

## **THE RAIL VEHICLE ACCESSIBILITY (NON-INTEROPERABLE RAIL SYSTEM) (LONDON UNDERGROUND) EXEMPTION (MISCELLANEOUS PROVISIONS) ORDER 2017**

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

In accordance with that paragraph this Order amends exemption orders made by statutory instrument<sup>3</sup>.

In accordance with section 183(4) of the Equality Act 2010 the Secretary of State has consulted with the Disabled Persons Transport Advisory Committee 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) (London Underground) Exemption (Miscellaneous Provisions) Order 2017 and comes into force on 1 August 2017.

### **Interpretation**

2.—(1) In this Order—

“Circle Line” means the London Underground route between Hammersmith and Edgware Road stations, via Liverpool Street station;

“District Line” means the London Underground route between Ealing Broadway, Richmond, Wimbledon, Kensington (Olympia), Edgware Road and Upminster stations;

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<sup>1</sup> 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 Part 7 of Schedule 10 to the 2015 Act, disappplies that requirement in relation to orders made under section 183 of the 2010 Act.

<sup>2</sup> 2015 c. 20.

<sup>3</sup> 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 (Non-Interoperable Rail System) (London Underground Metropolitan Line S8 Vehicles) Exemption Order 2010 (S.I. 2010/435) was made on 23<sup>rd</sup> February 2010; The Rail Vehicle Accessibility (Non-Interoperable Rail System) (London Underground Circle, District and Hammersmith & City Lines S7 Vehicles) Exemption Order 2012 (S.I. 2012/105) was made on 12<sup>th</sup> January 2012; The Rail Vehicle Accessibility (Non-Interoperable Rail System) (London Underground Victoria Line 09TS Vehicles) Exemption Order 2013 (S.I. 2013/3318) was made on 3<sup>rd</sup> December 2013. Each of these Orders were made before the date on which paragraph 29(3) of Part 7 of Schedule 10 to the 2015 Act came into force.

“further exemption application” means an application to the Secretary of State, in relation to a period that begins on or after 2 January 2019, for —

(a) exemption from paragraph 3(5)(b), in respect of one or more of the exempt vehicle types that are covered by this Order,

(b) exemption from paragraph 4(2), in respect of Metropolitan Line exempt vehicles or S7 exempt vehicles, or both; “Hammersmith & City Line” means the London Underground route between Hammersmith and Barking stations, via Paddington station;

“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; “Metropolitan Line exempt vehicle” means a rail vehicle of the type known as Metropolitan Line 2010 Tube Stock (S8) and with a number in the series 21001 to 21116, 22001 to 22116, 23057 to 23116, 24001 to 24116, an odd number in the series 23001 to 23055 or an even number in the series 25002 to 25056;

“S7 exempt vehicle” means a rail vehicle of the type known as Circle, District and Hammersmith & City Lines Tube Stock (S7) and with a number in the series 21301 to 21566, 22301 to 22566, 24301 to 24566, an even number in the series 23388 to 23566, or an even number in the series 25302 to 25386;

“Victoria Line” means the London Underground route between Walthamstow Central and Brixton stations;

“Victoria Line exempt vehicle” means a rail vehicle known as Victoria Line 2009 Tube Stock (09TS) and with a number in the series 11001 to 11094, 12001 to 12094, 13001 to 13094 or 14001 to 14094;

(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 Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010<sup>4</sup>.

### **Metropolitan Line exemptions**

3. Subject to articles 6 and 7, a Metropolitan Line exempt vehicle is authorised to be used for carriage on the Metropolitan Line even if it does not conform with, or it is used in a manner that does not conform with, the requirements of—

(a) paragraph 3(5)(b) (audible warning before door closes), but only in respect of the period of time for which the distinct sound should be emitted before the door starts to close; and

(b) paragraph 4(2) (illumination of control devices for doors), but only in respect of the period of time between the control device ceasing to be illuminated and the door starting to close.

### **S7 vehicle exemptions**

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<sup>4</sup> S.I. 2010/432.

4. Subject to articles 6 and 7, an S7 exempt vehicle is authorised to be used for carriage on the Circle, District and Hammersmith & City Lines even it does not conform with, or if it is used in a manner that does not conform with, the requirements of—

(a) paragraph 3(5)(b) (audible warning before door closes), but only in respect of the period of time for which the distinct sound should be emitted before the door starts to close; and

(b) paragraph 4(2) (illumination of control devices for doors), but only in respect of the period of time between the control device ceasing to be illuminated and the door starting to close.

### **Victoria Line exemption**

5. Subject to articles 6 and 7, a Victoria Line exempt vehicle is authorised to be used on the Victoria Line even if it does not conform with, or it is used in a manner that does not conform with, the requirements of regulation 3(5)(b) (audible warning before door closes), but only in respect of the period of time for which the distinct sound should be emitted before the door starts to close.

### **Conditions**

6.—(1) The exemptions from paragraph 3(5)(b), set out in articles 3(a), 4(a) and 5, only apply if—

(a) the audible warning device emits a distinct sound which is different from that emitted when the doors are opening and which commences at least 1.75 seconds before the door starts to close; and

(b) London Underground Limited ('LUL') complies with the condition in paragraph (3) of this Article.

(2) The exemptions from paragraph 4(2), set out in articles 3(b) and 4(b), only apply if—

(a) the illumination of each control device ceases not less than 1.75 seconds before the door starts to close; and

(b) LUL complies with the condition in paragraph (3) of this Article.

(3) The condition in this paragraph is that LUL must—

(a) on or before 15 September 2017, confirm to the Secretary of State that LUL has begun to conduct a trial in relation to Victoria Line exempt vehicles to assess the impact on passenger safety, accessibility and service reliability of—

(i) complying with paragraph 3(5)(b); and

(ii) displaying an illuminated visual signal on the passenger doorframe when the passenger doors are open which ceases to be illuminated not less than 3 seconds before the door starts to close,

(b) on or before 31 March 2018, confirm to the Secretary of State that LUL has completed an evaluation of the trial's outcomes, and

(c) on or before 31 May 2018—

(i) submit a further exemption application; or

(ii) confirm that LUL will not be submitting a further exemption application.

**Expiry**

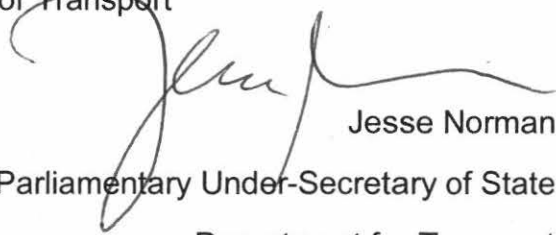
7. The exemptions provided for in articles 3, 4, and 5 expire on 2 January 2019.

**Consequential amendments**

8. Schedule 1 has effect.

Signed by authority of the Secretary of State for Transport

19.7.17

  
Jesse Norman  
Parliamentary Under-Secretary of State  
Department for Transport

Date:

## Schedule 1

## Article 8

### **The Rail Vehicle Accessibility (Non-Interoperable Rail System) (London Underground Metropolitan Line S8 Vehicles) Exemption Order 2010**

1.—(1) The Rail Vehicle Accessibility (Non-Interoperable Rail System) (London Underground Metropolitan Line S8 Vehicles) Exemption Order 2010 is amended as follows.

- (2) In article 2 (interpretation), omit the definition of “exempt vehicle”.
- (3) Omit article 3 (exemptions relating to facilities for disabled persons).
- (4) In article 5 (conditions), omit paragraphs (1) to (3).
- (5) In article 6 (expiry), omit paragraph (1).
- (6) Omit Schedule 2.

### **The Rail Vehicle Accessibility (Non-Interoperable Rail System) (London Underground Circle, District and Hammersmith & City Lines S7 Vehicles) Exemption Order 2012**

2.—(1) The Rail Vehicle Accessibility (Non-Interoperable Rail System) (London Underground Circle, District and Hammersmith & City Lines S7 Vehicles) Exemption Order 2012 is amended as follows.

- (2) In article 2 (interpretation), omit the definition of “exempt vehicle”.
- (3) Omit article 3 (exemptions relating to facilities for disabled persons).
- (4) Omit article 5 (conditions).
- (5) In article 6 (expiry), omit paragraph (2).

### **The Rail Vehicle Accessibility (Non-Interoperable Rail System) (London Underground Victoria Line 09TS Vehicles) Exemption Order 2013**

3.—(1) The Rail Vehicle Accessibility (Non-Interoperable Rail System) (London Underground Victoria Line 09TS Vehicles) Exemption Order 2013 is amended as follows.

- (2) In article 3 (exemptions), omit paragraph (b).
- (3) In article 4 (conditions), omit paragraph (2).
- (4) Omit article 5 (expiry).