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STATUTORY INSTRUMENTS

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**2006 No. 312**

**The Disability Discrimination (Northern Ireland) Order 2006**

*Transport*

**Rail vehicles: application of accessibility regulations**

**8.—(1)** In section 46 of the 1995 Act (rail vehicle accessibility regulations), before subsection (5) insert—

“(4A) The Department for Regional Development shall exercise the power to make rail vehicle accessibility regulations so as to secure that on and after 1st January 2020 every rail vehicle is a regulated rail vehicle, but this does not affect the powers conferred by subsection (5) or section 47(1) or 67(2).”.

(2) In that section for the definition in subsection (6) of “rail vehicle” substitute—

“rail vehicle” means a vehicle constructed or adapted to carry passengers by rail;”.

(3) For section 47(1) of the 1995 Act (rail vehicle accessibility regulations: power to exempt use of vehicles of specified descriptions or in specified circumstances) substitute—

“(1) The Department for Regional Development may by order (an “exemption order”)—

- (a) authorise the use for carriage of a regulated rail vehicle even though the vehicle does not conform with the provisions of rail vehicle accessibility regulations with which it is required to conform;
- (b) authorise a regulated rail vehicle to be used for carriage otherwise than in conformity with the provisions of rail vehicle accessibility regulations with which use of the vehicle is required to conform.

(1A) Authority under subsection (1)(a) or (b) may be for—

- (a) any regulated rail vehicle that is specified or is of a specified description; or
- (b) use in specified circumstances of—
  - (i) any regulated rail vehicle, or
  - (ii) any regulated rail vehicle that is specified or is of a specified description.”.

(4) In the 1995 Act, after section 67 insert—

**“Exercise of discretion under section 67(4B)**

**67A.—(1)** Before the Department for Regional Development decides which of the Assembly procedures available under section 67(4B) is to be adopted in connection with the making of any particular order under section 47(1), it must consult such persons as it thinks appropriate.

(2) An order under section 47(1) may be made without a draft of the order having been laid before, and approved by a resolution of, the Assembly only if—

- (a) regulations under subsection (3) are in force; and

(b) the making of the order without such laying and approval is in accordance with the regulations

(3) Regulations may set out the basis on which the Department for Regional Development, when it comes to make an order under section 47(1), will decide which of the Assembly procedures available under section 67(4B) is to be adopted in connection with the making of the order.

(4) Before making regulations under subsection (3), the Department for Regional Development must consult such persons as it considers appropriate.

#### **Annual report on rail exemption orders**

**67B.**—(1) The Department for Regional Development must after each 31st December prepare, in respect of the year that ended with that day, a report on—

- (a) the exercise in that year of the power to make orders under section 47(1); and
- (b) the exercise in that year of the discretion under section 67(4B).

(2) A report under subsection (1) must (in particular) contain—

- (a) details of each order made under section 47(1) in the year in respect of which the report is made; and
- (b) details of consultation carried out under sections 47(3) and 67A(1) in connection with orders made in that year under section 47(1).

(3) The Department for Regional Development must lay before the Assembly each report that it prepares under this section.”.