

EQUALITY ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 12: Disabled Persons: Transport

Chapter 3: Rail vehicles

Section 182: Rail vehicle accessibility regulations

Effect

580. This section includes powers for the Secretary of State to make regulations to ensure that trains, trams and certain other guided transport systems are accessible to disabled people including wheelchair users.
581. However, due to the limited definition of “rail vehicle” used in this section, its scope is restricted to rail vehicles which do not operate on the “interoperable rail system”. Regulations made under this section could therefore only be applicable for the most part to light rail vehicles (those used on metro, underground and tram systems and prescribed modes of guided transport).
582. All rail vehicles must comply with accessibility standards, or have an appropriate exemption in place, by no later than 1 January 2020.
583. Before making any regulations under this section, the Secretary of State must first consult the Disabled Persons Transport Advisory Committee and other representative organisations.

Background

584. This section replicates the provisions of section 46 of the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005.

Example

- All new rail vehicles introduced on metro, underground or tram systems, or prescribed modes of guided transport, will need to be fully accessible or seek an exemption (under section 183) if there are compelling circumstances which mean they cannot comply.

Section 183: Exemptions from rail vehicle accessibility regulations

Effect

585. This section contains a power for the Secretary of State to make orders (“exemption orders”) authorising a regulated rail vehicle to be used in passenger service even though it does not comply with accessibility standards, or the way it is to be used would not comply with such standards.

*These notes refer to the Equality Act 2010 (c.15)
which received Royal Assent on 8 April 2010*

586. It provides for regulations to specify who may apply for an exemption order, what information needs to be supplied, how the exemption regime will operate, how long an exemption order can apply and measures for revocation. This list is not exhaustive.
587. Before granting an exemption order, the Secretary of State must first consult the Disabled Persons Transport Advisory Committee and such other persons as considered appropriate.

Background

588. This section replicates the provisions of section 47 of the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005.

Example

- The exemption power can be used to exempt a specified rail vehicle, or a rail vehicle of a specified description or the use of such a vehicle in specified circumstances. So, for example, all the vehicles used on a particular network (such as a heritage or tourist railway or tramway) could be exempted.

Section 184: Procedure for making exemption orders

Effect

589. This section provides that exemption orders made under section 183 may, at the discretion of the Secretary of State, be subject to either the draft affirmative resolution or the negative resolution procedure. It sets out the procedure for the exercise of this discretion and enables regulations to be made setting out the criteria under which a decision will be made.
590. The Secretary of State is required to consult the Disabled Persons Transport Advisory Committee, and other appropriate persons, before making such regulations, which are themselves subject to the draft affirmative resolution procedure.

Background

591. This section replicates sections 67(5A) and 67A of the Disability Discrimination Act 1995 as inserted by the Disability Discrimination Act 2005.

Section 185: Annual report on exemption orders

Effect

592. This section requires the Secretary of State to produce an annual report (“the report”) on the use of powers to exempt regulated rail vehicles from accessibility requirements. The report will be produced for each calendar year and must contain details of all exemption orders made under section 183. It must also contain information about the consultation on both applications for exemption orders and the exercise of discretion under section 184. The report must be laid before both Houses of Parliament.

Background

593. This section replicates the provisions of section 67B of the Disability Discrimination Act 1995 as inserted by the Disability Discrimination Act 2005.

Section 186: Rail vehicle accessibility: compliance

Effect

594. This section relates to the provisions of Schedule 20 which contain powers to introduce compliance certification and a civil enforcement regime with associated penalties.

*These notes refer to the Equality Act 2010 (c.15)
which received Royal Assent on 8 April 2010*

595. Commencement of subsection (1) would bring Schedule 20 into effect. However, subsection (2) provides that, if not commenced (either fully or to any extent) before the end of 2010, this section and Schedule 20 would be automatically repealed.

Background

596. [Schedule 20](#) replicates the provisions of the Disability Discrimination Act 1995 sections 47A to 47M as inserted by the Disability Discrimination Act 2005 (but not yet in force). More detail on the reasons why this section has been included in the Act can be found in paragraphs 923-965

Section 187: Interpretation

Effect

597. This section includes cross references to explanations of what is meant by the terms “rail vehicle”, “regulated rail vehicle” and “rail vehicle accessibility regulations” used throughout this Chapter of the Act. It also explains what is meant by use “for carriage”.

Background

598. This section replicates certain provisions of the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005.