

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 10: Regulation of the use of roads and railways

Part 7: Rail vehicle accessibility regulations: exemption orders

709. Rail vehicle accessibility regulations (“RVAR”) ensure that new and refurbished rail vehicles have features that make them more accessible to disabled people. The current regulations are the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010. The Secretary of State may by order grant, under a power in section 183 of the Equality Act 2010, exemptions from parts of RVAR on a case by case basis, if the Secretary of State considers this is warranted and following consultation with groups representing disabled people.
710. Since 2008, RVAR has only applied to a minority of rail vehicles – those used on tramways, metros and underground, for example. Rail vehicles used on mainline services (“heavy rail” or “trains”) have, since that time, been subject to an equivalent European accessibility regime instead.
711. Section 207(2) of the Equality Act 2010 requires that exemptions from RVAR be made by statutory instrument. This is unlike the similar accessibility regime in place for buses and coaches, where the Equality Act 2010 allows exemptions to be made administratively. Exemptions for stations and trains from their equivalent European accessibility requirements are also granted administratively. Part 7 of the Schedule amends section 183 of the Equality Act 2010 so that exemptions from RVAR can be made and amended by administrative order rather than by statutory instrument. It also removes provisions of that Act dealing with the parliamentary procedure for exemption orders, as these will no longer be necessary.
712. Section 183 of the Equality Act 2010 also contains a power for the Secretary of State to make regulations as to exemption orders, for example as to the information to be supplied with an application for an exemption order. Part 7 of the Schedule removes that power to make regulations.
713. **Part 7** of the Schedule forms part of the law of England and Wales and Scotland. It comes into force on a day to be appointed by the Secretary of State in a commencement order.