Draft Order laid before Parliament under section 67(5A) of the Disability Discrimination Act 1995, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No. 0000

DISABLED PERSONS

TRANSPORT

The Rail Vehicle Accessibility (Networks) Exemption Order 2009

Made - - - -	*xxx*
Coming into force - -	*xxx*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 47(1), (1A) and (4) and 67(2) of the Disability Discrimination Act 1995(**a**).

Having consulted the Disabled Persons Transport Advisory Committee(**b**) in accordance with section 67A(1)(**c**) of that Act, the Secretary of State has decided that the Parliamentary procedure to be adopted is that a draft statutory instrument containing the order will be laid before Parliament for approval by each House of Parliament.

In accordance with section 67(5A)(**d**) of that Act a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Rail Vehicle Accessibility (Networks) Exemption Order 2009 and comes into force on the fifteenth day after the day on which it is made.

Interpretation

2. In this Order—

"fairground equipment" means—

(a) any fairground ride; or

(**a**) 1995 c. 50; section 47(1) and (1A) was inserted by section 6(3) of the Disability Discrimination Act 2005 (c. 13).

(**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 public passenger transport needs of disabled people.

(**c**) Section 67A was inserted by section 6(4) of the Disability Discrimination Act 2005. The Secretary of State has discretion as to which of the two types of parliamentary procedures referred to in section 67(5A) of that Act is to be adopted because regulations made under section 67A(3) are in force (see section 67A(2)(a) and S.I. 2008/2975). Those regulations set out the basis on which the Secretary of State exercises that discretion.

(**d**) Section 67(5A) was inserted by section 19(1) and Schedule 1, Part 1, paragraph 33(5) of the Disability Discrimination Act 2005.

(b) any similar equipment which is designed to be in motion solely for entertainment purposes with members of the public on or inside it;

"heritage or tourist network" means a network named or described in the Schedule or within the grounds of a place named or described in the Schedule;

"mine" has the same meaning as in section 180 of the Mines and Quarries Act 1954(**a**);

"network" means any permanent way or other means of guiding or supporting rail vehicles(**b**) or any section of it;

"quarry" has the same meaning as in regulation 3 of the Quarries Regulations 1999(**c**);

"traffic day" means a period of 24 hours starting at 3am.

Authorised use of heritage or tourist rail vehicles

3.—(1) A rail vehicle first brought into use before 1st January 1999 is authorised to be used for carriage as indicated in paragraph (2) even though—

(a) it does not conform with the provisions of rail vehicle accessibility regulations(**d**) with which it is required to conform, or

(b) it is used otherwise than in conformity with the provisions of rail vehicle accessibility regulations with which its use is required to conform,

but this is subject to paragraphs (3) and (4).

(2) The authorisation under paragraph (1) applies to—

(a) the use for carriage on a heritage or tourist network,

(b) the use for carriage in a depot that forms part of a network to which the provisions of rail vehicle accessibility regulations apply and which is not a heritage or tourist network, and

(c) the use for carriage on one or more networks—

(i) to which the provisions of rail vehicle accessibility regulations apply; and

(ii) which are not otherwise authorised by this article,

on not more than 20 traffic days in any calendar year.

(3) The authorisation for use for carriage by virtue of paragraph (2)(a) or (b) applies only if the rail vehicle—

(a) is used to demonstrate or operate a historical or special type of transport service; and

(b) is used primarily for tourist, educational or recreational purposes.

(4) The authorisation for use for carriage by virtue of paragraph (2)(c) applies only if—

(a) it has been used for carriage in accordance with paragraphs (2)(a) or (b), and (3) at some time in the preceding twelve months,

(b) it has been on display at a museum as an example or replica of a historical rail vehicle at some time in the preceding twelve months, or

(c) it is a restored vehicle and arrangements are in place—

(i) for the rail vehicle to be used in accordance with paragraphs (2)(a) or (b), and (3), or

(ii) for it to be displayed at a museum as an example or replica of a historical rail vehicle, and

when it is used for carriage on the first of the 20 permitted traffic days in a calendar year it is being used for the first time after being restored.

(**a**) 1954 c. 70; see section 180 which was amended by S.I. 1974/2013, 1993/1897 and 1999/2024.

(**b**) "rail vehicle" is defined in sections 46(6) and 68(1) of the Disability Discrimination Act 1995; the definition in section 46(6) is amended by section 6(2)(b) of the Disability Discrimination Act 2005 and SI 2008/1746.

(**c**) S.I. 1999/2024, to which there are amendments not relevant to this Order; see regulation 3. Regulation 3(2)(c) provides that "quarry" does not include certain types of railway line.

(**d**) "rail vehicle accessibility regulations" is defined in section 68(1) of the Disability Discrimination Act 1995.

Authorised use of rail vehicles on a miscellaneous network

4.—(1) A rail vehicle is authorised to be used for carriage as indicated in paragraph (2) even though—

(a) it does not conform with the provisions of rail vehicle accessibility regulations with which it is required to conform, or

(b) it is used otherwise than in conformity with the provisions of rail vehicle accessibility regulations with which its use is required to conform,

but this is subject to paragraph (4).

(2) The authorisation under paragraph (1) applies to—

(a) the use for carriage on a network described in paragraph (3) ("a miscellaneous network"), and

(b) the use for carriage on one or more networks—

(i) to which the provisions of rail vehicle accessibility regulations apply; and

(ii) which are not miscellaneous networks,

on not more than 20 traffic days in any calendar year.

(3) A miscellaneous network is a network which—

(a) is situated entirely on premises used for the purposes of an industrial undertaking or an undertaking engaged in the generation of electricity;

(b) forms part of a mine or quarry;

(c) is used solely in connection with the carrying out of any engineering or building works;

(d) is situated entirely within an establishment which is intended to be used solely for the purposes of the armed forces of the United Kingdom or visiting armed forces or the Ministry of Defence;

(e) is situated entirely within the grounds of a dwelling house and is not connected to any other network; or

(f) is used as or as part of any fairground equipment.

(4) The authorisation for use for carriage by virtue of paragraph (2)(b) applies only if it has been used for carriage in accordance with paragraph (2)(a) some time in the preceding twelve months.

Signed by authority of the Secretary of State for Transport

Name
Parliamentary Under Secretary of State
Department for Transport

Date

SCHEDULE

Article 2

Heritage or Tourist Networks

Name or description of network
Abbey Light Railway
Abbey Pumping Station Museum
Aberystwyth Electric Cliff Railway
Alford Valley Railway
Almond Valley Railway
Aln Valley Railway
Amberley Working Museum
American Adventure Theme Park
Amerton Railway
Apedale Valley Light Railway
Appleby Frodingham Railway
Avon Valley Railway
Babbacombe Cliff Railway
Bala Lake Railway
Barrow Hill Roundhouse Railway Centre
Battlefield Line Railway
Beamish North of England Open Air Museum
Bicton Woodland Railway
Bideford Railway Museum
The Black Country Living Museum
Blackpool Zoo Miniature Railway
Blenheim Park Railway
Bluebell Railway
Bodmin and Wenford Railway
Bo'ness and Kinneil Railway
Bournemouth Fisherman's Walk Cliff Railway
Bowes Railway
Bradford Industrial Museum
Brecon Mountain Railway
Bredgar and Wormshill Light Railway
Bressingham Steam Museum
Bridgend Valleys Railway
Bridgnorth Castle Hill Railway
Bristol Harbour Railway
Buckinghamshire Railway Centre
Bure Valley Railway
Burseldon Brickworks
Burry Port and Gwendraeth Valley Railway
Cairngorm Mountain Railway
Caledonian Railway
Cambrian Heritage Railway
Central Tramway Scarborough
Centre for Alternative Technology
Chasewater Railway
Chinnor and Princes Risborough Railway
Cholsey and Wallingford Railway
Churnet Valley Railway

Cleethorpes Coast Light Railway
Colne Valley Railway
Combe Martin Wildlife and Dinosaur Park
Conkers Express
Conwy Valley Railway Museum
Corris Railway
Cotswold Wildlife Park
Coventry Railway Centre
Craigtoun Miniature Railway
Cricket St Thomas Wildlife Park
Darlington Railway Centre and Museum
Dartmoor Railway
Dart Valley Railway
Dean Forest Railway
Derbyshire Dales Narrow Gauge Railway
Derwent Valley Light Railway
Devon Railway Centre
Didcot Railway Centre
Dolgarrog Railway
Drayton Manor Park
Drusillas Zoo Park
Dunaskin Heritage Centre
East Anglia Transport Museum
East Anglian Railway Museum
East Cliff Railway (Bournemouth)
East Hayling Light Railway
East Hill Cliff Railway (Hastings)
East Kent Railway
East Lancashire Railway
East Links Family Park
East Somerset Railway
East Suffolk Light Railway
Eaton Hall
Ecclesborne Valley Railway
Eden Valley Railway
Elsecar Steam Railway
Embsay and Bolton Abbey Steam Railway
Epping Ongar Railway
Evesham Vale Light Railway
Ffestiniog & Welsh Highland Railways
Flamingo Land Theme Park and Zoo
Foxfield Light Railway
Gartell Light Railway
Gloucestershire Warwickshire Railway
Golden Valley Light Railway
Great Bush Railway
Great Central Railway (Loughborough)
Great Central Railway (Nottingham)
Great Orme Tramway
Guilliver's Theme Park, Warrington
Guilliver's World, Milton Keynes
Gwili Steam Railway
Haigh Country Park

Heatherslaw Light Railway
Heaton Park Tramway
Hollycombe Steam Collection
Hopewell Colliery Museum
Hythe Pier Railway
Imperial War Museum
Irchester Country Park
Isle of Wight Steam Railway
Keighley and Worth Valley Railway
Keith and Dufftown Railway
Kent and East Sussex Railway
Kew Bridge Steam Museum
Kirkland Sidings Heritage Centre
Kirklees Light Railway
Knowsley Safari Park
Lakeside and Haverthwaite Railway
Lakeside Miniature Railway
Lappa Valley Steam Railway
Launceston Steam Railway
Lavender Line
Leadhills and Wanlockhead Railway
Leas Cliff Railway (Folkestone)
Leeds Industrial Museum, Armley Mills
Legoland, Windsor
Leighton Buzzard Railway
Lightwater Valley Theme Park
Lincolnshire Coast Light Railway
Lincolnshire Wolds Railway
Llanberis Lake Railway
Llangollen Railway
Llechwedd Slate Caverns
Locomotion, the National Railway Museum at Shildon
Longleat
Lynton and Barnstaple Railway
Lynton and Lynmouth Cliff Railway
Mangapps Farm Railway Museum
Margam Country Park
Markeaton Park
Marwells Zoological Park
Mid-Hants Watercress Railway
Mid-Norfolk Railway
Mid-Suffolk Light Railway Museum
Middleton Railway
Midland Railway, Butterley
Milkyway Adventure Park
Morwellham Quay Historic Port and Copper Mine
Museum of Great Western Railway
Museum of Science and Industry, Manchester
National Coal Mining Museum for England
National Railway Museum, York
National Slate Museum, Llanberis
National Tramway Museum
Nene Valley Railway

North Bay Railway
North Gloucestershire Railway
North Ings Farm Museum
North Norfolk Railway
North Tyneside Steam Railway
North Yorkshire Moors Railway
Northampton and Lamport Steam Railway
Oakwood Theme Park
Old Kiln Light Railway
Oswestry Railway Museum
Queen Elizabeth II Country Park
Paignton and Dartmouth Railway
Paignton Zoo Environmental Park
Paradise Park
Paultons Park
Peak Rail
Pembrey Country Park
Perrygrove Railway
Pleasure Beach Express
Pleasure Island Family Theme Park
Pleasurewood Hills Leisure Park
Plym Valley Railway
Pontypool and Blaenavon Railway
Prestongrange Industrial Heritage Museum
Ravenglass and Eskdale Railway
Rhyl Miniature Railway
Ribble Steam Railway
Ripon and District Light Railway
Romney, Hythe and Dymchurch Railway
Rother Valley Railway
Royal Deeside Railway
Royal Gunpowder Mills
Rutland Railway Museum to Ashwell Station
Saltburn Cliff Lift
Saltburn Miniature Railway
Scottish Industrial Railway Centre
Seaton and District Electric Tramway
Severn Valley Railway
Sherwood Forest Theme Park
Shipley Glen Tramway
Sittingbourne and Kemsley Light Railway
Snibston Colliery Railway
Snowdon Mountain Railway
Somerset and Dorset Railway (Midsomer Norton)
South Cliff Railway (Scarborough)
South Devon Railway
South Tynedale Railway
Southend Cliff Railway
Southend Pier Railway
Spa Cliff Lift
Spa Valley Railway
St Nicholas Cliff Lift
Stainmore Railway

Steam, the Museum of the Great Western Railway
Steeple Grange Light Railway
Strathspey Railway
Steam Dreams
Stephenson Railway Museum
Stevington and Turvey Light Railway
Strumpshaw Steam Railway Museum
The Stone Line
Summerlee Heritage Park
Swanage Railway (Purbeck Line)
Swansea Vale Railway
Swindon and Cricklade Railway
Talyllyn Railway Co
Tanfield Railway
Teifi Valley Railway
Telford Steam Railway
Thorpe Park
Threlkeld Quarry Railway
Tyseley Locomotive Works
Vale of Glamorgan Railway
Vale of Rheidol Railway
Valley International Park
Volks Electric Railway
Weardale Railway
Welsh Highland Heritage Railway
Welshpool and Llanfair Light Railway
Wensleydale Railway
West Cliff Railway (Bournemouth)
West Hill Cliff Railway (Hastings)
West Lancashire Light Railway
West Midlands Safari Leisure Park
West Somerset Railway
Whipsnade Wild Animal Park
Wicksteed Park
Windmill Animal Farm Railway
Wirral Tramway Light Railway
Woburn Safari Park
Yaxham Light Railway
Yeovil Railway Centre

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the use of rail vehicles–

(i) on networks named or described in the Schedule to the Order (*article 3*);

(ii) in depots forming part of networks not named in the Schedule for tourist, educational or recreational purposes (*article 3*); and

(iii) on networks indicated in *article 4(3)*, such as a network in the grounds of a dwelling house,

even though the rail vehicles or their use is not in conformity with provisions of rail accessibility regulations made under section 46(1) of the Disability Discrimination Act 1995 (c.50).

It also authorises each rail vehicle to be used on networks not otherwise covered by the Order during no more than 20 traffic days per calendar year (traffic days being as defined in *article 2*).

The authorisations are subject to conditions (see *articles 3(3) and (4) and 4(4)*). The authorisation to use rail vehicles on networks named or described in the Schedule or in depots only applies to rail vehicles first brought into use before 1st January 1999.

An impact assessment has not been produced for this instrument because no additional cost on business, charities or voluntary bodies is foreseen and the impact on the public sector is negligible.

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2009 No. 0000

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TRANSPORT

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