
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set accessibility standards (i.e. standards designed to improve accessibility for disabled persons) for passenger vehicles used on light rail systems (e.g. metro, underground and tramways including prescribed guided transport systems) or which are otherwise not subject to EU accessibility specifications (EU accessibility specifications apply to the main line rail system under the interoperability directives as transposed by the Railways (Interoperability) Regulations 2006, (S.I. 2006/397)).

The accessibility standards are set out in Schedule 1. The standards in Part 1 of Schedule 1 must be complied with upon the coming into force of these Regulations in relation to vehicles first used after 31st December 1998, subject to some provisos (including where an exemption has been granted by order) (*regulation 3*). Operators using vehicles on railways are given the option of complying with the EU accessibility specifications instead (*regulation 3(4)*). The additional standards set out in Part 2 of Schedule 1 must be complied with in relation to rail vehicles to which regulation 3 applies if and to the extent provided for by regulation 3(8).

In relation to vehicles first used before 1st January 1999 (and certain other vehicles not subject to regulation 3) the standards in Part 1 of Schedule 1 must be complied with as and when, and to the extent that, before 1st January 2020 refurbishment work is carried out to them, subject to an overriding deadline for compliance of 1st January 2020 (unless an exemption has been granted by order) (*regulation 4*). The additional standards set out in Part 2 of Schedule 1 must be complied with in relation to such vehicles if and to the extent provided for by regulation 4(5).

An operator of a rail vehicle to which the Regulations apply is not to use it for the carriage of passengers without compliance with the regulations (*regulation 5*).

Provision is made for enforcement of the Regulations by the Office of Rail Regulation using certain powers of the Health and Safety at Work etc Act 1974, including the powers to appoint inspectors and for inspectors to service improvement and prohibition notices and institute proceedings for their breach or other offences (*regulation 6*).

The Regulations replace the Rail Vehicle Accessibility Regulations 1998 (S.I. 1998/2456). The differences between the new accessibility standards and those set out in the 1998 Regulations are explained in the Consultation Document relating to these Regulations produced by the Department for Transport and published on their website (www.dft.gov.uk) under “Consultations”.

Although the 1998 Regulations are revoked, provision is made for this not to affect the operation of any exemption orders still in force at the coming into force of these Regulations. Any reference to the 1998 standards in such orders is to have effect as a reference to the equivalent standards in these Regulations (*regulation 7*).

These Regulations were notified in draft to the European Commission in accordance with Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services.

An impact assessment of the effect these Regulations will have on the costs of business can be obtained from the Department for Transport, Great Minster House, 76 Marsham Street, London SW1P 4DR. It is also annexed to the Explanatory Memorandum published with these Regulations on the website of the Office of Public Sector Information (www.opsi.gov.uk).