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STATUTORY INSTRUMENTS

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**2005 No. 329**

**DISABLED PERSONS  
TRANSPORT**

**The Rail Vehicle Accessibility (Virgin West  
Coast Class 390) Exemption Order 2005**

*Made* - - - - *11th February 2005*  
*Laid before Parliament* *2nd March 2005*  
*Coming into force* - - *28th March 2005*

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<sup>(1)</sup>, 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 (Virgin West Coast Class 390) Exemption Order 2005 and shall come into force on 28th March 2005.

**Interpretation**

2. In this Order:—

- (a) any reference to a numbered regulation is a reference to the regulation bearing that number in the Rail Vehicle Accessibility Regulations 1998<sup>(2)</sup>;
- (b) any reference to a numbered vehicle is a reference to a vehicle which forms part of the fleet of electric multiple-units numbered 390001 to 390053 of the class known as “Class 390”, as manufactured by ALSTOM Transport Limited for use by Virgin West Coast Trains Limited; and
- (c) “adjustable table” means a table available for use in a wheelchair space, as defined in regulation 2(1), the height of which, at its lowest point, may be adjusted in steps of 20 millimetres within the range of 680 millimetres to 760 millimetres.

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

### Authorisation and exemption

3. Subject to articles 6(1), 7 and 8, the vehicles numbered 68801 to 68853, 69101 to 69153, 69201 to 69253, 69401 to 69453, 69501 to 69553, 69601 to 69653, 69701 to 69753, 69801 to 69853 and 69901 to 69953 are authorised to be used for carriage even though they do not conform with regulation 7(b).

4. Subject to articles 6(2), 7 and 8, the vehicles numbered 69801 to 69853 are authorised to be used for carriage even though they do not conform with regulation 12 in so far as it requires that a refrigerator door handle for the use of passengers shall be operable by the exertion of a particular force.

5. Subject to articles 6(3), 7 and 8, the vehicles numbered 69401 to 69453, 69701 to 69753 and 69901 to 69953 are authorised to be used for carriage even though they do not conform with regulation 18(4).

### Conditions

6.—(1) It is a condition of the exemption given by article 3 that a door must separate a vestibule adjoining a doorway in the side of a vehicle from the adjacent passenger saloon.

(2) It is a condition of the exemption given by article 4 that—

- (a) the door handle shall be operable by the exertion of a force not exceeding 25 newtons; and
- (b) the operator shall provide, so far as is practicable, in that vehicle a person who is available on request to provide assistance to operate the refrigerator door handle.

(3) It is a condition of the exemption given by article 5 that—

- (a) the operator shall provide, so far as is practicable, in that vehicle or, where that vehicle forms part of a train, in that train a person, other than the driver of that vehicle or train, who is available to alter the height of an adjustable table; and
- (b) the operator shall have in place, adjacent to an adjustable table, a sign clearly visible from the position of an occupant of a wheelchair in the wheelchair space indicating that the height of the table can be adjusted on request to a member of the train crew.

### Expiry

7. The exemptions given by articles 3 to 5 shall cease at the end of May 2012.

8. The authorisations given by articles 3 to 5 shall cease immediately in respect of any exempted vehicle if the electric multiple-unit of which the exempted vehicle forms a part is used by a person other than Virgin West Coast Trains Limited unless the Secretary of State has been given written notice in advance specifying the name and address of that other person.

### Revocation

9. The Rail Vehicle Accessibility (Virgin West Coast Class 390 Vehicles) Exemption Order 2002(3) is revoked.

Signed by authority of the Secretary of State for Transport

11th February 2005

*Charlotte Atkins*  
Parliamentary Under Secretary of State,  
Department for Transport

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

This Order authorises the use for carriage of specified rail vehicles which form the fleet of Class 390 electric multiple-units, even though they do not conform with certain provisions in the Rail Vehicle Accessibility Regulations 1998 (S.I. [1998/2456](#), amended by S.I. [2000/3215](#)) because:

the carpets in the vestibule do not contrast sufficiently with the carpets in the adjacent passenger saloon;

more force than is permitted is required to operate a refrigerator door handle; and

the tables fitted in the wheelchair spaces can be fixed at a level lower than the minimum specified by the Regulations.

The Order sets time limits on the exemptions and imposes conditions.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.