

Department for
Transport

David Edge
Safety & Standards Manager
Eversholt Rail (UK) Limited
PO Box 68166
210 Pentonville Road
London
N1P 2AR

Chris Carr
Head of Division
Rail Standards and Safety
Department for Transport
3/19
Great Minster House
33 Horseferry Road
London
SW1P 4DR
Direct Line: 0207 944 2423
Fax: 0207 944 2160
chris.carr@dft.gsi.gov.uk

Web Site: www.dft.gov.uk

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30 April 2012

Dear Mr Edge

Class 320 and PRM compliance: Application for a decision under Regulation 13 of the Railways (Interoperability) Regulations 2011

Thank you for your application of 28 February for a decision under regulation 13 of the Railways (Interoperability) Regulations 2011 in relation to the modification of the class 320 fleet and compliance with the 2008 Technical Specification for Interoperability - Persons with Reduced Mobility (PRM TSI).

Further to the additional information you supplied in your e mail of 26 March I am writing on behalf of the Secretary of State, to confirm that the Competent Authority's decision under regulation 13 of the RIR 2011 is that authorisation is required for those parts of the vehicle where renewal or upgrade work is taking place. For ease of reference the upgrade and renewal work and the relevant TSI standards that you are expected to comply with are indicated in the attached table (Annex A).

As you will be aware regulation 45 of the RIR 2011 makes it unlawful for a passenger rail vehicle to be used in service after 31 December 2019 except to the extent that it complies with the 2008 TSI (PRM TSI) (or other subsequent versions of the TSI and/or accessibility standards which pre-date it – (the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010; the Rail Vehicle Accessibility Regulations (Northern Ireland) 2001)); unless:

- a. a derogation from part of the PRM TSI has been granted under Regulation 14 of RIR;
- b. a determination that part of the PRM TSI does not apply has been made under Regulation 13(8) of RIR; or

- c. a dispensation that part of the PRM TSI does not apply has been granted under Regulation 46 of RIR.

You have indicated that there are also some parts of the vehicle where no work is being undertaken and that you do not expect that compliance with the PRM TSI will be achieved by 2020.

On behalf of the Secretary of State this is a dispensation effective from the date of this letter made under Regulation 46 of the RIR 2011, granting that the vehicles listed in Annex B, collectively known as Class 320s, need not comply after 31 December 2019 with those parts of the PRM TSI listed in Annex C (provided that any conditions that are included there are met). This follows consultation with the Disabled Persons Transport Advisory Committee and Transport for Scotland.

There are other parts of the 320 vehicles where work is not taking place but where we understand that compliance with the PRM TSI has already been achieved (these are listed in Annex D for your convenience). There is no provision under the RIR 2011 for an authorisation or a regulation 13 decision by the Competent Authority for structural subsystems where work is not being undertaken. You may therefore wish to consider how Eversholt will satisfy itself that it meets the requirements in regulation 45 and the deadline referred to above.

For the avoidance of doubt, a separate derogation or determination made under point a) or b) above would be required if the vehicles listed in Annex B undergo an upgrade or renewal that requires authorisation under the terms of the RIR 2011.

I am copying this letter to the Office of the Rail Regulation who have been consulted about this decision.

Yours sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by several loops and a long horizontal stroke extending to the right.

Chris Carr

Annex A

4.2.2.2.1
4.2.2.2.2.
4.2.2.3
4.2.2.4.1 para 4
4.2.2.4.2.1 para 3-12
4.2.2.4.2.2 para 1
4.2.2.4.3.1 para 3
4.2.2.5
4.2.2.6
4.2.2.7 paras 1, 3 & 4 (reflecting the GB specific case)
4.2.2.8.2.1 para 2 - 5
4.2.2.8.2.2
4.2.2.12.2 para 2
4.2.2.12.3.2 para 1
4.2.2.12.3.3
4.2.2.12.3.6

Annex B

Units	Vehicles		
320 301 to 320 322 inclusive	77899 to 77920 inclusive	63021 to 63042 inclusive	77921 to 77942 inclusive

Annex C

4.2.2.4.2.1 para 1
4.2.2.4.3.1 para 6
4.2.2.4.3.2 para 2
4.2.2.7 para 2
4.2.2.8.2.1 para 1
4.2.2.8.3 paras 1 & 7
4.2.2.10 paras 1 & 4
4.2.2.12.1

Annex D

4.2.2.4.1 para 1-3
4.2.2.4.2.1 paras 2
4.2.2.4.2.1 paras 13-15
4.2.2.4.2.2 para 2
4.2.2.4.3.1 paras 1, 2, 4, 5, 7 & 8
4.2.2.4.3.1 paras 6 & 7
4.2.2.4.3.2 paras 1 & 3
4.2.2.7 para 2

4.2.2.8.1
4.2.2.8.3 except paras 1 & 7
4.2.2.8.4
4.2.2.9
4.2.2.10 para 2
4.2.2.12.2 para 1