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STATUTORY INSTRUMENTS

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**2005 No. 86**

**DISABLED PERSONS**

**TRANSPORT**

**The Rail Vehicle Accessibility (Heathrow Express Class 360/2) Exemption Order 2005**

<i>Made</i>	- - - -	<i>21st January 2005</i>
<i>Laid before Parliament</i>		<i>1st February 2005</i>
<i>Coming into force</i>	- -	<i>1st March 2005</i>

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, hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Rail Vehicle Accessibility (Heathrow Express Class 360/2) Exemption Order 2005 and shall come into force on 1st March 2005.

**Interpretation**

2. In this Order—

- (a) any reference to “the exempted vehicles” is a reference to the vehicles numbered 63421 to 63424, 72421 to 72424, 78431 to 78434, and 78441 to 78444, which form the electric multiple-units numbered 360201 to 360204 of the class known as “Class 360/2” as manufactured by Siemens in Germany for use by Heathrow Express Limited; and
- (b) 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>.

**Authorisation and exemption**

3. Subject to articles 4 to 6, the exempted vehicles are authorised to be used for carriage even though they do not conform with regulation 7(b).

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(1) 1995 c. 50.

(2) S.I. 1998/2456, to which amendments have been made which are not relevant to this Order.

**Condition**

4. It is a condition of the exemption granted by article 3 that—
- (a) a transverse low level lighting system is installed on the floor between the saloons and vestibules of an exempted vehicle; and
  - (b) the system referred to in sub-paragraph (a) is fully operational whenever the exempted vehicle is being used for carriage.

**Expiry**

5. The exemption granted by article 3, in respect of regulation 7(b), shall cease at the end of February 2007.

6. The authorisation granted by article 3 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 Heathrow Express Limited unless the Secretary of State has been given written notice in advance specifying the name and address of that other person.

Signed by authority of the Secretary of State for Transport

21st January 2005

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

## EXPLANATORY NOTE

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

This Order authorises the use for carriage of specified rail vehicles forming the fleet of Class 360/2 Heathrow Express electric multiple-units even though they do not conform with one requirement of 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.

The Order imposes a condition and sets a time limit on the authorisation.

A regulatory impact assessment has not been prepared in respect of this Order.