

2014 No. 46

DISABLED PERSONS

TRANSPORT

The Rail Vehicle Accessibility (Applications for Exemption Orders) Regulations (Northern Ireland) 2014

Made - - - - *25th February 2014*

Coming into operation - *28th April 2014*

The Department for Regional Development(a) makes the following Regulations in exercise of the powers conferred by section 47(2) of the Disability Discrimination Act 1995(b) and now vested in it(c).

In accordance with section 46(11) of the Disability Discrimination Act 1995 the Department has consulted with such representative organisations as it thinks fit.

Citation and commencement

1. These Regulations may be cited as the Rail Vehicle Accessibility (Applications for Exemption Orders) Regulations (Northern Ireland) 2014 and shall come into operation on 28 April 2014.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Disability Discrimination Act 1995;

“exemption order” means an exemption order under section 47 of the Act(d);

“network” means any permanent way;

“network exemption order” means an exemption order which relates to a specified network;

“operator” in relation to a rail vehicle, means the person having the management of that vehicle;

“rail vehicle” means a rail vehicle constructed or adapted to carry passengers by rail;

(a) SI 1999/283.

(b) 1995 c.50; section 47 is modified in its application to Northern Ireland by paragraph 31 of Schedule 8; see section 68(1) as substituted by paragraph 47(1) of the said Schedule for the definition of “regulations”.

(c) S.R. 1999 No.481 Article 6(d) and Schedule 4 Part IV.

(d) Section 47(1) and 1(A) were substituted for subsection (1), as originally enacted, by article 8(3) of the Disability Discrimination (Northern Ireland) Order 2006 (N.I. 1).

“railway” has the same meaning as in section 6 of the Railway Safety Act (Northern Ireland) 2002(a)

“RVAR” means the Rail Vehicle Accessibility Regulations (Northern Ireland) 2014(b).

(2) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Applications for exemption orders for rail vehicles

3.—(1) Subject to paragraph (2) an application for an exemption order in respect of a rail vehicle—

- (a) may be made by—
 - (i) the operator of the vehicle; or
 - (ii) the owner of the vehicle;
- (b) must be submitted to the Department in writing; and
- (c) must contain the particulars specified in Schedule 1.

(2) Before making an application under paragraph (1) the owner of the rail vehicle must consult the operator of the vehicle, if a different person.

Applications for network exemption orders

4. An application for a network exemption order—

- (a) may be made in respect of a network by a person having ownership or control of that network;
- (b) must be submitted to the Department in writing; and
- (c) must contain the particulars specified in Schedule 2.

Revocation

5. The Rail Vehicle (Exemption Applications) Regulations (Northern Ireland) 2001(d) are revoked.

Sealed with the Official Seal of the Department for Regional Development on 25th February 2014.



Tom Reid
A senior officer of the
Department for Regional Development

(a) 2002 c.8.
(b) S.R. 2014/45
(c) 1954 c.33 (N.I.).
(d) S.R. 2001/265.

SCHEDULE 1

Regulation 3(1)

Particulars to be provided with applications for exemption orders for rail vehicles

The particulars referred to in regulation 3(1)(c) are—

- (a) the full name of the applicant;
- (b) the address of the applicant which, in the case of a company, must be the address of its registered or principal office;
- (c) a description of the rail vehicle to which the application relates, including the—
 - (i) class number;
 - (ii) unit number;
 - (iii) vehicle number;
 - (iv) name of the manufacturer;
 - (v) place of manufacture; and
 - (vi) date the vehicle was first brought into use, (unless not yet brought into use);
- (d) a general description of the services which the rail vehicle is likely to be used to provide and the routes on which it is likely to be operated;
- (e) the provisions of RVAR from which exemption is sought;
- (f) the technical, economic and operational reasons for the application;
- (g) the effect which non-compliance with the provisions referred to in sub-paragraph (e) would have on a disabled person's ability to use the rail vehicle;
- (h) the measures proposed, if the application is granted, to enable a disabled person to use the rail vehicle;
- (i) the period for which the exemption order is requested to be in force;
- (j) unless an exemption order is sought for an indefinite period, the proposed timetable of action, before it would cease to be in force, to render the rail vehicle compliant with any RVAR provisions from which it had been exempt;
- (k) where prior consultation with the operator of the rail vehicle is required by regulation 3(2), the response of the operator to the consultation; and
- (l) such additional information as the Department may request to enable it to determine—
 - (i) whether to make the exemption order and on what terms; and if so,
 - (ii) what, if any, restrictions or conditions to specify.

SCHEDULE 2

Regulation 4(c)

Particulars to be provided with applications for network exemption orders

The particulars referred to in regulation 4(c) are—

- (a) the full name of the applicant;
- (b) the address of the applicant which, in the case of a company, must be the address of its registered or principal office;
- (c) the name or description of the network to which the application relates;
- (d) a description of the types of rail vehicle intended to operate on the network;
- (e) a general description of the services which rail vehicles on it are likely to be used for;
- (f) the provisions of RVAR from which exemption is sought;
- (g) the technical, economic and operational reasons for the application;
- (h) the effect which the non-compliance with the provisions referred to in sub-paragraph (f) would have on a disabled person's ability to use rail vehicles on the network;
- (i) the measures proposed, if the application is granted, to enable a disabled person to use rail vehicles on the network;
- (j) the period for which the exemption order is requested to be in force; and
- (k) such additional information as the Department may request to enable it to determine—
 - (i) whether to make the network exemption order; and if so,
 - (ii) what, if any, restrictions or conditions to specify.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision with respect to the making of applications to the Department for Regional Development under section 47 of the Disability Discrimination Act 1995 for exemption from the need to comply with the requirements of rail vehicle accessibility regulations made under section 46 of that Act.

Rail vehicle accessibility regulations made under section 46, set standards to be complied with to improve the accessibility for disabled persons of passenger vehicles used on railways not subject to EU accessibility specifications. EU accessibility specifications apply to the railway system in Northern Ireland under the interoperability directives as transposed by the Railways (Interoperability) Regulations 2006 (S.I. 2006/397).

Regulation 3 makes such provision in relation to applications relating to rail vehicles.

Regulation 4 makes such provision in relation to applications relating to the use of rail vehicles on specific rail networks.

Regulation 5 revokes the Rail Vehicle (Exemption Applications) Regulations (Northern Ireland) 2001.

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