

2011 No. 70

DISABLED PERSONS

TRANSPORT

**The Rail Vehicle Accessibility (Non-Interoperable Rail System)
(London Underground Metropolitan Line S8 Vehicles)
Exemption Order 2011**

<i>Made</i> - - - -	<i>13th January 2011</i>
<i>Laid before Parliament</i>	<i>19th January 2011</i>
<i>Coming into force</i> - -	<i>14th February 2011</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 183(1), (2), (4)(a) and (5) of the Equality Act 2010(a).

In accordance with section 183(4) of that Act the Secretary of State has consulted the Disabled Persons Transport Advisory Committee(b) and such other persons as the Secretary of State considers appropriate.

In accordance with section 184(1), (2), and (3) of that Act and regulation 5(2) of the Rail Vehicle Accessibility Exemption Orders (Parliamentary Procedures) Regulations 2008(c), the Secretary of State has decided that this Order should be subject to annulment in pursuance of a resolution of either House of Parliament.

Citation and commencement

1. This Order may be cited as the Rail Vehicle Accessibility (Non-Interoperable Rail System) (London Underground Metropolitan Line S8 Vehicles) Exemption Order 2011 and shall come into force on 14th February 2011.

Interpretation

2. In this Order—

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- (a) 2010 c.15. The Equality Act 2010 repealed the Disability Discrimination Act 1995 (c.50) and replaced the rail vehicle accessibility provisions of that Act (Sections 46 and 47 as well as section 67 which relates to the power to make regulations and orders) with substantively equivalent provisions (sections 182-187).
- (b) 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 Government with advice on the transport needs of disabled people.
- (c) S.I. 2008/2975.

“boarding device requirement” means the requirement to fit a boarding device at wheelchair-compatible doorways set out in paragraph 1(1) of Part 1 of Schedule 1 to the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010(a);

“Metropolitan Line” means the London Underground route between Aldgate and Amersham, Chesham, Watford and Uxbridge stations, including platforms 1 and 4 at Neasden and Willesden Green stations;

“MS exempt vehicle” means a rail vehicle of the type known as Metropolitan Line 2010 Tube Stock (S8) and with a number in the series 24001 to 24116;

“step-free access” means access from the station entrance to the platform level without the use of stairs or escalators.

Exemption relating to boarding devices at wheelchair compatible doorways

3. Subject to article 4, an MS exempt vehicle is authorised to be used for carriage on the Metropolitan Line even if it is used in a manner that does not conform with the boarding device requirement, but only in so far as the vehicle is stationary at a station platform named in table 1 in the Schedule.

Expiry

4. The exemption specified in article 3 expires—
- (a) in relation to Harrow on the Hill station, platform 2, at the end of 30th November 2013;
 - (b) in relation to a station platform named in table 2 in the Schedule, when step-free access is provided to that station platform.

Signed by authority of the Secretary of State for Transport

Norman Baker
Parliamentary Under Secretary of State
Department for Transport

13th January 2011

SCHEDULE

Articles 3 and 4

Table 1

Station platforms at which the exemption from the boarding device requirement will apply

<i>station</i>	<i>platform</i>
Aldgate	1
Harrow on the Hill	2
Neasden	1
Neasden	4
Willesden Green	1
Willesden Green	4

Table 2

Station platforms at which the exemption from the boarding device requirement will apply until there is step-free access

(a) S.I. 2010/432.

<i>station</i>	<i>platform</i>
Neasden	1
Neasden	4
Willesden Green	1
Willesden Green	4

EXPLANATORY NOTE

(This note is not part of the Order)

This Order exempts certain rail vehicles of the type S8 from the requirement of paragraph 1(1), Part 1 in Schedule 1 of the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010 (S.I.2010/432) to fit boarding devices at wheelchair-compatible doorways (article 3). The exemption applies in respect of six specified station platforms on the Metropolitan Line which may be used by S8 vehicles if there is disruption to timetabled services on the Metropolitan Line.

The exemption in respect of five of the station platforms is of limited duration (article 4). The exemption in relation to Aldgate platform 1 is without limitation of time but the Secretary of State may revoke it by Order.

An equivalent exemption was provided in respect of 65 station platforms on the Metropolitan Line by article 4(b) of the Rail Vehicle Accessibility (London Underground Metropolitan Line S8 Vehicles) Exemption Order 2010 (S.I. 2010/435). That Order provided for exemptions from the requirement of regulation 23(1) of the Rail Vehicle Accessibility Regulations 1998 (S.I. 1998/2456) (“RVAR 1998”).

RVAR 1998 has since been revoked by regulation 7(1)(a) of the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010, which also replace RVAR 1998 with substantively equivalent provisions. Transitional arrangements were also provided, ensuring that the Rail Vehicle Accessibility (London Underground Metropolitan Line S8 Vehicles) Exemption Order continues to have effect.

An impact assessment has not been produced for this instrument as no impact on the costs of business, the public sector, third sector organisations, regulators or consumers is foreseen.

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£4.00