

2001 No. 3952

DISABLED PERSONS

TRANSPORT

**The Rail Vehicle Accessibility (Croydon Tramlink Class
CR4000 Vehicles) Exemption Order 2001**

Made - - - - - 10th December 2001

Laid before Parliament 11th December 2001

Coming into force 1st January 2002

The Secretary of State, in exercise of the powers conferred on him by section 47 of the Disability Discrimination Act 1995(a) and of all other powers enabling him in that behalf, having consulted the Disabled Persons Transport Advisory Committee and such other persons as he considered appropriate in accordance with section 47(3) of that Act, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Rail Vehicle Accessibility (Croydon Tramlink Class CR4000 Vehicles) Exemption Order 2001 and shall come into force on 1st January 2002.

2. Any reference in this Order to a numbered regulation is a reference to a regulation bearing that number in the Rail Vehicle Accessibility Regulations 1998(b).

Application

3. This Order applies to the rail vehicles which are numbered 2530 to 2553 of the class known as Bombardier class CR4000 (“the exempted vehicles”) as manufactured by Bombardier Prorail Limited for the provision of passenger services by Tramtrack Croydon Limited.

Exemption

4.—(1) Subject to articles 5 to 9 below, the exempted vehicles are hereby authorised to be used for carriage even though they do not conform with those provisions of the Rail Vehicle Accessibility Regulations 1998 referred to in paragraph (2) below.

(2) The provisions with which the exempted vehicles are not required to conform are—

- (a) regulation 9(d)(i), but only in so far as it relates to a control on a horizontal handrail adjacent to a priority seat;
- (b) regulation 13(5)(a);
- (c) regulation 16(1)(c); and
- (d) regulation 19(4), but only in so far as the gradient of any slope of a vestibule floor adjoining a doorway in the side of an exempted vehicle exceeds five per cent but does not exceed six per cent.

(a) 1995 c.50.

(b) S.I. 1998/2456, to which amendments have been made which are not relevant to this Order.

5. The exemption given in respect of regulation 9(d)(i) shall apply in relation to any particular control on a horizontal handrail in an exempted vehicle only if there is a control, the centre of which is within the height limits contained in regulation 9(d)(i), on the nearest vertical handrail to the priority seat in question.

6. The exemption given in respect of regulation 13(5)(a) shall apply in relation to any exempted vehicle only when it is used on any railway authorised by the Croydon Tramlink Act 1994(a).

7.—(1) The exemption given in respect of regulation 16(1)(c) shall cease, in accordance with paragraph (2) below, if the operator of an exempted vehicle does not notify the Secretary of State in writing of any physical injury which is suffered by a disabled person in a wheelchair in an exempted vehicle.

(2) The notification referred to in paragraph (1) above shall be made within a period of seven days, starting with the date on which that injury occurred, and the exemption shall cease forthwith at the end of that seven day period if such notification is not made.

(3) Where such an injury comes to the notice of the Secretary of State, if it is his opinion that conformity with regulation 16(1)(c) would have prevented that injury, he may notify the operator of the exempted vehicles in writing that the exemption given in respect of regulation 16(1)(c) will cease three months after the date on which such notice is given.

8. The authorisation given by article 4(1) above shall cease forthwith in respect of an exempted vehicle which is operated by a person other than Tram Operations Limited, unless the Secretary of State has been given written notice in advance specifying the name and address of that other person.

Expiry

9. The exemption given by article 4(2)(c) above in respect of regulation 16(1)(c) shall cease at the end of 31st December 2002.

Revocation

10. The Rail Vehicle Accessibility (Croydon Tramlink Class CR4000 Vehicles) Exemption Order 2000(b) is hereby revoked.

Signed by authority of the Secretary of State for Transport,
Local Government and the Regions

10th December 2001

Sally Keeble
Parliamentary Under Secretary of State
Department for Transport,
Local Government and the Regions

(a) 1994 c.xi.
(b) S.I. 2000/6.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the use of specified rail vehicles of Bombardier Class CR4000, although they do not conform with certain provisions of the Rail Vehicle Accessibility Regulations 1998 (S.I. 1998/2456, as amended by S.I. 2000/3215) because:

the request-stop controls on handrails beside priority seats are below the minimum required height above the floor;

the next stop is not announced while the tram is travelling to that stop;

the wheelchair space does not have a structure or fitting to prevent a wheelchair moving or tipping; and

the floor adjacent to the wheelchair compatible doorway has a slope exceeding that specified.

It sets a time limit of one year on one exemption from those provisions and imposes conditions, the most significant of which is to require notification to the Secretary of State of a relevant injury in any part of a rail vehicle to which this Order applies.

For reasons of clarity, this Order incorporates, to the extent that they are not spent, the provisions of the Rail Vehicle Accessibility (Croydon Tramlink Class CR4000 Vehicles) Exemption Order 2000 (S.I. 2000/6), which is revoked.

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