
STATUTORY INSTRUMENTS

2008 No. 1746

**The Rail Vehicle Accessibility (Interoperable
Rail System) Regulations 2008**

Amendments to the Railways (Interoperability) Regulations 2006

- 4.—(1) The Railways (Interoperability) Regulations 2006 are amended as follows.
- (2) In regulation 2(3) (interpretation), at the end of the definition of “project subsystem” insert—
- “but where—
- (a) that subsystem is rolling stock; and
- (b) the project is for the upgrade or renewal of it,
- “project subsystem” means the part of it upgraded or renewed;”.
- (3) In regulation 3 (application)—
- (a) in paragraph (2), after “These Regulations” insert “, apart from regulation 4B;” and
- (b) for paragraph (3) substitute—
- “(3) Notwithstanding paragraph (2)—
- (a) the placing in service of a structural subsystem on the high-speed rail system or the conventional TEN rail system before 1st August 2006 shall not affect the application of these Regulations to that subsystem for any upgrading or renewal where having been upgraded or renewed that subsystem is placed in service on the high-speed rail system or the conventional TEN rail system on or after 1st August 2006; and
- (b) these Regulations apply to rolling stock to which regulation 4A (2) applies.”.
- (4) In regulation 4 (requirement for authorisation)—
- (a) in paragraph (6), in the words before sub-paragraph (a), for “project” substitute “structural”;
- (b) in paragraph (7)(a), for “project” substitute “structural”; and
- (c) after paragraph (9) insert—
- “(9A) In paragraphs (8) and (9)—
- (a) “authorisation” includes authorisation deemed to be given by operation of regulation 4A(2)(a); and
- (b) in such a case, the date referred to in paragraph (9)(b)(i) is deemed to be the date that the original item of rolling stock referred to in paragraph (8) was placed in service.”.
- (5) After regulation 4 insert—

“Deemed authorisation

- 4A.—**(1) Subject to paragraphs (4) and (5), paragraph (2) applies to a unit of rolling stock which—

- (a) is constructed or adapted to transport passengers; and
 - (b) was first brought into use after 31st December 1998 and before 1st August 2006; and
 - (c) is used in the provision of a service for the carriage of passengers on the high-speed rail system or the conventional TEN rail system.
- (2) A unit of rolling stock to which this paragraph applies is deemed—
- (a) to have been authorised under regulation 4 to be placed in service on both the high-speed rail system and the conventional TEN rail system; and
 - (b) to have been assessed against the Rail Vehicle Accessibility Regulations 1998, as notified national technical rules, for that authorisation.
- (3) In its application to Northern Ireland the reference in paragraph (2) (b) to the Rail Vehicle Accessibility Regulations 1998 shall have effect as a reference to the Rail Vehicle Accessibility Regulations (Northern Ireland) 2001⁽¹⁾.
- (4) Paragraph (2) does not apply to a unit of rolling stock to the extent that immediately before its coming into force the unit—
- (a) was authorised under regulation 4; and
 - (b) had been assessed against the Rail Vehicle Accessibility Regulations 1998, or the Rail Vehicle Accessibility Regulations (Northern Ireland) 2001, for that authorisation.
- (5) Paragraph (2) does not apply to a unit of rolling stock which belongs to a class of rolling stock first brought into use on or before 31st December 1998.
- (6) Notwithstanding paragraph (2)—
- (a) regulation 4B applies to any unit of rolling stock to which paragraph (2) applies; and
 - (b) regulation 4(1) applies to any such rolling stock for any upgrading or renewal.

Accessibility for people with reduced mobility

4B. No person shall use rolling stock in the provision of a service for the carriage of passengers on the high-speed rail system or the conventional TEN rail system on or after 1st January 2020 unless it has been constructed, renewed, upgraded or modified to comply with the technical standards, and is operated to comply with the operational standards, required by—

- (a) the TSI relating to persons with reduced mobility set out in the Annex to Decision [2008/164/EC](#) of the European Commission of 21st December 2007⁽²⁾, or any amended version of it, or any TSI which replaces it; or
- (b) the Rail Vehicle Accessibility Regulations 1998; or
- (c) the Rail Vehicle Accessibility Regulations (Northern Ireland) 2001; or
- (d) the TSI, or amended version of it or TSI replacing it, referred to in paragraph (a) except to the extent that—
 - (i) the rolling stock or its operation complies with the technical or operational standards required by the Regulations referred to in paragraphs (b) or (c), and
 - (ii) a derogation from part of it has been granted pursuant to regulation 6, and
 - (iii) a determination that part of it does not apply has been made under regulation 5(8).”.

(1) [S.R. \(N.I.\) 2001 No. 264.](#)

(2) [O.J. No. L 64, 7.3.08, p. 72.](#)

(6) In regulation 5 (8) (renewal or upgrading of subsystems), in the words before subparagraph (a), omit “and the project subsystem is part of the conventional TEN rail system”.

(7) In regulation 11 (technical file), after paragraph (6) insert—

“(7) The duties of a contracting entity, or an owner of a project subsystem, under paragraphs (2) and (4) to (6) do not arise by virtue of an authorisation being deemed to be given under regulation 4 by operation of regulation 4A(2)(a).”.

(8) In regulation 12 (duty on operator to ensure essential requirements are met)—

(a) at the beginning of paragraph (2), insert “Subject to paragraphs (3) and (4),”; and

(b) after paragraph (2) insert—

“(3) Where—

(a) the notified national technical rules against which a project subsystem was assessed for authorisation were the Rail Vehicle Accessibility Regulations 1998; and

(b) an exemption order has been made under section 47 of the Disability Discrimination Act 1995(3) in relation to that project subsystem;

the duty in paragraph (2) (b) to ensure that the project subsystem is operated and maintained in conformity with those Regulations is a duty to do so save to the extent the order exempted it from those Regulations, notwithstanding any provision in the order for the expiry of such exemption.

(4) Paragraph 2(a) does not apply to rolling stock by virtue of an authorisation being deemed to be given under regulation 4 by operation of regulation 4A(2)(a).

(5) Paragraph (2) is without prejudice to regulation 4B.

(6) In this regulation—

(a) “project subsystem” includes a unit of rolling stock deemed to be authorised under regulation 4 by operation of regulation 4A(2)(a); and

(b) the reference in paragraph (3) (a) to the Rail Vehicle Accessibility Regulations 1998 shall, in its application to Northern Ireland, have effect as a reference to the Rail Vehicle Accessibility Regulations (Northern Ireland) 2001.”.

(9) In regulation 33 (national vehicle register), after paragraph (1) insert—

“(1A) This regulation does not apply to rolling stock by virtue of an authorisation being deemed to be given under regulation 4 by operation of regulation 4A(2)(a).”.

(3) For Great Britain, subsections (1) and (1A) of section 47 were substituted for subsection (1) as originally enacted by the Disability Discrimination Act 2005 (c.13), section 6(3). Corresponding amendments were made for Northern Ireland by S.I. 2006/312 (N.I. 1), article 8(3).