
STATUTORY INSTRUMENTS

2010 No. 432

**The Rail Vehicle Accessibility (Non-
Interoperable Rail System) Regulations 2010**

Rail vehicles first used after 31st December 1998

3.—(1) Subject to paragraph (2), this regulation applies to a rail vehicle first brought into use after 31st December 1998.

(2) This regulation does not apply to a rail vehicle which—

- (a) belongs to a class of rail vehicle first brought into use before 1st January 1999; or
- (b) is constructed or adapted to carry passengers on a prescribed system and which does not conform with the requirements of Part 1 of Schedule 1 when these Regulations come into force.

(3) Subject to paragraphs (7) and (11), the requirements of Part 1 of Schedule 1 apply in relation to a rail vehicle to which this regulation applies.

(4) Paragraph (7) applies where the Office of Rail Regulation receives a valid notice in writing from an operator of a rail vehicle to which this regulation applies, which has been constructed or adapted to carry passengers on a railway, opting to apply the requirements of the EU specifications in relation to that vehicle instead of the requirements of Schedule 1.

(5) A notice referred to in paragraph (4) will be a valid notice if it is properly addressed to the Chief Executive of the Office of Rail Regulation and lists which version of the EU specifications will be applied in relation to the rail vehicle or, where more than one version, which version will be applied in relation to which aspects of the construction or operation of the rail vehicle, instead of the requirements of Schedule 1.

(6) A notice referred to in paragraph (4) may be—

- (a) superseded by a subsequent notice under that paragraph; or
- (b) withdrawn in writing whereupon paragraph (7) will cease to apply to the rail vehicle.

(7) Where this paragraph applies—

- (a) the requirements of Part 1 and Part 2 of Schedule 1 do not apply in relation to the rail vehicle, and
- (b) the requirements of the EU specifications, as indicated in the notice referred to in paragraph (4), apply in relation to the rail vehicle.

(8) Subject to paragraphs (7), (10) and (11), the requirements of Part 2 of Schedule 1 apply in relation to a rail vehicle to which this regulation applies—

- (a) if and to the extent that it already conforms with them when these Regulations come into force;
- (b) if it is constructed pursuant to a contract entered into after 5th April 2011 and does not belong to a class of rail vehicle first brought into use before that date; or
- (c) to the extent indicated in paragraph (9) if after 5th April 2011 any refurbishment work described in column (2) of the table in Schedule 4 is carried out to it.

(9) Where paragraph (8)(c) applies, those requirements of Part 2 of Schedule 1, which are indicated in column (3) of the table in Schedule 4 opposite the description of the refurbishment work, apply in relation to that work.

(10) Paragraph (8) (c) does not apply to refurbishment work which—

- (a) only comprises like for like replacement;
- (b) is required to be carried out by a contract in writing entered into before 6th April 2011; or
- (c) is carried out in-house by the operator pursuant to an arrangement made in writing before 6th April 2011.

(11) Paragraphs (3) and (8) are subject to any exemption order which applies to the rail vehicle.