



Department  
for Transport

From the Minister of State  
**Wendy Morton MP**

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XXXXX

Angel Trains Limited  
123 Victoria Street  
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28 July 2022

Dear XXXXX

## **The Railways (Interoperability) Regulations 2011 – ScotRail ‘Cycle Car’ Class 153**

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) set out in the Annex to Decision 2008/164/EC of the European Commission of 21 December 2007, or any amended version of it, or Commission regulation 1300/2014 of the European Commission of 18 November 2014 which replaced it, or National Technical Specification Notices on Persons of Reduced Mobility that replaced Commission Regulation 1300/2014 from 1 January 2021, or any variation of the NTSN or any NTSN which replaces it (and/or defined domestic accessibility standards<sup>2</sup>) except to the extent that:

- a. a derogation from part of the PRM TSI or NTSN was granted under regulation 14 before 31 December 2020, or an exemption from part of it has been granted under Regulations 14 and 14A of RIR 2011;
- b. a determination that part of the PRM TSI or NTSN does not apply has been made under Regulation 13(8) of RIR 2011; or
- c. a dispensation that part of the PRM TSI or NTSN 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 need not comply after 31 December 2019 with those parts of the NTSN-PRM listed in Annex B. This follows consultation with DPTAC<sup>3</sup> and is subject to the following conditions:**

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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

- a) The dispensation applies to operation of the vehicles by ScotRail only for the purposes of cycle carriage when coupled to a compliant unit;
- b) ScotRail shall undertake a review of the dispensation five years after the issue of this letter which shall be submitted to the Department, to determine if the dispensation remains necessary after that date.

For the avoidance of doubt, a separate derogation or determination made under point a) 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.

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

*Yours sincerely*  


**Wendy Morton MP**  
**signed by the authority of the Secretary of State**

#### **Annex A**

<b>Unit Number</b>	<b>Vehicle Number</b>
153305	52305
153370	57370
153373	57373
153377	57377
153380	57380

#### **Annex B**

<b>4.2.2.2 Para 1 - 15</b>	Provision of a wheelchair area and Universal Accessible Toilet.
<b>4.2.2.3.2 Para 2, 4 and 5</b>	Wheelchair accessible exterior Doorway
<b>4.2.2.6 Para 3 and 4</b>	Clearways – Wheelchair accessible areas
<b>4.2.2.7.2 Para 3 and Para 5</b>	Signage, Pictograms and tactile information - Wheelchair accessible areas
<b>4.2.2.7.3 Para 1 and 2</b>	Dynamic Visual Information – External bodyside PIS displays
<b>4.2.2.11.2 Para 5</b>	Egress Steps
<b>5.3.2.6</b>	Interface of the call for aid device