

**2010 No. 904**

**DISABLED PERSONS**

**TRANSPORT**

**The Rail Vehicle Accessibility (Networks) Exemption Order  
2010**

*Made* - - - - *22nd March 2010*

*Coming into force* - - *6th April 2010*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 47(1), (1A) and (4) and 67(2) of the Disability Discrimination Act 1995(a).

Having consulted the Disabled Persons Transport Advisory Committee(b) in accordance with section 67A(1)(c) of that Act, the Secretary of State has decided that the Parliamentary procedure to be adopted is that a draft statutory instrument containing the order will be laid before Parliament for approval by each House of Parliament.

In accordance with section 67(5A)(d) of that Act a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

**Citation and commencement**

1. This Order may be cited as the Rail Vehicle Accessibility (Networks) Exemption Order 2010 and comes into force on the fifteenth day after the day on which it is made.

**Interpretation**

2. In this Order—

“fairground equipment” means—

- (a) any fairground ride; or
- (b) any similar equipment which is designed to be in motion solely for entertainment purposes with members of the public on or inside it;

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(a) 1995 c. 50; section 47(1) and (1A) was inserted by section 6(3) of the Disability Discrimination Act 2005 (c. 13).  
(b) The Disabled Persons Transport Advisory Committee was established under section 125 of the Transport Act 1985 (c. 67) and has a statutory duty to provide the Government with advice on the public passenger transport needs of disabled people.  
(c) Section 67A was inserted by section 6(4) of the Disability Discrimination Act 2005. The Secretary of State has discretion as to which of the two types of parliamentary procedures referred to in section 67(5A) of that Act is to be adopted because regulations made under section 67A(3) are in force (see section 67A(2)(a) and S.I. 2008/2975). Those regulations set out the basis on which the Secretary of State exercises that discretion.  
(d) Section 67(5A) was inserted by section 19(1) and Schedule 1, Part 1, paragraph 33(5) of the Disability Discrimination Act 2005.

“heritage or tourist network” means a network named or described in the Schedule or within the grounds of a place named or described in the Schedule;

“mine” has the same meaning as in section 180 of the Mines and Quarries Act 1954(a);

“network” means any permanent way or other means of guiding or supporting rail vehicles(b) or any section of it;

“quarry” has the same meaning as in regulation 3 of the Quarries Regulations 1999(c);

“traffic day” means a period of 24 hours starting at 3am.

### **Authorised use of heritage or tourist rail vehicles**

**3.**—(1) A rail vehicle first brought into use before 1st January 1999 is authorised to be used for carriage as indicated in paragraph (2) even though—

- (a) it does not conform with the provisions of rail vehicle accessibility regulations(d) with which it is required to conform, or
- (b) it is used otherwise than in conformity with the provisions of rail vehicle accessibility regulations with which its use is required to conform,

but this is subject to paragraphs (3) and (4).

(2) The authorisation under paragraph (1) applies to—

- (a) the use for carriage on a heritage or tourist network,
- (b) the use for carriage in a depot that forms part of a network to which the provisions of rail vehicle accessibility regulations apply and which is not a heritage or tourist network, and
- (c) the use for carriage on one or more networks—
  - (i) to which the provisions of rail vehicle accessibility regulations apply; and
  - (ii) which are not otherwise authorised by this article,on not more than 20 traffic days in any calendar year.

(3) The authorisation for use for carriage by virtue of paragraph (2)(a) or (b) applies only if the rail vehicle—

- (a) is used to demonstrate or operate a historical or special type of transport service; and
- (b) is used primarily for tourist, educational or recreational purposes.

(4) The authorisation for use for carriage by virtue of paragraph (2)(c) applies only if—

- (a) it has been used for carriage in accordance with paragraphs (2)(a) or (b), and (3) at some time in the preceding twelve months,
- (b) it has been on display at a museum as an example or replica of a historical rail vehicle at some time in the preceding twelve months, or
- (c) it is a restored vehicle and arrangements are in place—
  - (i) for the rail vehicle to be used in accordance with paragraphs (2)(a) or (b), and (3), or
  - (ii) for it to be displayed at a museum as an example or replica of a historical rail vehicle, and

when it is used for carriage on the first of the 20 permitted traffic days in a calendar year it is being used for the first time after being restored.

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(a) 1954 c. 70; see section 180 which was amended by S.I. 1974/2013, 1993/1897 and 1999/2024.

(b) “rail vehicle” is defined in sections 46(6) and 68(1) of the Disability Discrimination Act 1995; the definition in section 46(6) is amended by section 6(2)(b) of the Disability Discrimination Act 2005 and SI 2008/1746.

(c) S.I. 1999/2024, to which there are amendments not relevant to this Order; see regulation 3. Regulation 3(2)(c) provides that “quarry” does not include certain types of railway line.

(d) “rail vehicle accessibility regulations” is defined in section 68(1) of the Disability Discrimination Act 1995.

**Authorised use of rail vehicles on a miscellaneous network**

4.—(1) A rail vehicle is authorised to be used for carriage as indicated in paragraph (2) even though—

- (a) it does not conform with the provisions of rail vehicle accessibility regulations with which it is required to conform, or
- (b) it is used otherwise than in conformity with the provisions of rail vehicle accessibility regulations with which its use is required to conform,

but this is subject to paragraph (4).

(2) The authorisation under paragraph (1) applies to—

- (a) the use for carriage on a network described in paragraph (3) (“a miscellaneous network”), and
- (b) the use for carriage on one or more networks—
  - (i) to which the provisions of rail vehicle accessibility regulations apply; and
  - (ii) which are not miscellaneous networks,on not more than 20 traffic days in any calendar year.

(3) A miscellaneous network is a network which—

- (a) is situated entirely on premises used for the purposes of an industrial undertaking or an undertaking engaged in the generation of electricity;
- (b) forms part of a mine or quarry;
- (c) is used solely in connection with the carrying out of any engineering or building works;
- (d) is situated entirely within an establishment which is intended to be used solely for the purposes of the armed forces of the United Kingdom or visiting armed forces or the Ministry of Defence;
- (e) is situated entirely within the grounds of a dwelling house and is not connected to any other network; or
- (f) is used as or as part of any fairground equipment.

(4) The authorisation for use for carriage by virtue of paragraph (2)(b) applies only if it has been used for carriage in accordance with paragraph (2)(a) some time in the preceding twelve months.

Signed by authority of the Secretary of State for Transport

22nd March 2010

*C.D. Mole*  
Parliamentary Under Secretary of State  
Department for Transport

## SCHEDULE

Article 2

### Heritage or Tourist Networks

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*Name or description of network*

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Abbey Light Railway  
Abbey Pumping Station Museum  
Aberystwyth Electric Cliff Railway  
Alford Valley Railway  
Almond Valley Railway  
Aln Valley Railway  
Amberley Working Museum  
American Adventure Theme Park  
Amerton Railway  
Apedale Valley Light Railway  
Appleby Frodingham Railway  
Avon Valley Railway  
Babbacombe Cliff Railway  
Bala Lake Railway  
Barrow Hill Roundhouse Railway Centre  
Battlefield Line Railway  
Beamish North of England Open Air Museum  
Bicton Woodland Railway  
Bideford Railway Museum  
The Black Country Living Museum  
Blackpool Zoo Miniature Railway  
Blenheim Park Railway  
Bluebell Railway  
Bodmin and Wenford Railway  
Bo'ness and Kinneil Railway  
Bournemouth Fisherman's Walk Cliff Railway  
Bowes Railway  
Bradford Industrial Museum  
Brecon Mountain Railway  
Bredgar and Wormshill Light Railway  
Bressingham Steam Museum  
Bridgend Valleys Railway  
Bridgnorth Castle Hill Railway  
Bristol Harbour Railway  
Buckinghamshire Railway Centre  
Bure Valley Railway  
Burseldon Brickworks  
Burry Port and Gwendraeth Valley Railway  
Cairngorm Mountain Railway  
Caledonian Railway  
Cambrian Heritage Railway  
Central Tramway Scarborough  
Centre for Alternative Technology  
Chasewater Railway  
Chinnor and Princes Risborough Railway  
Cholsey and Wallingford Railway  
Churnet Valley Railway

Cleethorpes Coast Light Railway  
Colne Valley Railway  
Combe Martin Wildlife and Dinosaur Park  
Conkers Express  
Conwy Valley Railway Museum  
Corris Railway  
Cotswold Wildlife Park  
Coventry Railway Centre  
Craigtoun Miniature Railway  
Cricket St Thomas Wildlife Park  
Darlington Railway Centre and Museum  
Dartmoor Railway  
Dart Valley Railway  
Dean Forest Railway  
Derbyshire Dales Narrow Gauge Railway  
Derwent Valley Light Railway  
Devon Railway Centre  
Didcot Railway Centre  
Dolgarrog Railway  
Drayton Manor Park  
Drusillas Zoo Park  
Dunaskin Heritage Centre  
East Anglia Transport Museum  
East Anglian Railway Museum  
East Cliff Railway (Bournemouth)  
East Hayling Light Railway  
East Hill Cliff Railway (Hastings)  
East Kent Railway  
East Lancashire Railway  
East Links Family Park  
East Somerset Railway  
East Suffolk Light Railway  
Eaton Hall  
Ecclesborne Valley Railway  
Eden Valley Railway  
Elsecar Steam Railway  
Embsay and Bolton Abbey Steam Railway  
Epping Ongar Railway  
Evesham Vale Light Railway  
Ffestiniog & Welsh Highland Railways  
Flamingo Land Theme Park and Zoo  
Foxfield Light Railway  
Gartell Light Railway  
Gloucestershire Warwickshire Railway  
Golden Valley Light Railway  
Great Bush Railway  
Great Central Railway (Loughborough)  
Great Central Railway (Nottingham)  
Great Orme Tramway  
Guilliver's Theme Park, Warrington  
Guilliver's World, Milton Keynes  
Gwili Steam Railway  
Haigh Country Park

Heatherslaw Light Railway  
Heaton Park Tramway  
Hollycombe Steam Collection  
Hopewell Colliery Museum  
Hythe Pier Railway  
Imperial War Museum  
Irchester Country Park  
Isle of Wight Steam Railway  
Keighley and Worth Valley Railway  
Keith and Dufftown Railway  
Kent and East Sussex Railway  
Kew Bridge Steam Museum  
Kirkland Sidings Heritage Centre  
Kirklees Light Railway  
Knowsley Safari Park  
Lakeside and Haverthwaite Railway  
Lakeside Miniature Railway  
Lappa Valley Steam Railway  
Launceston Steam Railway  
Lavender Line  
Leadhills and Wanlockhead Railway  
Leas Cliff Railway (Folkestone)  
Leeds Industrial Museum, Armley Mills  
Legoland, Windsor  
Leighton Buzzard Railway  
Lightwater Valley Theme Park  
Lincolnshire Coast Light Railway  
Lincolnshire Wolds Railway  
Llanberis Lake Railway  
Llangollen Railway  
Llechwedd Slate Caverns  
Locomotion, the National Railway Museum at Shildon  
Longleat  
Lynton and Barnstaple Railway  
Lynton and Lynmouth Cliff Railway  
Mangapps Farm Railway Museum  
Margam Country Park  
Markeaton Park  
Marwells Zoological Park  
Mid-Hants Watercress Railway  
Mid-Norfolk Railway  
Mid-Suffolk Light Railway Museum  
Middleton Railway  
Midland Railway, Butterley  
Milkyway Adventure Park  
Morwellham Quay Historic Port and Copper Mine  
Museum of Great Western Railway  
Museum of Science and Industry, Manchester  
National Coal Mining Museum for England  
National Railway Museum, York  
National Slate Museum, Llanberis  
National Tramway Museum  
Nene Valley Railway

North Bay Railway  
North Gloucestershire Railway  
North Ings Farm Museum  
North Norfolk Railway  
North Tyneside Steam Railway  
North Yorkshire Moors Railway  
Northampton and Lamport Steam Railway  
Oakwood Theme Park  
Old Kiln Light Railway  
Oswestry Railway Museum  
Queen Elizabeth II Country Park  
Paignton and Dartmouth Railway  
Paignton Zoo Environmental Park  
Paradise Park  
Paultons Park  
Peak Rail  
Pembrey Country Park  
Perrygrove Railway  
Pleasure Beach Express  
Pleasure Island Family Theme Park  
Pleasurewood Hills Leisure Park  
Plym Valley Railway  
Pontypool and Blaenavon Railway  
Prestongrange Industrial Heritage Museum  
Ravenglass and Eskdale Railway  
Rhyl Miniature Railway  
Ribble Steam Railway  
Ripon and District Light Railway  
Romney, Hythe and Dymchurch Railway  
Rother Valley Railway  
Royal Deeside Railway  
Royal Gunpowder Mills  
Rutland Railway Museum to Ashwell Station  
Saltburn Cliff Lift  
Saltburn Miniature Railway  
Scottish Industrial Railway Centre  
Seaton and District Electric Tramway  
Severn Valley Railway  
Sherwood Forest Theme Park  
Shipley Glen Tramway  
Sittingbourne and Kemsley Light Railway  
Snibston Colliery Railway  
Snowdon Mountain Railway  
Somerset and Dorset Railway (Midsomer Norton)  
South Cliff Railway (Scarborough)  
South Devon Railway  
South Tynedale Railway  
Southend Cliff Railway  
Southend Pier Railway  
Spa Cliff Lift  
Spa Valley Railway  
St Nicholas Cliff Lift  
Stainmore Railway

Steam, the Museum of the Great Western Railway  
Steeple Grange Light Railway  
Strathspey Railway  
Steam Dreams  
Stephenson Railway Museum  
Stevington and Turvey Light Railway  
Strumpshaw Steam Railway Museum  
The Stone Line  
Summerlee Heritage Park  
Swanage Railway (Purbeck Line)  
Swansea Vale Railway  
Swindon and Cricklade Railway  
Talylyn Railway Co  
Tanfield Railway  
Teifi Valley Railway  
Telford Steam Railway  
Thorpe Park  
Threlkeld Quarry Railway  
Tyseley Locomotive Works  
Vale of Glamorgan Railway  
Vale of Rheidol Railway  
Valley International Park  
Volks Electric Railway  
Weardale Railway  
Welsh Highland Heritage Railway  
Welshpool and Llanfair Light Railway  
Wensleydale Railway  
West Cliff Railway (Bournemouth)  
West Hill Cliff Railway (Hastings)  
West Lancashire Light Railway  
West Midlands Safari Leisure Park  
West Somerset Railway  
Whipsnade Wild Animal Park  
Wicksteed Park  
Windmill Animal Farm Railway  
Wirral Tramway Light Railway  
Woburn Safari Park  
Yaxham Light Railway  
Yeovil Railway Centre



## EXPLANATORY NOTE

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

This Order authorises the use of rail vehicles—

- (i) on networks named or described in the Schedule to the Order (*article 3*);
- (ii) in depots forming part of networks not named in the Schedule for tourist, educational or recreational purposes (*article 3*); and
- (iii) on networks indicated in *article 4(3)*, such as a network in the grounds of a dwelling house,

even though the rail vehicles or their use is not in conformity with provisions of rail accessibility regulations made under section 46(1) of the Disability Discrimination Act 1995 (c.50).

It also authorises each rail vehicle to be used on networks not otherwise covered by the Order during no more than 20 traffic days per calendar year (traffic days being as defined in *article 2*).

The authorisations are subject to conditions (see *articles 3(3) and (4) and 4(4)*). The authorisation to use rail vehicles on networks named or described in the Schedule or in depots only applies to rail vehicles first brought into use before 1st January 1999.

An impact assessment has not been produced for this instrument because no additional cost on business, charities or voluntary bodies is foreseen and the impact on the public sector is negligible.

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STATUTORY INSTRUMENTS

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**2010 No. 904**

**DISABLED PERSONS**

**TRANSPORT**

The Rail Vehicle Accessibility (Networks) Exemption Order  
2010

£5.50