



Disability Discrimination Act 2005

2005 CHAPTER 13

Transport

6 Rail vehicles: application of accessibility regulations

- (1) In section 46 of the 1995 Act (rail vehicle accessibility regulations), before subsection (5) there is inserted—

“(4A) The Secretary of State 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) ^{F1}In subsection (6) of that section—

- (a) before the first definition there is inserted—

““conventional TEN rail system” has the meaning given in regulation 2(3) of the Railways (Interoperability) Regulations 2006;

“high-speed rail system” has the meaning given in regulation 2(3) of the Railways (Interoperability) Regulations 2006;” and

- (b) for the definition of “rail vehicle” there is substituted—

““rail vehicle” means a vehicle constructed or adapted to carry passengers on any railway, tramway or prescribed system other than a vehicle used in the provision of a service for the carriage of passengers on the high-speed rail system or the conventional TEN rail system;”.]

- ^{F1F1}(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) there is substituted—

“(1) The Secretary of State 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;

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Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 2005, Section 6. (See end of Document for details)

- (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 there is inserted—

“67A Exercise of discretion under section 67(5A)

- (1) Before the Secretary of State decides which of the parliamentary procedures available under section 67(5A) is to be adopted in connection with the making of any particular order under section 47(1), he must consult the Disabled Persons Transport Advisory Committee.
- (2) An order under section 47(1) may be made without a draft of the instrument that contains it having been laid before, and approved by a resolution of, each House of Parliament 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 Secretary of State, when he comes to make an order under section 47(1), will decide which of the parliamentary procedures available under section 67(5A) is to be adopted in connection with the making of the order.
- (4) Before making regulations under subsection (3), the Secretary of State must consult—
 - (a) the Disabled Persons Transport Advisory Committee; and
 - (b) such other persons as he considers appropriate.”

(5) In the 1995 Act, after section 67A (which is inserted by subsection (4)) there is inserted—

“67B Annual report on rail vehicle exemption orders

- (1) The Secretary of State 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(5A).
- (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

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(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 Secretary of State must lay before each House of Parliament each report that he prepares under this section.”

Textual Amendments

F1 S. 6(2) substituted (7.7.2008) by [The Rail Vehicle Accessibility \(Interoperable Rail System\) Regulations 2008 \(S.I. 2008/1746\)](#), [reg. 3\(2\)](#)

Commencement Information

I1 S. 6 partly in force; s. 6 not in force at Royal Assent see [s. 20\(3\)](#); [s. 6\(3\)-\(5\)](#) in force for certain purposes at 5.12.2005 by [S.I. 2005/2774](#), [art. 3\(d\)](#)

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