STATUTORY INSTRUMENTS

2000 No. 1769

DISABLED PERSONS

TRANSPORT

The Rail Vehicle Accessibility (ScotRail Class 170/4 Vehicles) Exemption Order 2000

Made - - - -	*5th July 2000*
Laid before Parliament	*7th July 2000*
Coming into force	*28th July 2000*

The Secretary of State in exercise of the powers conferred on him by section 47 of the Disability Discrimination Act 1995**(a)** and of all other powers enabling him in that behalf, having consulted the Disabled Persons Transport Advisory Committee and such other persons as he considered appropriate in accordance with section 47(3) of the said Act, hereby makes the following Order:—

1. This Order may be cited as the Rail Vehicle Accessibility (ScotRail Class 170/4 Vehicles) Exemption Order 2000 and shall come into force on 28th July 2000.

2. Any reference in this Order to a numbered regulation is a reference to a regulation bearing that number in the Rail Vehicle Accessibility Regulations 1998**(b)**.

3. This Order applies to the rail vehicles which are numbered 50401 to 50424, 56401 to 56424 and 79401 to 79424 and which form the diesel multiple-units numbered 170401 to 170424 of the class known as "class 170/4" ("the exempted vehicles") as manufactured by ABB Daimler Benz Transportation (UK) Limited for use by ScotRail Railways Limited.

4.—(1) Subject to articles 5, 6 and 7 below, the exempted vehicles are hereby authorised to be used for carriage even though they do not conform with those provisions of the Rail Vehicle Accessibility Regulations 1998 referred to in paragraph (2) below.

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

(a) regulation 4(3)(b);

(b) regulation 5, in so far as it relates to control devices which are not operated by the application of pressure and which do not control doors which are in the side of an exempted vehicle; and

(a) 1995 c. 50.
(b) S.I. 1998/2456.

[DOT 12286]

(c) regulation 5(1)(a), in so far as it relates to control devices which control doors in the side of an exempted vehicle.

5. The exemption given by article 4(2)(b) above in respect of regulation 5 shall apply in relation to any exempted vehicle only while instructions for the operation of any door which is operated by a control device to which the exemption relates are displayed on a sign—

(a) which is placed on or near that door and on the same side of that door as any such control device; and

(b) on which the letters, numbers or diagrams contrast with their background and are identifiable by touch.

6.—(1) The exemption given by article 4(2)(a) above in respect of regulation 4(3)(b) shall cease at the end of 31st December 2000.

(2) The exemption given by article 4(2)(b) above in respect of regulation 5 shall cease—

(a) at the end of 31st December 2001 in relation to control devices fitted to doors between the vestibule adjoining a doorway in the side of a vehicle and a passenger saloon; and

(b) at the end of 31st December 2011 in relation to control devices fitted to doors in the ends of the exempted vehicles.

(3) The exemption given by article 4(2)(c) above in respect of regulation 5(1)(a) shall cease—

(a) at the end of 31st December 2011; or

(b) in respect of an exempted vehicle in which all the door control devices for the doors in the sides of the exempted vehicle and the control systems for those doorways are replaced before that date, when such replacement is completed.

7. The authorisation shall cease forthwith in respect of an exempted vehicle which is operated by a person other than ScotRail Railways Limited unless the Secretary of State has been given written notice in advance specifying the name and address of that other person.

8. The Rail Vehicle Accessibility (ScotRail Class 170/4) Exemption Order 1999**(a)** is hereby revoked.

Signed by authority of the Secretary of State for
the Environment, Transport and the Regions

Keith Hill
Parliamentary Under Secretary of State,
Department of the Environment, Transport
and the Regions

5th July 2000

(a) S.I. 1999/2547.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the use of specified rail vehicles forming Class 170/4 diesel multiple-units, although they do not conform with certain requirements of the Rail Vehicle Accessibility Regulations 1998 because:

warning sounds are emitted whenever the passenger doors in the sides of the vehicles are closed;
passenger operation of some doors is by means of beam operated door sensors; and
the door control devices for doors in the sides of the vehicles are not at the required height.

It sets time limits on the authorisations and imposes conditions.

ScotRail previously had certain exemptions for some of the vehicles that are the subject of this Order by virtue of the Rail Vehicle Accessibility (ScotRail Class 170/4) Exemption Order 1999, which is revoked by this Order.

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