
STATUTORY INSTRUMENTS

2004 No. 1410

**DISABLED PERSONS
TRANSPORT**

**The Rail Vehicle Accessibility (Hull
Trains Class 170/3) Exemption Order 2004**

<i>Made</i>	- - - -	<i>21st May 2004</i>
<i>Laid before Parliament</i>		<i>28th May 2004</i>
<i>Coming into force</i>	- -	<i>28th June 2004</i>

The Secretary of State, in exercise of the powers conferred upon him by section 47(1), (3) and (4) of the Disability Discrimination Act 1995⁽¹⁾, having consulted the Disabled Persons Transport Advisory Committee and such other persons as he considered appropriate in accordance with section 47(3) of that Act, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Rail Vehicle Accessibility (Hull Trains Class 170/3) Exemption Order 2004 and shall come into force on 28th June 2004.

Interpretation

2. In this Order—

- (a) any reference to “the exempted vehicles” is a reference to the rail vehicles numbered 50393 to 50396, which form part of the fleet of diesel multiple-units numbered 170393 to 170396, as manufactured by Bombardier Transportation in the United Kingdom for use by Hull Trains Company Limited;
- (b) any reference to a numbered regulation is a reference to the regulation bearing that number in the Rail Vehicle Accessibility Regulations 1998⁽²⁾;
- (c) any reference to a diagram is a reference to the diagram bearing that number in the Schedule to those Regulations; and
- (d) “priority seat” means a seat designated in accordance with regulation 8.

(1) 1995 c. 50.

(2) S.I. 1998/2456, to which amendments have been made which are not relevant to this Order.

Authorisation and exemptions

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

(2) Those provisions are—

- (a) regulation 8(3), in so far as it requires a priority seat to comply with the specification in diagrams B2, B3 and B4 that the seat should have a maximum height of 460 millimetres from the floor; and
- (b) regulation 14(b), in so far as it applies to the deployment of a folding nappy-changing table in any toilet cubicle to which regulation 20 applies.

Condition

4. It is a condition of the exemption granted by article 3(2)(a) that diagrams B2, B3 and B4 shall apply to the priority seats in the exempted vehicles as if for a maximum height of 460 millimetres from the floor there is substituted a maximum height of 490 millimetres from the floor.

Expiry

5.—(1) The exemption given by article 3(2)(a), in respect of regulation 8(3), shall cease at the end of June 2006.

(2) The exemption given by article 3(2)(b), in respect of regulation 14(b), shall cease at the end of June 2019.

6. The authorisation given by article 3(1) shall cease immediately in respect of any exempted vehicle if the diesel multiple-unit of which the exempted vehicle forms a part is operated by a person other than Hull Trains Company Limited unless the Secretary of State has been given written notice in advance specifying the name and address of that other person.

Signed by authority of the Secretary of State for Transport

21st May 2004

Tony McNulty
Parliamentary Under Secretary of State,
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the use for carriage of specified rail vehicles forming part of the fleet of Class 170/3 diesel multiple-units even though they do not conform with certain requirements of the Rail Vehicle Accessibility Regulations 1998 (S.I. [1998/2456](#), amended by S.I. [2000/3215](#)) because:

the priority seats are higher from the floor than is permitted by the regulations; and more force than is permitted is required to operate the folding nappy-changing table which is situated in the wheelchair accessible toilet.

The Order imposes a condition and time limits on the exemptions.