



Disability Discrimination Act 1995

1995 CHAPTER 50

PART V

PUBLIC TRANSPORT

Rail vehicles

46 Rail vehicle accessibility regulations. **E+W+S**

- (1) The Secretary of State may make regulations (“rail vehicle accessibility regulations”) for the purpose of securing that it is possible—
- (a) for disabled persons—
 - (i) to get on to and off regulated rail vehicles in safety and without unreasonable difficulty;
 - (ii) to be carried in such vehicles in safety and in reasonable comfort; and
 - (b) for disabled persons in wheelchairs—
 - (i) to get on to and off such vehicles in safety and without unreasonable difficulty while remaining in their wheelchairs, and
 - (ii) to be carried in such vehicles in safety and in reasonable comfort while remaining in their wheelchairs.
- (2) Rail vehicle accessibility regulations may, in particular, make provision as to the construction, use and maintenance of regulated rail vehicles including provision as to—
- (a) the fitting of equipment to vehicles;
 - (b) equipment to be carried by vehicles;
 - (c) the design of equipment to be fitted to, or carried by, vehicles;
 - (d) the use of equipment fitted to, or carried by, vehicles;
 - (e) the toilet facilities to be provided in vehicles;
 - (f) the location and floor area of the wheelchair accommodation to be provided in vehicles;
 - (g) assistance to be given to disabled persons.

Status: Point in time view as at 22/02/2010. There are multiple versions of this provision on screen. These apply to different geographical extents. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 46. (See end of Document for details)

- (3) ^{F1}
- (4) ^{F1}

[^{F2}(4A) The Secretary of State shall exercise the power to make rail vehicle accessibility regulations so as to secure that on and after 1st January 2020 every rail vehicle is a regulated rail vehicle, but this does not affect the powers conferred by subsection (5) or section 47(1) or 67(2).]

- (5) Different provision may be made in rail vehicle accessibility regulations—
 - (a) as respects different classes or descriptions of rail vehicle;
 - (b) as respects the same class or description of rail vehicle in different circumstances;
 - (c) as respects different networks.

- (6) In this section—
 - [^{F3}“conventional TEN rail system” has the meaning given in regulation 2(3) of the Railways (Interoperability) Regulations 2006;
 - “high-speed rail system” has the meaning given in regulation 2(3) of the Railways (Interoperability) Regulations 2006;]
 - “network” means any permanent way or other means of guiding or supporting rail vehicles or any section of it;
 - ^{F4}
 - [^{F5}“rail vehicle” means a vehicle constructed or adapted to carry passengers on any railway, tramway or prescribed system other than a vehicle used in the provision of a service for the carriage of passengers on the high-speed rail system or the conventional TEN rail system;]
 - “regulated rail vehicle” means any rail vehicle to which [^{F6}provisions of] rail vehicle accessibility regulations are expressed to apply; and
 - “wheelchair accommodation” has such meaning as may be prescribed.

- (7) In subsection (6)—
 - “prescribed system” means a system using a prescribed mode of guided transport “guided transport” having the same meaning as in the ^{M1}Transport and Works Act 1992); and
 - “railway” and “tramway” have the same meaning as in that Act.

- (8) ^{F7}
- (9) ^{F7}
- (10) ^{F7}

(11) Before making any regulations under subsection (1) or section 47 the Secretary of State shall consult the Disabled Persons Transport Advisory Committee and such other representative organisations as he thinks fit.

Extent Information

E1 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only.

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Textual Amendments

- F1** S. 46(3)(4) repealed (E.W.S.) (22.2.2010 for certain purposes, otherwise 6.4.2010) by Disability Discrimination Act 2005 (c. 13), s. 20(3)-(6), Sch. 1 para. 27(a), **Sch. 2**; S.I. 2010/341, art. 2(1)(b)(c)(2)(b)(c)
- F2** S. 46(4A) inserted (E.W.S.) (22.2.2010 for certain purposes, otherwise 6.4.2010) by Disability Discrimination Act 2005 (c. 13), ss. {6(1)}, 20(3)-(6); S.I. 2010/341, **art. 2(1)(a)(2)(a)**
- F3** S. 46(6): definitions inserted (22.2.2010 for certain purposes, otherwise 6.4.2010) by Disability Discrimination Act 2005 (c. 13), s. 6(2) (as substituted (7.7.2008) by S.I. 2008/1746, **reg. 3(2)(a)**); S.I. 2010/341, art. 2(1)(a)(2)(a)
- F4** S. 46(6): definition of "operator" repealed (E.W.S.) (22.2.2010 for certain purposes, otherwise 6.4.2010) by Disability Discrimination Act 2005 (c. 13), s. 20(3)-(6), **Sch. 2**; S.I. 2010/341, art. 2(1)(c)(2)(c)
- F5** S. 46(6): definition of "rail vehicle" substituted (E.W.S.) (22.2.2010 for certain purposes, otherwise 6.4.2010) by Disability Discrimination Act 2005 (c. 13), ss. {6(2)}, 20(3)-(6) (as amended (7.7.2008) by S.I. 2008/1746, **reg. 3(2)(b)**); S.I. 2010/341, art. 2(1)(c)(2)(c)
- F6** S. 46(6): words in definition of "regulated rail vehicle" substituted (E.W.S.) (22.2.2010 for certain purposes, otherwise 6.4.2010) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 27(b)**; S.I. 2010/341, art. 2(1)(b)(2)(b)
- F7** S. 46(8)-(10) repealed (E.W.S.) (22.2.2010 for certain purposes, otherwise 6.4.2010) by Disability Discrimination Act 2005 (c. 13), ss. 19(2), 20(3)-(6), **Sch. 2**; S.I. 2010/341, art. 2(1)(c)(2)(c)(d)

Modifications etc. (not altering text)

- C1** S. 46: transfer of certain functions (N.I.) (1.12.1999) by S.R. 1999/481, art. 6(d), **Sch. 4 Pt. IV**

Marginal Citations

- M1** 1992 c.42.

46 Rail vehicle accessibility regulations. **N.I.**

- (1) The Secretary of State may make regulations (“rail vehicle accessibility regulations”) for the purpose of securing that it is possible—
- (a) for disabled persons—
 - (i) to get on to and off regulated rail vehicles in safety and without unreasonable difficulty;
 - (ii) to be carried in such vehicles in safety and in reasonable comfort; and
 - (b) for disabled persons in wheelchairs—
 - (i) to get on to and off such vehicles in safety and without unreasonable difficulty while remaining in their wheelchairs, and
 - (ii) to be carried in such vehicles in safety and in reasonable comfort while remaining in their wheelchairs.
- (2) Rail vehicle accessibility regulations may, in particular, make provision as to the construction, use and maintenance of regulated rail vehicles including provision as to—
- (a) the fitting of equipment to vehicles;
 - (b) equipment to be carried by vehicles;
 - (c) the design of equipment to be fitted to, or carried by, vehicles;
 - (d) the use of equipment fitted to, or carried by, vehicles;
 - (e) the toilet facilities to be provided in vehicles;

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- (f) the location and floor area of the wheelchair accommodation to be provided in vehicles;
 - (g) assistance to be given to disabled persons.
- (3) If a regulated rail vehicle which does not conform with any provision of the rail vehicle accessibility regulations with which it is required to conform is used for carriage, the operator of the vehicle is guilty of an offence.
- (4) A person who is guilty of such an offence is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.
- (5) Different provision may be made in rail vehicle accessibility regulations—
- (a) as respects different classes or descriptions of rail vehicle;
 - (b) as respects the same class or description of rail vehicle in different circumstances;
 - (c) as respects different networks.
- (6) In this section—
- “network” means any permanent way or other means of guiding or supporting rail vehicles or any section of it;
 - “operator”, in relation to any rail vehicle, means the person having the management of that vehicle;
 - “rail vehicle” means a vehicle—
 - (a) constructed or adapted to carry passengers on any railway, tramway or prescribed system; and
 - (b) first brought into use, or belonging to a class of vehicle first brought into use, after 31st December 1998;
 - “regulated rail vehicle” means any rail vehicle to which the rail vehicle accessibility regulations are expressed to apply; and
 - “wheelchair accommodation” has such meaning as may be prescribed.
- (7) In subsection (6)—
- “prescribed system” means a system using a prescribed mode of guided transport “guided transport” having the same meaning as in the ^{M1}Transport and Works Act 1992); and
 - “railway” and “tramway” have the same meaning as in that Act.
- (8) The Secretary of State may by regulations make provision as to the time when a rail vehicle, or a class of rail vehicle, is to be treated, for the purposes of this section, as first brought into use.
- (9) Regulations under subsection (8) may include provision for disregarding periods of testing and other prescribed periods of use.
- (10) For the purposes of this section and section 47, a person uses a vehicle for carriage if he uses it for the carriage of members of the public for hire or reward at separate fares.
- (11) Before making any regulations under subsection (1) or section 47 the Secretary of State shall consult the Disabled Persons Transport Advisory Committee and such other representative organisations as he thinks fit.

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Extent Information

E2 In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Modifications etc. (not altering text)

C1 S. 46: transfer of certain functions (N.I.) (1.12.1999) by S.R. 1999/481, art. 6(d), **Sch. 4 Pt. IV**

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Changes to legislation:

There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 46.