
STATUTORY INSTRUMENTS

2006 No. 312

The Disability Discrimination (Northern Ireland) Order 2006

Transport

Rail vehicles: accessibility compliance certificates

9.—(1) In the 1995 Act, after section 47 insert—

“Rail vehicle accessibility compliance certificates

47A.—(1) A regulated rail vehicle to which this subsection applies shall not be used for carriage unless a rail vehicle accessibility compliance certificate is in force for the vehicle.

(2) Subsection (1) applies to a regulated rail vehicle if the vehicle—

- (a) is prescribed; or
- (b) is of a prescribed class or description.

(3) A rail vehicle accessibility compliance certificate is a certificate that the Department for Regional Development is satisfied that the regulated rail vehicle conforms with those provisions of rail vehicle accessibility regulations with which the vehicle is required to conform.

(4) A rail vehicle accessibility compliance certificate may provide that it is subject to conditions specified in the certificate.

(5) Subsection (6) applies where—

- (a) the Department for Regional Development refuses an application for the issue of a rail vehicle accessibility compliance certificate for a regulated rail vehicle; and
- (b) before the end of the prescribed period, the applicant asks the Department for Regional Development to review the decision and pays any fee fixed under section 47C.

(6) The Department for Regional Development shall—

- (a) review the decision; and
- (b) in doing so, consider any representations made to it in writing, before the end of the prescribed period, by the applicant.

Rail vehicle accessibility compliance certificates: supplementary

47B.—(1) Regulations may make provision with respect to rail vehicle accessibility compliance certificates.

(2) The provision that may be made under subsection (1) includes (in particular)—

- (a) provision for certificates to be issued on application;
- (b) provision specifying conditions to which certificates are subject;
- (c) provision as to the period for which certificates are to continue in force or as to circumstances in which certificates are to cease to be in force;

- (d) provision (other than provision of a kind mentioned in paragraph (c)) dealing with failure to comply with a condition to which a certificate is subject;
- (e) provision for the withdrawal of certificates issued in error;
- (f) provision for the correction of errors in certificates;
- (g) provision with respect to the issue of copies of certificates in place of certificates which have been lost or destroyed;
- (h) provision for the examination of a rail vehicle before a certificate is issued in respect of it.

(3) In making provision of the kind mentioned in subsection (2)(a), regulations under subsection (1) may (in particular)—

- (a) make provision as to the persons by whom applications may be made;
- (b) make provision as to the form in which applications are to be made;
- (c) make provision as to information to be supplied in connection with an application, including (in particular) provision requiring the supply of a report of a compliance assessment.

(4) For the purposes of this section, a “compliance assessment” is an assessment of a rail vehicle against provisions of rail vehicle accessibility regulations with which the vehicle is required to conform.

(5) In requiring a report of a compliance assessment to be supplied in connection with an application, regulations under subsection (1) may make provision as to the person who has to have carried out the assessment, and may (in particular) require that the assessment be one carried out by a person who has been appointed by the Department for Regional Development to carry out compliance assessments (an “appointed assessor”).

(6) For the purposes of any provisions in regulations under subsection (1) with respect to the supply of reports of compliance assessments carried out by appointed assessors, regulations under that subsection—

- (a) may make provision about appointments of appointed assessors, including (in particular)—
 - (i) provision for an appointment to be on application or otherwise than on application;
 - (ii) provision as to who may be appointed;
 - (iii) provision as to the form of applications for appointment;
 - (iv) provision as to information to be supplied with applications for appointment;
 - (v) provision as to terms and conditions, or the period or termination, of an appointment; and
 - (vi) provision for terms and conditions of an appointment, including any as to its period or termination, to be as agreed by the Department for Regional Development when making the appointment;
- (b) may make provision authorising an appointed assessor to charge fees in connection with, or incidental to, its carrying-out of a compliance assessment, including (in particular)—
 - (i) provision restricting the amount of a fee;
 - (ii) provision authorising fees that contain a profit element; and
 - (iii) provision for advance payment of fees;

- (c) may make provision requiring an appointed assessor to carry out a compliance assessment, and to do so in accordance with any procedures that may be prescribed, if prescribed conditions, which may include conditions as to the payment of fees to the assessor, are satisfied;
- (d) shall make provision for the referral to the Department for Regional Development of disputes between—
 - (i) an appointed assessor carrying out a compliance assessment, and
 - (ii) the person who requested the assessment,relating to which provisions of rail vehicle accessibility regulations the vehicle is to be assessed against or to what amounts to conformity with any of those provisions.

(7) In subsection (6)(b) to (d) “compliance assessment” includes pre-assessment activities (for example, a consideration of how the outcome of a compliance assessment would be affected by the carrying-out of particular proposed work).

Rail vehicle accessibility compliance certificates: fees

47C.—(1) Such fees, payable at such times, as may be prescribed may be charged by the Department for Regional Development in respect of—

- (a) applications for, and the issue of, rail vehicle accessibility compliance certificates;
- (b) copies of such certificates;
- (c) reviews under section 47A;
- (d) referrals of disputes under provision that, in accordance with section 47B(6)(d), is contained in regulations under section 47B(1).

(2) Any such fees received by the Department for Regional Development shall be paid by it into the Consolidated Fund.

(3) Regulations under subsection (1) may make provision for the repayment of fees, in whole or in part, in such circumstances as may be prescribed.

(4) Before making any regulations under subsection (1) the Department for Regional Development shall consult such representative organisations as it thinks fit.”.

(2) In section 49 of the 1995 Act (forgery and false statements)—

- (a) in subsection (1) (“relevant documents”), after paragraph (d) insert
“; or
- (e) a rail vehicle accessibility compliance certificate.”, and

- (b) in subsection (4) (false statements), for “or an approval certificate” substitute “, an approval certificate or a rail vehicle accessibility compliance certificate”.

(3) In section 68(1) of the 1995 Act (interpretation), before the definition of “rail vehicle accessibility regulations” insert—

““rail vehicle accessibility compliance certificate” has the meaning given in section 47A(3);”.