

## STATUTORY INSTRUMENTS

**2008 No. 1746**

# DISABLED PERSONS TRANSPORT

## The Rail Vehicle Accessibility (Interoperable Rail System) Regulations 2008

*Made - - - - 2nd July 2008*

*Coming into force in accordance with regulation 1*

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by—

- (a) section 2(2) of the European Communities Act 1972 <sup>F1</sup>;
- (b) section 46(1) of the Disability Discrimination Act 1995 <sup>F2</sup>; and
- (c) section 247 of the Transport Act 2000 <sup>F3</sup>.

She is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to railways and railway transport <sup>F4</sup>.

In accordance with section 46(11) of the Disability Discrimination Act 1995 she has consulted the Disabled Persons Transport Advisory Committee <sup>F5</sup> and such other representative organisations as she thinks fit.

A draft of this instrument has been laid before Parliament in accordance with paragraphs 2 and 2A (1), (2) (a) and (3) (a) of Schedule 2 to the European Communities Act 1972 <sup>F6</sup> and approved by a resolution of each House of Parliament.

- F1** 1972 c.68; section 2(2) was amended by the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#), [section 27\(1\)](#) (a). The enabling powers of section 2(2) were extended by virtue of the amendment of section 1(2) of the 1972 Act by section 1 of the [European Economic Area Act 1993 \(c.51\)](#).
- F2** 1995 c.50; section 46 was amended for Great Britain by the [Disability Discrimination Act 2005 \(c.13\)](#), [section 6\(1\)](#) and (2), section 19(1) and Schedule 1 Part 1 paragraphs 1 and 27(b), from a date to be appointed. There are other amendments to section 46 but none are relevant. Corresponding amendments were made for Northern Ireland by [S.I. 2006/312 \(N.I. 1\)](#), [article 8\(1\)](#) and (2), article 19 and Schedule 1 paragraphs 1 and 21(a) and Schedule 2 from a date to be appointed.
- F3** 2000 c.38.
- F4** [S.I. 1996/266](#), to which there are amendments not relevant to these Regulations.

**Status:** Point in time view as at 16/01/2012.

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- F5** The Disabled Persons Transport Advisory Committee was established under section 125 of the [Transport Act 1985 \(c. 67\)](#) and has a statutory duty to provide the Secretary of State with advice on the public passenger transport needs of disabled people.
- F6** [Paragraph 2](#) was amended by the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#), [section 27\(2\)](#) (a). Paragraph 2A was inserted by section 29 of that Act.

### Citation and commencement

1. These Regulations may be cited as the Rail Vehicle Accessibility (Interoperable Rail System) Regulations 2008 and come into force on the fifth day after the day on which they are made, or the 1st July 2008, whichever is later.

### Amendments to the Rail Vehicle Accessibility Regulations 1998

- 2.—(1) The Rail Vehicle Accessibility Regulations 1998 <sup>F7</sup> are amended as follows.
- (2) In regulation 2(1)(interpretation), after the definition of “contrast” insert—
- ““conventional TEN rail system” has the meaning given in regulation 2(3) of the Railways (Interoperability) Regulations 2006 <sup>F8</sup>;
- “high-speed rail system” has the meaning given in regulation 2(3) of the Railways (Interoperability) Regulations 2006;”.
- (3) In regulation 3 (application of regulations)—
- (a) at the beginning of paragraph (1), insert “ Subject to paragraph (3), ”; and
- (b) after paragraph (2) insert—
- “(3) These Regulations do not apply to rail vehicles used in the provision of a service for the carriage of passengers on—
- (a) the high-speed rail system; or
- (b) the conventional TEN rail system.”.

**F7** [S.I. 1998/2456](#), amended by [S.I. 2000/3215](#).

**F8** [S.I. 2006/397](#), amended by [S.I. 2007/3386](#).

### Amendments to the Disability Discrimination Act 2005

3.—(1) Section 6 of the Disability Discrimination Act 2005 <sup>F9</sup> (rail vehicles: application of accessibility regulations) is amended as follows.

- (2) For subsection (2) substitute—
- “(2) 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;”;
- (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

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of a service for the carriage of passengers on the high-speed rail system or the conventional TEN rail system;”.”.

**F9** 2005 c.13.

## Amendments to the Railways (Interoperability) Regulations 2006

**F10** 4. ....

**F10** Reg. 4 revoked (16.1.2012) by [The Railways \(Interoperability\) Regulations 2011 \(S.I. 2011/3066\)](#), regs. 1(2), **47(1)** (with reg. 3)

Signed by authority of the Secretary of State for Transport

Department for Transport

*Tom Harris*  
Parliamentary Under Secretary of State

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

These Regulations pave the way for the introduction on the 1st July 2008 of European accessibility standards for passenger rail vehicles on the “interoperable rail system”. This rail system comprises the major lines of the main line rail system of the UK, representing about 70% by track miles of the mainline network. They remove these lines from the scope of national rail vehicle accessibility legislation, to prevent there being two differing regulatory regimes for vehicle accessibility on them, and make consequential and supplementary provision.

The European accessibility standards are set out in the Technical Specification for Interoperability relating to persons with reduced mobility which is annexed to Decision 2008/164/EC of the European Commission of 21st December 2007 (O.J. No. L 64, 7.3.08, p. 72). They will apply in the UK under the Railways (Interoperability) Regulations 2006 (S.I. 2006/397) (“RIR”).

In particular the Regulations remove the interoperable rail system from the scope of the Rail Vehicle Accessibility Regulations 1998 (“RVAR”) (*regulation 2*) and makes an adjustment to the Disability Discrimination Act 2005 which will have the effect of removing the system from the scope of the rail vehicles provisions of Part V of the Disability Discrimination Act 1995 (*regulation 3*).

Rail vehicles hitherto subject to RVAR (or their Northern Ireland equivalent) which have been operating on the interoperable rail system since before RIR became applicable to them from 1st August 2006 for renewals or upgrades, are deemed to have been authorised under RIR regulation 4 and to have been assessed against the technical standards in RVAR (or their Northern Ireland equivalent) (as notified national technical rules) for that authorisation (*regulation 4(5) inserting new RIR regulation 4A*). The effect will be to make operators subject to the duty in RIR regulation 12 to operate and maintain those vehicles to those standards. This duty will be enforceable under RIR in place of the enforcement provisions of the Disability Discrimination Act 1995.

Consequential and supplementary adjustments are made to RIR. In particular RIR regulation 12 is amended to exempt vehicles assessed against RVAR standards from compliance with those standards if and to the extent that exemptions from those standards have previously been authorised (*regulation 4(8) (a) and (b)*). New RIR regulation 4(9A) is inserted to clarify that “authorisation” in RIR paragraphs 4(8) and (9) includes a deemed authorisation under new RIR regulation 4A, (*regulation 4(4) (c)*). Such deemed authorisation will not trigger the duties relating to technical files in RIR regulation 11, nor those relating to the national vehicle register in RIR regulation 33, (*regulation 4(7) and (9)*).

The Regulations provide that all passenger vehicles operating on the interoperable rail system must comply with accessibility standards by 2020 (*regulation 4(5) inserting new RIR regulation 4B*). Those standards are the European accessibility standards, or RVAR (or their Northern Ireland equivalent), or a mix of the two, subject to any derogations or determinations granted under the limited powers in RIR to grant exemptions from European technical standards. The power, by determination, to grant exemptions is extended to apply to the whole interoperable rail system (*regulation 4(6)*). New RIR regulation 4B is to be complied with even by vehicles deemed under new RIR regulation 4A (2) to have been assessed against RVAR, and notwithstanding any obligation under RIR regulation 12 to keep a vehicle in the condition in which it was assessed for authorisation (*regulation 4(5) inserting into RIR new regulation 4A (6) (a), and regulation 4(8) (b) inserting into RIR new regulation 12(5)*).

RIR regulation 3 (application) is adjusted, with minor modifications, to ensure all vehicles to which new RIR regulations 4A (2) and 4B apply are brought within its scope (*regulation 4(3)*).

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Modifications are made to RIR to clarify that for renewals and upgrades of rolling stock, although an authorisation under RIR regulation 4 is for the vehicle, the “project subsystem” to be assessed against required standards is that part of it to which works have been carried out (*regulation 4(2) and (4) (a) and (b)*).

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

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