



Department  
for Transport

Rail Executive

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Our Ref: RNO 6/18/2

30 November 2015



Dear [REDACTED],

**The Railways (Interoperability) Regulations 2011 – The Chiltern Railway Company Limited Class 165 - 2020 accessibility deadline**

Regulation 45 of the Railways (Interoperability) Regulations 2011<sup>1</sup> (RIR 2011) makes it unlawful for a passenger rail vehicle to be used in service on the trans-European rail system in the UK after 31 December 2019 unless it complies with the Technical Specification for Interoperability - Persons with Reduced Mobility (PRM TSI) (and/or defined domestic accessibility standards<sup>2</sup>) except to the extent that:

- a. a derogation from part of the PRM TSI has been granted under Regulation 14 of RIR 2011;
- b. a determination that part of the PRM TSI does not apply has been made under Regulation 13(8) of RIR 2011; or
- c. a dispensation that part of the PRM TSI does not apply has been granted under Regulation 46 of RIR 2011.

**This is a dispensation (effective from the date of this letter) made under Regulation 46(4) of the RIR 2011, granting that the vehicles listed in Annex A, which form the sub-fleet of trains known as Class 165, need not comply after 31 December 2019 with those parts of the PRM TSI 2008 listed in Annex B. This follows consultation with DPTAC<sup>3</sup>.**

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<sup>1</sup> SI 3066/2011

<sup>2</sup> The Rail Vehicle Accessibility (Northern Ireland) Regulations 2001 or Part 1 of Schedule 1 to the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010

<sup>3</sup> The Disabled Persons' Transport Advisory Committee

For the avoidance of doubt, a separate derogation or determination made under point a) or b) above would be required for any vehicle listed in Annex A that undergoes an upgrade or renewal that requires an authorisation under RIR 2011 after this dispensation is granted.

I have copied this dispensation to the ORR for their information.

Yours sincerely,

**Robin Groth**

signed by the authority of the Secretary of State

**Annex A**

Unit Number	Vehicle Number	Vehicle Number	Vehicle Number
165001	58801		58834
165002	58802		58835
165003	58803		58836
165004	58804		58837
165005	58805		58838
165006	58806		58839
165007	58807		58840
165008	58808		58841
165009	58809		58842
165010	58810		58843
165011	58811		58844
165012	58812		58845
165013	58813		58846
165014	58814		58847
165015	58815		58848
165016	58816		58849
165017	58817		58850
165018	58818		58851
165019	58819		58852
165020	58820		58853
165021	58821		58854
165022	58822		58855
165023	58873		58867

165024	58874		58868
165025	58875		58869
165026	58876		58870
165027	58877		58871
165028	58878		58872
165029	58823	55404	58856
165030	58824	55405	58857
165031	58825	55406	58858
165032	58826	55407	58859
165033	58827	55408	58860
165034	58828	55409	58861
165035	58829	55410	58862
165036	58830	55411	58863
165037	58831	55412	58864
165038	58832	55413	58865
165039	58833	55414	58866

## **Annex B**

4.2.2.4.2.1 (final para)	Height of exterior door controls
4.2.2.4.1 (para 4)	Arrangement of open/close buttons
4.2.2.5	Vehicle access step illumination
4.2.2.12.2 (paras 2-4)	Height/depth of external steps
4.2.2.12.1	Platform/train gap & step
4.2.2.2.2.1 (para 6)	Priority seat height in 3 car units (10 of 28 non-compliant) and 2 car unit (2 of 20 non-compliant)
4.2.2.10 (para 1)	Handrail clearance (luggage rack only)
4.2.2.2.1 (para 2)	Height of seatback handholds