



Disability Discrimination Act 2005

2005 CHAPTER 13

Transport

7 Rail vehicles: accessibility compliance certificates

(1) In the 1995 Act, after section 47 there is inserted—

“47A Rail vehicle accessibility compliance certificates

- (1) A regulated rail vehicle to which this subsection applies shall not be used for carriage unless a rail vehicle accessibility compliance certificate is in force for the vehicle.
- (2) Subsection (1) applies to a regulated rail vehicle if the vehicle—
 - (a) is prescribed; or
 - (b) is of a prescribed class or description.
- (3) A rail vehicle accessibility compliance certificate is a certificate that the Secretary of State is satisfied that the regulated rail vehicle conforms with those provisions of rail vehicle accessibility regulations with which the vehicle is required to conform.
- (4) A rail vehicle accessibility compliance certificate may provide that it is subject to conditions specified in the certificate.
- (5) Subsection (6) applies where—
 - (a) the Secretary of State refuses an application for the issue of a rail vehicle accessibility compliance certificate for a regulated rail vehicle; and
 - (b) before the end of the prescribed period, the applicant asks the Secretary of State to review the decision and pays any fee fixed under section 47C.
- (6) The Secretary of State shall—
 - (a) review the decision; and

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- (b) in doing so, consider any representations made to him in writing, before the end of the prescribed period, by the applicant.

47B Rail vehicle accessibility compliance certificates: supplementary

- (1) Regulations may make provision with respect to rail vehicle accessibility compliance certificates.
- (2) The provision that may be made under subsection (1) includes (in particular)
 - (a) provision for certificates to be issued on application;
 - (b) provision specifying conditions to which certificates are subject;
 - (c) provision as to the period for which certificates are to continue in force or as to circumstances in which certificates are to cease to be in force;
 - (d) provision (other than provision of a kind mentioned in paragraph (c)) dealing with failure to comply with a condition to which a certificate is subject;
 - (e) provision for the withdrawal of certificates issued in error;
 - (f) provision for the correction of errors in certificates;
 - (g) provision with respect to the issue of copies of certificates in place of certificates which have been lost or destroyed;
 - (h) provision for the examination of a rail vehicle before a certificate is issued in respect of it.
- (3) In making provision of the kind mentioned in subsection (2)(a), regulations under subsection (1) may (in particular)—
 - (a) make provision as to the persons by whom applications may be made;
 - (b) make provision as to the form in which applications are to be made;
 - (c) make provision as to information to be supplied in connection with an application, including (in particular) provision requiring the supply of a report of a compliance assessment.
- (4) For the purposes of this section, a “compliance assessment” is an assessment of a rail vehicle against provisions of rail vehicle accessibility regulations with which the vehicle is required to conform.
- (5) In requiring a report of a compliance assessment to be supplied in connection with an application, regulations under subsection (1) may make provision as to the person who has to have carried out the assessment, and may (in particular) require that the assessment be one carried out by a person who has been appointed by the Secretary of State to carry out compliance assessments (an “appointed assessor”).
- (6) For the purposes of any provisions in regulations under subsection (1) with respect to the supply of reports of compliance assessments carried out by appointed assessors, regulations under that subsection—
 - (a) may make provision about appointments of appointed assessors, including (in particular)—
 - (i) provision for an appointment to be on application or otherwise than on application;
 - (ii) provision as to who may be appointed;

- (iii) provision as to the form of applications for appointment;
 - (iv) provision as to information to be supplied with applications for appointment;
 - (v) provision as to terms and conditions, or the period or termination, of an appointment; and
 - (vi) provision for terms and conditions of an appointment, including any as to its period or termination, to be as agreed by the Secretary of State when making the appointment;
- (b) may make provision authorising an appointed assessor to charge fees in connection with, or incidental to, its carrying-out of a compliance assessment, including (in particular)—
- (i) provision restricting the amount of a fee;
 - (ii) provision authorising fees that contain a profit element; and
 - (iii) provision for advance payment of fees;
- (c) may make provision requiring an appointed assessor to carry out a compliance assessment, and to do so in accordance with any procedures that may be prescribed, if prescribed conditions, which may include conditions as to the payment of fees to the assessor, are satisfied;
- (d) shall make provision for the referral to the Secretary of State of disputes between—
- (i) an appointed assessor carrying out a compliance assessment, and
 - (ii) the person who requested the assessment,
- relating to which provisions of rail vehicle accessibility regulations the vehicle is to be assessed against or to what amounts to conformity with any of those provisions.
- (7) In subsection (6)(b) to (d) “compliance assessment” includes pre-assessment activities (for example, a consideration of how the outcome of a compliance assessment would be affected by the carrying-out of particular proposed work).

47C Rail vehicle accessibility compliance certificates: fees

- (1) Such fees, payable at such times, as may be prescribed may be charged by the Secretary of State in respect of—
- (a) applications for, and the issue of, rail vehicle accessibility compliance certificates;
 - (b) copies of such certificates;
 - (c) reviews under section 47A;
 - (d) referrals of disputes under provision that, in accordance with section 47B(6)(d), is contained in regulations under section 47B(1).
- (2) Any such fees received by the Secretary of State shall be paid by him into the Consolidated Fund.
- (3) Regulations under subsection (1) may make provision for the repayment of fees, in whole or in part, in such circumstances as may be prescribed.

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- (4) Before making any regulations under subsection (1) the Secretary of State shall consult such representative organisations as he thinks fit.”
- (2) In section 49 of the 1995 Act (forgery and false statements)—
- (a) in subsection (1) (“relevant documents”), after paragraph (d) there is inserted “; or
 - (e) a rail vehicle accessibility compliance certificate.”, and
 - (b) in subsection (4) (false statements), for “or an approval certificate” there is substituted “, an approval certificate or a rail vehicle accessibility compliance certificate”.
- (3) In section 68(1) of the 1995 Act (interpretation), before the definition of “rail vehicle accessibility regulations” there is inserted—
- ““rail vehicle accessibility compliance certificate” has the meaning given in section 47A(3);”.