EXPLANATORY MEMORANDUM TO

THE RAILWAYS AND RAIL VEHICLE (REVOCATIONS AND CONSEQUENTIAL AMENDMENTS) ORDER 2014

2014 No. 3244

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

This instrument revokes six instruments which are spent and makes consequential amendments to one instrument.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Context

4.1 This instrument revokes the following Orders (listed in chronological order):

- The Railways Act 1993 (Consequential Modifications) (No. 3) Order 1994 (S.I. 1994/2229);
- The Railways (Heathrow Express Temporary Network) (Exemptions) Order 1997 (S.I. 1997/1531);
- The Rail Vehicle Accessibility (Serco Metrolink T68A Vehicles) Exemption Order 1999 (S.I. 1999/2932);
- The Strategic Rail Authority (Licence Exemption) Order 2001 (S.I. 2001/218);
- The Railways (Closure Provisions) (Exemptions) (St. Pancras) Order 2001 (S.I. 2001/1768); and
- The Rail Vehicle Accessibility (Croydon Tramlink Class CR4000 Vehicles) Exemption (Amendment) Order 2005 (S.I. 2005/395).

4.2 The Order also amends the Rail Vehicle Accessibility (Croydon Tramlink Class CR4000 Vehicles) Exemption Order 2001 (S.I. 2001/3952) as a consequence of the revocation of S.I. 2005/395.

4.3 This Order forms part of the implementation of the Government's *Red Tape Challenge* initiative. More information about this programme of work is provided below.

5. Territorial Extent and Application

This instrument extends to the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- **What is being done and why**

7.1 In November 2011, the Department for Transport published on-line (see www.redtapechallenge.cabinetoffice.gov.uk/2012/07/30-07-12-rail-transport-announcement) a list of statutory instruments applying to the rail transport sector as part of the Government's *Red Tape Challenge* initiative and invited comments on whether these should be revoked, retained or improved. The Department also led a workshop, chaired by Ministers and attended by stakeholders from the rail sector, to discuss cutting red tape and methods of reducing regulatory burdens. The objective was to re-examine all of the provisions and gather views on how the aims of existing regulations can be fulfilled in the least burdensome way possible.

7.2 Following detailed policy and legal scrutiny, it was concluded that around half of these instruments were suitable for either revocation or improvement. The six orders to be revoked by this instrument were among those identified as suitable for revocation as follows:

7.3 ***The Railways Act 1993 (Consequential Modifications) (No.3) Order 1994*** made minor amendments to the Regulation of Railways Act 1871. This Act has been repealed and the Order can be revoked.

7.4 ***The Railways (Heathrow Express Temporary Network) (Exemptions) Order 1997*** exempted a temporary rail network installed to facilitate access to Heathrow Airport from the franchise and closure provisions of the Railways Act 1993. This temporary network enabled services to operate following delays to the construction of the central Heathrow stations. The temporary network was subsequently closed and lifted so the exemptions are no longer needed. The Order can therefore be revoked.

7.5 ***The Rail Vehicle Accessibility (Serco Metrolink T68A Vehicles) Exemption Order 1999*** exempted certain rail vehicles used on the Manchester Metrolink system from the requirements of the Rail Vehicle Accessibility Regulations 1998. The Order contained two exemptions; the first required compliance by 30 December 2000 which was completed; and the second related to the design of handholds. As a result of discussions with stakeholders, further research and consultation, the Department for Transport amended the accessibility requirements relating to handholds in the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010, which revoked and replaced the 1998 Regulations. As a result, the tram vehicles became compliant and the earlier exemptions are no longer necessary. The Department also notes that the T68A rail vehicles have subsequently been withdrawn from service on the system. The Order can therefore be revoked.

7.6 ***The Strategic Rail Authority (Licence Exemption) Order 2001*** exempted the Strategic Rail Authority ("SRA") and its wholly owned subsidiaries from the

requirement to be licensed as the operator of any railway asset. Since the SRA was subsequently abolished (by S.I. 2006/2925), the Order no longer has any relevance and can be revoked.

7.7 ***The Railways (Closure Provisions) (Exemption) (St Pancras) Order 2001*** exempted certain railway lines running into St Pancras station from the closure provisions of the Railways Act 1993 during refurbishment work. That work has now been completed and the exemptions are no longer needed. The Order can therefore be revoked.

7.8 ***The Rail Vehicle Accessibility (Croydon Tramlink Class CR4000 Vehicles) Exemption (Amendment) Order 2005*** provided for a short extension to a deadline by which time Croydon Tramlink were required to rectify certain non-compliances with the requirements of the Rail Vehicle Accessibility Regulations 1998. The tram vehicles were modified to bring them up to full compliance by the revised deadline (31 December 2005) which has now passed. The Order can therefore be revoked. The deadline was extended by amending the Rail Vehicle Accessibility (Croydon Tramlink Class CR4000 Vehicles) Exemption Order 2001 and, since the exemption is no longer required, the Department has taken this opportunity to make consequential amendments to the original instrument to remove the exemption.

- **Consolidation**

7.9 This instrument revokes the Orders listed in Schedule 2 and makes consequential amendments. No consolidation is required.

8. Consultation outcome

8.1 The process described in paragraph 7.1 produced no specific comments about the proposed revocations made by this instrument.

8.2 The Disabled Persons Transport Advisory Committee (the Government's statutory advisers on the public passenger transport needs of disabled people) as well as the relevant operators were consulted on the proposed revocation of the Rail Vehicle Accessibility (Serco Metrolink T68A Vehicles) Exemption Order 1999, the Rail Vehicle Accessibility (Croydon Tramlink Class CR4000 Vehicles) Exemption (Amendment) Order 2005 and the consequential amendments to the Rail Vehicle Accessibility (Croydon Tramlink Class CR4000 Vehicles) Exemption Order 2001. All consultees supported the proposals on the basis that the exemptions were no longer relevant.

8.3 The Office of Rail Regulation ("ORR"), the independent safety and economic regulator for our railways, was consulted about the Department's proposals to revoke the Strategic Rail Authority (Licence Exemption) Order 2001. The ORR agreed that this Order no longer had any relevance due to the abolition of the SRA and supported revocation on this basis.

9. Guidance

Specific guidance on this instrument is unnecessary because it revokes legislation which is redundant, has been superseded or is no longer required.

10. Impact

A full regulatory impact assessment has not been produced for this instrument as no impact on the private, public or voluntary sectors is foreseen.

11. Regulating small business

The legislation does not apply to small business.

12. Monitoring & review

This instrument revokes the orders listed in Schedule 2 and makes consequential amendments so no monitoring or review is necessary.

13. Contact

Chris Angell at the Department for Transport Tel: 020 7944 0082 or e-mail: christopher.angell@dft.gsi.gov.uk can answer any queries regarding this instrument.