amended by S.I. 2000/3215.

(2) Those provisions are—

- (a) regulation 6(3), in so far as it applies to a step between the gangway on the upper deck and the footwells of the seats;
- (b) regulation 8;
- (c) regulation 10(1)(b);
- (d) regulation 11(1)(b);
- (e) regulation 11(3);
- (f) regulation 13(1);
- (g) regulation 13(4);
- (h) regulation 13(5);
- (i) regulation 13(6);
- (j) regulation 13(8);
- (k) regulation 13(9); and
- (l) regulation 23(7)(b), in so far as it requires the width of the portable access ramp to be not less than 800 millimetres at any point.

Condition

4. It is a condition of the exemption given by article 3(2)(l), in respect of regulation 23(7)(b), that the width of the portable access ramp shall be not less than 710 millimetres at any point.

Expiry

5. The authorisation given by article 3(1) shall cease immediately in respect of an exempted vehicle if it is—

- (a) operated by a person other than Modern Electric Tramways Limited, unless the Secretary of State has been given written notice in advance specifying the name and address of that other person; or
- (b) operated on a route other than the Seaton Tramway in Devon.

Signed by authority of the Secretary of State for Transport

23rd April 2004

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 for carriage of three rail vehicles, known as the Seaton Tramway tramcars 9, 10 and 11, which are operated on the Seaton Tramway in Devon, even though they do not conform with certain requirements of the Rail Vehicle Accessibility Regulations (S.I. [1998/2456](#), amended by S.I. [2000/3215](#)) because:

- there is a step down to the footwells of the seats on the upper deck;
- there are no priority seats;
- coloured markings on the transparent surfaces within the vehicles are not positioned as required by the regulations;
- handrails are not fitted in the positions required by the regulations;
- there are no seat-back handholds on the upper deck;
- there is no public address system for either audio or visual announcements within the vehicles;
- the words on the external destination boards are in the upper case; and
- the portable access ramp is narrower than is permitted by the regulations.

The Order imposes a condition.