

2003 No. 1704

**DISABLED PERSONS
TRANSPORT**

**The Rail Vehicle Accessibility (South West Trains Class 444
and Class 450 Vehicles) Exemption Order 2003**

<i>Made - - - -</i>	<i>7th July 2003</i>
<i>Laid before Parliament</i>	<i>9th July 2003</i>
<i>Coming into force</i>	<i>4th August 2003</i>

The Secretary of State, in exercise of the powers conferred upon him by section 47(1), (3) and (4) of the Disability Discrimination Act 1995^(a), 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 (South West Trains Class 444 and Class 450 Vehicles) Exemption Order 2003 and shall come into force on 4th August 2003.

Interpretation

2. In this Order—

- (a) any reference to a numbered regulation is a reference to a regulation bearing that number in the Rail Vehicle Accessibility Regulations 1998^(b);
- (b) any reference to a diagram is a reference to the diagram bearing that number in the Schedule to those Regulations; and
- (c) expressions used in those Regulations shall have the same meaning in this Order as they do in those Regulations.

Authorisations and exemptions for Class 444 vehicles

3.—(1) Subject to articles 6, 7, 9 and 10, the rail vehicles numbered 67201 to 67245 which form part of the electric multiple-units numbered 444001 to 444045 as manufactured by Siemens plc for use by South West Trains Limited are hereby authorised to be used for carriage even though they do not conform with the provisions referred to in paragraph (2).

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

- (a) regulation 14(b), in so far as it applies to a folding nappy-changing table in any toilet cubicle to which regulation 20 applies;
- (b) regulation 19(5), in so far as it requires the width of the passageway between the wheelchair-compatible doorway and the wheelchair space to be not less than 850 millimetres at any point; and

^(a) 1995 c.50.

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

- (c) regulation 20(2), in so far as it requires the width of the passageway between the wheelchair space and the nearest toilet cubicle to that wheelchair space to be not less than 850 millimetres at any point.

4.—(1) Subject to articles 8 and 10, the rail vehicles numbered 63851 to 63895 which form part of the electric multiple-units numbered 444001 to 444045 as manufactured by Siemens plc for use by South West Trains Limited are hereby authorised to be used for carriage even though they do not conform with the provision referred to in paragraph (2).

(2) The provision with which the vehicles are not required to conform is regulation 8(3), but only to the extent that—

- (a) it applies to the priority seats situated in that part of the vehicle which offers a different class of passenger accommodation for which a higher fare is payable to that which is offered in the rest of the vehicle; and
- (b) it requires the seats described in sub-paragraph (a) to comply with the specification in diagrams B2, B3 and B4 that the minimum clear headroom shall be 1250 millimetres.

Authorisation and exemption for Class 450 vehicles

5. Subject to articles 9 and 10, the rail vehicles numbered 68101 to 68200 which form part of the electric multiple-units numbered 450001 to 450100 as manufactured by Siemens plc for use by South West Trains Limited are hereby authorised to be used for carriage even though they do not conform with the provisions of regulation 14(b), in so far as it applies to a folding nappy-changing table in any toilet cubicle to which regulation 20 applies.

Conditions

6. It is a condition of the exemption granted by article 3(2)(b) that the width of the passageway between the wheelchair-compatible doorway and the wheelchair space shall measure not less than 800 millimetres at any point.

7. It is a condition of the exemption granted by article 3(2)(c) that the width of the passageway between the wheelchair space and the nearest toilet cubicle to that wheelchair space shall measure not less than 800 millimetres at any point.

8. It is a condition of the exemption granted by article 4(2) that the priority seats described in article 4(2)(a) shall comply with diagrams B2, B3 and B4 as if for 1250 millimetres minimum clear headroom there is substituted 1189 millimetres minimum clear headroom.

Expiry

9. The exemption given by articles 3(2)(a) and 5, in respect of regulation 14(b), shall cease at the end of October 2018.

10. The authorisations given by articles 3 to 5 shall cease forthwith in respect of any exempted vehicle if the electric multiple-unit of which that vehicle forms a part is operated by a person other than South West Trains Limited unless the Secretary of State has been given written notice in advance specifying the name and address of that other person.

Signed by authority of the Secretary of State for Transport

7th July 2003

Tony McNulty
Parliamentary Under Secretary of State,
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the use for carriage of specified rail vehicles forming part of the fleets of Class 444 and Class 450 electric multiple-units even though they do not conform with certain requirements of the Rail Vehicle Accessibility Regulations 1998 (S.I. 1998/2456, amended by S.I. 2000/3215) because:

the headroom above the priority seats in the first class accommodation is less than the minimum required by the Regulations;

more force than is permitted is required to operate the folding nappy-changing table, which is situated in the wheelchair accessible toilet cubicle; and

the passageways between the wheelchair-compatible doorway and the wheelchair space, and between the wheelchair space and the nearest toilet cubicle, are narrower than the minimum width required by the Regulations.

The Order imposes conditions on the authorisations and sets a time limit.

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