

THE RAIL VEHICLE ACCESSIBILITY (NON-INTEROPERABLE RAIL SYSTEM) (B92 AND B2007 VEHICLES) EXEMPTION (MISCELLANEOUS PROVISIONS) ORDER 2018

The Secretary of State makes the following Order in exercise of the powers conferred by sections 183(1), (2), (4)(b), (5) and (7) and 207(1) and (4) of the Equality Act 2010(a) and paragraph 31 of Part 7 of Schedule 10 to the Deregulation Act 2015(b).

In accordance with that paragraph this Order revokes an exemption order made by statutory instrument (c).

In accordance with section 183(4) of the Equality Act 2010 the Secretary of State has consulted with the Disabled Persons Transport Advisory Committee(d) and such other persons as the Secretary of State considers appropriate.

Citation and Commencement

1. This Order may be cited as the Rail Vehicle Accessibility (Non-Interoperable Rail System) (B92 and B2007 Vehicles) Exemption (Miscellaneous Provisions) Order 2018 and comes into force on 29 May 2018.

Interpretation

2.—(1) In this Order —

“the 2010 Regulations” means the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010(e);

“audible passenger announcement” means an automated or manual audible announcement made inside the passenger saloon of a B92 or B2007 vehicle;

“B92 vehicle” means a rail vehicle of the type known as B92 and with a number in the series 001 – 016 or 022 – 099;

“B2007 vehicle” means a rail vehicle of the type known as B2007 and with a number in the series 101 to 155;

(a) 2010 c. 15, in these footnotes “the 2010 Act”. Section 183 was amended by Part 7 (paragraphs 28-31) of Schedule 10 to the Deregulation Act 2015 (c.20) (in these footnotes, the “2015 Act”). Section 207(2) of the 2010 Act requires that orders made under that Act must be made by way of statutory instrument but section 183(7) of the 2010 Act, as inserted by paragraph 29(3) of Schedule 10 to the 2015 Act, disappplies that requirement in relation to orders made under section 183 of the 2010 Act.

(b) 2015 c. 20.

(c) Paragraph 31 provides that an exemption order made by statutory instrument under section 183(1) of the 2010 Act before the date on which paragraph 29(3) of Part 7 of Schedule 10 to the 2015 Act came into force is to be treated as having been made otherwise than by statutory instrument, but is to be as capable of being amended or revoked as an order made by statutory instrument. The Rail Vehicle Accessibility (B2007 Vehicles) Exemption Order 2008 (S.I. 2008/925) was made on 30 March 2008, before the date on which paragraph 29(3) of Part 7 of Schedule 10 to the 2015 Act came into force.

(d) 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 public passenger transport needs of disabled people.

(e) S.I. 2010/432, to which there are no amendments relevant to this Order.

“Docklands Light Railway” means the Docklands Light Railway network between Bank, Tower Gateway, Stratford and Stratford International and Beckton, Woolwich Arsenal and Lewisham stations;

“DLRL” means Docklands Light Railway Limited;

“further exemption application” means an application to the Secretary of State, in relation to the period that begins on or after 30 June 2019, for exemption from paragraph 3(5)(b) or 4(2), or both, in respect of B92 vehicles or B2007 vehicles, or both;

“internal passenger information system” means a system for audible and visual passenger announcements inside a passenger saloon of a B92 or B2007 vehicle.

(2) Unless otherwise stated, in this Order a reference to a numbered paragraph is a reference to that paragraph of Part 1 of Schedule 1 to the 2010 Regulations.

B92 vehicle exemption (from 1 January 2020)

3. Subject to article 5, a B92 vehicle is authorised to be used for carriage on the Docklands Light Railway on and after 1 January 2020, even if it does not conform to, or is used in a manner that does not conform to the requirements of paragraph 11(5) (passenger information when vehicle is stationary), but only in so far as these apply to the internal passenger information systems.

B2007 vehicle exemptions

4. Subject to article 5, a B2007 vehicle is authorised to be used for carriage on the Docklands Light Railway even if it does not conform to, or is used in a manner that does not conform to the requirements of—

- (a) paragraph 3(5)(b) (audible warning before door closes);
- (b) paragraph 4(2) (illumination of control devices for doors); and
- (c) paragraph 11(5) (passenger information when vehicle is stationary), but only in so far as these apply to the internal passenger information systems.

Conditions

5.—(1) The exemption from paragraph 3(5)(b), set out in article 4(a), only applies if—

- (a) each passenger door of the B2007 vehicle complies with the conditions in either or both of paragraphs (3) and (5) of this article; and
- (b) DLRL complies with the condition in paragraph (6) of this article.

(2) The exemption from paragraph 4(2), set out in article 4(b), only applies if—

- (a) each passenger door of the B2007 vehicle complies with the conditions in either or both of paragraphs (4) and (5) of this article; and
- (b) DLRL complies with the condition in paragraph (6) of this article.

- (3) The conditions in this paragraph are that—
- (a) the passenger door can only be closed by a member of the operator's staff on the vehicle or on the platform next to a doorway of the vehicle;
 - (b) the audible warning device that emits a distinct sound when the door becomes openable by a passenger emits a different distinct sound only while the door is closing; and
 - (c) that sound lasts for a period of not less than 1.75 seconds.
- (4) The conditions in this paragraph are that—
- (a) the passenger door can only be closed by a member of the operator's staff on the vehicle or on the platform next to a doorway of the vehicle; and
 - (b) the illumination of the door control surround, as required by paragraph 4(1)(c), ceases when the door starts to close.
- (5) The condition in this paragraph is that the passenger door is under the direct supervision of a member of the operator's staff who is standing next to that door when it is closing.
- (6) The condition in this paragraph is that DLRL must—
- (a) on or before 15 October 2018, confirm to the Secretary of State that DLRL has begun to conduct a trial to assess the impact on passenger safety, accessibility and service reliability of complying with paragraphs 3(5)(b) and 4(2) in relation to the B2007 vehicles;
 - (b) on or before 31 March 2019, confirm to the Secretary of State that DLRL has completed an evaluation of the trial's outcomes and report on those findings; and
 - (c) on or before 31 March 2019—
 - (i) submit a further exemption application; or
 - (ii) confirm that DLRL will not be submitting a further exemption application.
- (7) The exemptions from paragraph 11(5), set out in articles 3 and 4(c), only apply if—
- (a) when the vehicle is stationary at a station, the internal passenger information system is used to announce the name of that station, that the vehicle is a Docklands Light Railway service and at least one of the following items of information—
 - (i) the destination of the vehicle, or
 - (ii) the next stop;
 - (b) where only one piece of the information referred to in paragraph (a)(i) and (ii) is provided when the vehicle is stationary at a station, for the purpose of complying with paragraph (a), the internal passenger information system is used to provide the other piece of the information after the vehicle leaves the station and before it stops at the next station; and

- (c) when the vehicle is stationary at Westferry station and is travelling in the direction of Lewisham station, an audible passenger announcement is made to announce that the service will not stop at West India Quay station.


Expiry

6. The exemptions provided for in article 4(a) and (b) expire on 31 December 2019.

Revocation

7. The Rail Vehicle Accessibility (B2007 Vehicles) Exemption Order 2008a is revoked.

Signed by authority of the Secretary of State for Transport



Parliamentary Under Secretary of State
Department for Transport

22 May 2018