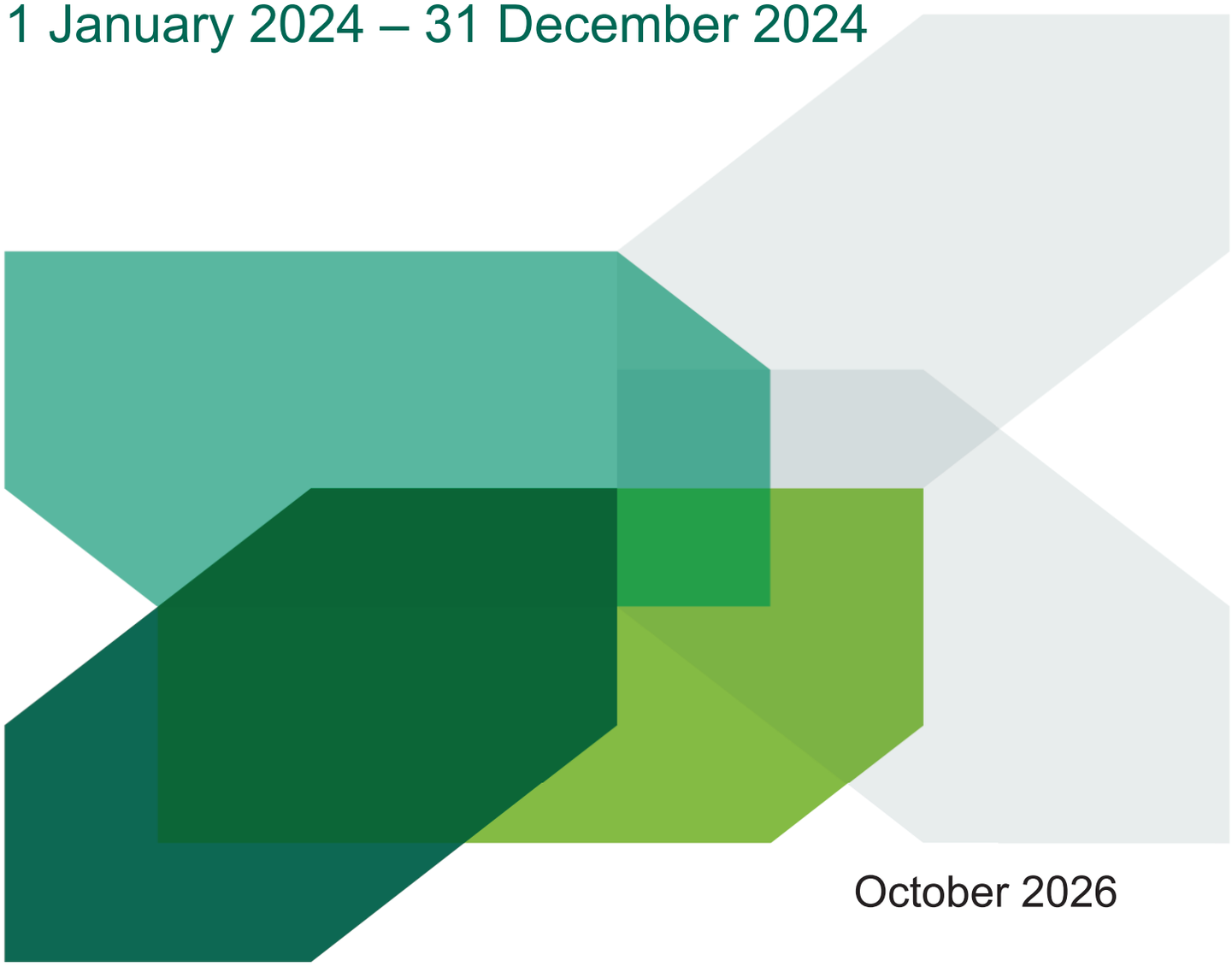
Department for Transport

Annual Report Rail Vehicle Accessibility Regulations Exemption Orders

1 January 2024 – 31 December 2024



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Department for Transport

Annual Report Rail Vehicle Accessibility Regulations Exemption Orders

1 January 2024 – 31 December 2024

Presented to Parliament pursuant to section 185 of the Equality Act 2010

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1 Introduction

1.1 This report has been laid before both Houses of Parliament by the Secretary of State for Transport in fulfilment of obligations under section 185 of the Equality Act 2010 ("EA 2010").

1.2 The report contains information about the exercise of the Secretary of State's power in the reporting year to grant Exemption Orders under section 183(1) of the EA 2010 to exempt rail vehicles from the requirements of the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010 ("RVAR 2010")It contains details of each order made and details of consultation carried out in connection with orders made.

1.3 The practice of previous Annual Reports is followed, in that details are included not only of the Exemption Orders made for 'light rail' vehicles from the requirements of the RVAR 2010 but also the dispensations granted under the Railways (Interoperability) Regulations 2011[1] ("RIR 2011") for main line ('heavy rail') vehicles from the requirements of the Persons with Reduced Mobility National Technical Specification Notice[2] ("PRM-NTSN"). The applicability of the RVAR 2010 and the PRM NTSN is explained in Section 3 below.

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1 S.I. 2011/3066

2 PRM_NTSN

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1.4 The report covers the period 1 January 2024 to 31 December 2024 and has been published on the Department for Transport's website at https://www.gov.uk/government/collections/rail-vehicle-accessibility-regulations-rvar-exemption-orders

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2 Summary and statistics

2.1 This section outlines the headline figures for 2024, including the number of Exemption Orders brought into force, applications received and the number of exemptions which expired during the year.

- Applications carried forward from 2023: 4 (see Section 5)
- Applications received: 1 (see Section 5)
- Applications withdrawn: 0
- Applications rejected by Ministers: 0
- Applications accepted by Ministers: 0
- Orders brought into force: 0
- Applications carried forward into 2025: 4 (see Section 5)
- Exemption Orders expiring: 3 (see Section 6)

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3 Background

3.1 Section 182 of the EA 2010 empowers the Secretary of State to make rail vehicle accessibility regulations ("RVAR") to enable disabled people, including wheelchair users, to travel in safety and reasonable comfort in those vehicles to which the regulations apply. The original regulations were made in 1998 (under the Disability Discrimination Act 1995 ("DDA")) and were amended in 2000 and 2008 before the RVAR were made in their current form in 2010.

3.2 In 2008, a European Technical Specification for Interoperability for Persons with Reduced Mobility ("PRM TSI") came into effect. The PRM TSI contained requirements that were similar to the RVAR but applied only to main line, 'heavy rail', vehicles. In order to avoid having dual regulation of those vehicles under both domestic and European requirements, the scope of the RVAR was reduced to make them applicable only to light rail vehicles, including metro, underground and tramway networks, and prescribed guided transport systems. These are the RVAR 2010.

3.3 Furthermore, the EA 2010 required that regulations made by the Secretary of State under section 182 of the EA 2010 must ensure that all passenger rail vehicles would meet accessibility standards by no later than 1 January 2020 ("the 2020 end date"). The RVAR 2010 includes provisions to meet this requirement. The RIR

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2011 included the 2020 end date for application to heavy rail vehicles subject to the PRM TSI. The PRM TSI ceased to apply from on 1 January 2021 and was replaced by the Persons with Reduced Mobility National Technical Specification Notice (“PRM NTSN”).

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4 Progress during 2024

4.1 New vehicles in service

4.1.1 The RVAR originally imposed accessibility requirements only in relation to vehicles first brought into service after 31 December 1998. For new heavy rail vehicles, PRMTSI requirements applied from 2008 to 2020, and PRM NTSN requirements have applied from 1 January 2021.

4.1.2 At the end of 2024, the number of heavy rail vehicles in service[3] was 15,417 (2023 figure: 15,400). Of these, 12,498 (81.1% per cent) had been built new in compliance with the applicable accessibility regulations (2023: 12,101, i.e. 78.6 per cent).

3 Heavy rail vehicle figures in this Report are drawn from the year-end data in R2 (the GB rail industry's vehicle asset management system) for vehicles 'In Working Order, In Service' – although this includes for any movements on Network Rail, including moves to or from storage or disposal sites, as well as for regular passenger-carrying services.

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4.1.3 The number of light rail vehicles in service[4] was 5,021 (2023: 4,994), of which 2,241 (44.6 per cent) had been built new in compliance with the applicable accessibility regulations (2023: 2,173, 43.5 per cent).

4.2 Improved compliance of pre-1999 vehicles through refurbishment

4.2.1 In addition to the building of new compliant vehicles, progress has continued with improving the accessibility compliance of all older rail vehicles (built before 1999) as they undergo refurbishment. This is required in respect of light rail vehicles by the RVAR 2010, and in respect of heavy rail vehicles by RIR 2011.

4.2.2 The Department for Transport (DfT), in conjunction with the Disabled Persons Transport Advisory Committee[5] ("DPTAC"), worked with the rail industry between 2011

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4 Light rail vehicle figures are drawn from operators' published data and from the Department for Transport's annual Light rail and tram fleet and infrastructure statistics report LRT0202: Passenger carriages or tram cars on light rail and trams and undergrounds by system: Great Britain [link: https://assets.publishing.service.gov.uk/media/688243f22b6fd60b7c16101c/lrt0202.ods]

5 DPTAC is the Government's statutory advisor on the public passenger transport needs of disabled people.

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and 2019 to ensure that rail vehicles built before 1999 complied with the required standards by the 2020 end date.

4.2.3 At the end of 2024, the accessibility compliance of 2,919 heavy rail vehicles (18.9 per cent) had been improved through refurbishment (2023: 3.831, 25.3 per cent). Similarly, 1,218 light rail vehicles (24.3 per cent) had been improved through refurbishment (2023: 1,218).

4.3 Vehicles subject to exemption or dispensation

4.3.1 All of the 54 Rail Vehicle Accessibility Regulations 1998 exemption orders made for heavy rail vehicles from 1999 until 2005 had expired by the end of 2019; none remain in force. All of the time-limited PRM TSI and PRM NTSN dispensations, and the temporary extensions to them beyond the 2020 end date, had expired by the end of 2021.

4.3.2 Consequently, all heavy rail vehicles in normal operation were either fully compliant or, for some pre-1999 fleets, compliant in accordance with the agreed ‘targeted compliance’ policy. (The policy of ‘targeted compliance’, agreed around 2006 for pre-1999 vehicles, targets the greatest barriers to travel for those with accessibility needs, rather than scrapping otherwise serviceable vehicles or endeavouring to undertake major structural re-engineering at prohibitive cost. The scope of targeted compliance included the mandated numbers of wheelchair spaces, audio-visual passenger information

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system, contrasting floors/handrails/handholds, tactile and palm-operable contrasting door controls, priority seats, an accessible toilet (on trains where toilets are fitted), and compliant boarding ramps (especially with fixing pins), and was later extended to allow the non-provision of dedicated step/threshold lighting, door control enable tones shorter than prescribed, and non-provision of a door control enable tone on fleets without door controls.)

4.3.3 Section 183 of the EA 2010 enables the Secretary of State to make an exemption order authorising specified regulated rail vehicles to be used in passenger service even though they do not conform to some or all of the requirements of the RVAR 2010. Such exemption orders may contain conditions and may apply exemptions for a set time period.

4.3.4 From 1999 to the end of 2024, 57 exemption orders were made for light rail vehicles, of which 13 have expired.

4.3.5 At the end of 2024, 1,562 light rail vehicles were the subject of exemption orders (2023 figure: 1,603). Of these, London Underground's Bakerloo line, Central line and Waterloo & City line trains, totalling 952 vehicles, are undergoing RVAR upgrade. The non-compliant features being made compliant by the upgrade work have been granted time-limited exemption for the scheduled duration of each upgrade programme, and remaining non-compliances have been granted exemption for the remaining life of the vehicles until replaced by new trains.

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4.3.6 At the end of 2024, 18,876 (92.4 per cent) of the combined total of 20,438 vehicles (heavy rail and light rail) had been built or refurbished to be accessible (2023: 20,394, 92.1 per cent).

4.3.7 In addition to the above, exemption orders were in force for 17 heritage vehicles, in passenger service by ten different operators.

4.3.8 DfT routinely publishes details of exemption applications on its website at https://www.gov.uk/government/publications/list-of-rvar-exemption-orders.

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5 Exemption applications considered during 2024

5.1 Croydon Tramlink[6] Stadler vehicles

5.1.1 This application for exemption was brought forward from 2023.

5.1.2 The exemption concerned the non-compliant descenders (g, j, p, q and y) on the passenger information display units inside Croydon Tramlink's Stadler trams, due to an inadequate number of rows of LEDs.

5.1.3 In May 2024 London Trams advised that, due to Transport for London (TfL) funding constraints, the expiry date requested would be the end of 2026, rather than the end of 2025.

5.1.4 A further revised application in September 2024 requested exemption for the remaining life of the vehicles. This was because funding for new compliant

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6 The Croydon tram network is owned by Tramtrack Croydon Limited, branded as London Trams, which is a subsidiary company of, and is wholly owned by Transport for London (TfL), and is operated by Tram Operations Ltd (TOL), a subsidiary of FirstGroup.

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passenger information displays was not considered sufficiently secure to ensure that they would be provided before replacement in of the Stadler vehicles in the late 2020s by new trams, which had been announced.

5.1.5 DPTAC was consulted on the request being made for indefinite exemption, rather than time-limited.

5.1.6 Consideration of this application was carried over to 2025.

5.2 Docklands Light Railway (DLR)

5.2.1 This application for exemption was brought forward from 2023.

5.2.2 The exemptions requested concerned non-compliances for platform gaps at train doorways, including for the new B23 trains, which would amend the provisions of The Rail Vehicle Accessibility (B2007 Vehicles) Exemption Order 2015; non-compliances for the door close warning, extending the expiry until 2029 and including the B23 trains, which would amend the provisions of The Rail Vehicle Accessibility (Non-Interoperable Rail System) (Docklands Light Railway) Exemption Order 2019; a non-compliant handrail clearance at one point (permanent exemption), extending of door edge lighting exemption until 2027, extending the 2019 Order; and extending of the expiry date for B92 wheelchair pathway, handrail clearance, height of letters displayed and door edge lighting from until replaced by B23 trains in 2026.

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5.2.3 In April 2024 DLR advised that, due to cost pressures on TfL capital investment and the slippage in service introduction date of the B23 trains, affecting B92 withdrawal dates, the expiry dates requested were being revised: from 2029 to 2030 for the door close warning, from 2027 to 2030 for the door edge lighting, and from 2026 to 2029 for the B92 non-compliances.

5.2.4 DPTAC was consulted on the application for these later expiry dates. Comments were passed to the applicant for consideration and action as appropriate.

5.2.5 Consideration of this application was carried forward to 2025.

5.3 Hayling Light Railway Trust

5.3.1 This application for exemption was brought forward from 2023.

5.3.2 The exemption request from the Hayling Light Railway Trust (HLRT), operators since 2022 of the 2 ft (610 mm) gauge railway on the seafront of Hayling Island, concerned the Railway's four passenger coaches which, under the RVAR 2010, were regulated vehicles but were not compliant.

5.3.3 Consultation was undertaken with DPTAC, Office of Rail and Road (ORR), Transport Focus and the Heritage Railway Association, and with the public via www.dft.gov.uk. The consultation period was from 22 July 2024 to 27 August 2024.

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5.3.4 Comments received were passed to the applicant for consideration and action where appropriate. As a result, HLRT added a statement on accessibility to its website and confirmed that it had in place arrangements for monitoring and responding to passenger complaints and arrangements for providing accessibility awareness guidance to those staffing the trains.

5.3.5 Consideration of this application was carried over to 2025.

5.4 London Underground Bakerloo line 1972 Tube stock

5.4.1 This application for exemption was brought forward from 2023.

5.4.2 The 1972 Tube stock RVAR upgrade continued to be discussed with London Underground Ltd (LUL), with The Rail Vehicle Accessibility (Non-Interoperable Rail System) (London Underground Bakerloo Line 72 Tube Stock) Exemption Order 2019 having expired on 1 January 2024.

5.4.3 A revised exemption order application was received on 19 February 2024. This sought exemption until 31 December 2029 for boarding devices at 18 Bakerloo line stations, contrasting floor of vestibule, doorway colour contrast, interior public address system for audible and visual announcements, and wheelchair spaces; and indefinite exemption (i.e. for remaining life of vehicles) for handrails inside passenger doorways, minimum diameter

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of handrails, public address destination announcement at each station, and wheelchair route maximum slope.

5.4.4 Consultation was undertaken with DPTAC, ORR, Transport Focus, London TravelWatch, and with the public via www.dft.gov.uk. The consultation period was 29 February 2024 to 28 March 2024. Comments received were provided to the applicant for consideration and action where appropriate.

5.4.5 Consideration of this application was carried over to 2025.

5.5 London Underground Central and Waterloo & City lines 1992 Tube stock

5.5.1 This potential application for exemption was brought forward from 2023.

5.5.2 The Central Line Improvement Project continued to be discussed with LUL in view of the expiry date of 1 January 2025 of The Rail Vehicle Accessibility (Non-Interoperable Rail System) (London Underground Central Line 92 Tube Stock) Exemption Order 2019.

5.5.3 A draft application was received from LUL on 23 September 2024 in respect of the Central line 92 Stock trains, Central line platforms, and Waterloo & City 92 Stock trains. The exemption expiry date requested was 31 October 2031.

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5.5.4 Following further consideration of the application, LUL submitted a revised application in December 2024.

5.5.5 Consideration of this application was carried over to 2025.

5.6 London Underground Piccadilly line 1973 Tube stock

5.6.1 In anticipation of the January 2027 expiry date of The Rail Vehicle Accessibility (Non-Interoperable Rail System) (Piccadilly Line 73 Tube Stock) Exemption Order 2019, LUL provided information in February 2023 on the Piccadilly Line Upgrade Project.

5.6.2 Consideration of this case was carried over to 2025.

5.7 Porterbrook Class 165 and 168 units operated by Chiltern Railways

5.7.1 A request for RVAR 2010 exemption was received in October 2024 from Chiltern Railways in respect of its 39 Class 165 units (165001 – 165039) and 28 Class 168 units (168001 – 168005, 168106 – 168113, 168214 – 168219, 168321 – 168329), in respect of the requirements for a public address system for visual announcements to be fitted and to be used to announce the destination and next stop.

5.7.2 Consultation was undertaken with DPTAC, ORR, Transport Focus, and with the public via www.dft.gov.

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uk. The consultation period was 3 December 2024 to 7 January 2025.

5.7.3 Consideration of this case was carried over to 2025.

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6 Exemptions expiring during 2024

6.1 Docklands Light Railway (DLR)

6.1.1 Article 6 of The Rail Vehicle Accessibility (Non-Interoperable Rail System) (Docklands Light Railway) Exemption Order 2019 stated that:

The exemptions at articles 3 and 4 expire at 23:59 hours on 31 December 2024.

6.1.2 DLR included an extension of the provisions in the 2019 Order as part of the application for exemption, brought forward from 2023, recorded in 5.2 of this report.

6.2 London Underground Limited (LUL)

6.2.1 Article 6 of The Rail Vehicle Accessibility (Non-Interoperable Rail System) (London Underground Bakerloo Line 72 Tube Stock) Exemption Order 2019 stated that:

The exemption from paragraph 1(1), set out in article 3(a) expires -

(a) in relation to an exempt vehicle that is at a platform listed in Part 1 of the Schedule to this Order, when step-

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free access is provided to that platform, or at 2am on 1st January 2024, whichever occurs first;

(b) in relation to an exempt vehicle that is at a platform listed in the table in Part 2 of the Schedule to this Order, at 2am on 1st August 2020.

Article 7 stated that:

The exemptions from paragraphs 8(2), 8(6), 11(1) and 18(4) set out in Article 3(b), (c), (f), and (h) expire at 2am on 1st January 2022.

Article 8 stated that:

The exemptions from paragraphs 10(1)(a), 10(4)(a) and 11(5) set out in Article 3(d), (e) and (g) expire at 2am on 1st January 2024.

6.2.2 LUL included an extension of the provisions in the 2019 Order as part of the application for exemption, brought forward from 2023, recorded in 5.4 of this report.

6.3 Glasgow Subway

6.3.1 Article 2 and 3 of The Rail Vehicle Accessibility (Non-Interoperable Rail System) (Glasgow Subway) (Amendment) Exemption Order 2022 stated that:

2. The Rail Vehicle Accessibility (Non-interoperable Rail System) (Glasgow Subway) Exemption Order 2019(c) is amended as follows.

3. In regulation 5 (expiry), for “1st July 2022” substitute “30th June 2024”.

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6.3.2 Accordingly, the 2022 Order ceased.

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7 PRM NTSN dispensations applications considered in 2024

7.1 PRM NTSN dispensations since the 2020 End Date

7.1.1 As stated in 1.3, this document reports on the dispensations granted to heavy rail vehicles under regulation 46 of RIR 2011.

7.1.2 Since 1 January 2021, these dispensations have been granted in respect of the PRM NTSN, for the reason explained in 3.4.

7.1.3 As reported in 4.3.6, by the end of 2021 (two years after the 2020 end date) there were no time-limited dispensations still in force.

7.1.4 The RVAR_1998_Guidance stated that operators of vehicles brought into use before 1 January 1999 who propose to refurbish the vehicles are required to comply with the RVAR or seek a dispensation. This principle remains unchanged for compliance with the current regulation applicable for heavy rail vehicles, which is the PRM NTSN.

7.1.5 PRM NTSN dispensation requests considered in 2024 are recorded below.

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7.2 TfW Class 153 ‘Active Travel’ (cycle cars)

7.2.1 Consideration of this application was carried forward from 2023.

7.2.2 This application for dispensation from Transport for Wales Rail Limited (TfW Rail) was in respect of its six single-car Class 153 units, numbered 153508, 153528, 153531, 153352, 153968 and 153972, undergoing conversion to ‘Active Travel’ cycle car configuration. The dispensations requested were for the height of seatback handholds, wheelchair spaces, door control button arrangement, external door width (No.2 End only), wheelchair accessible doorways, audible warnings on door controls, universal toilet, wheelchair clearways, pictograms for universal toilet, bodyside visual passenger information, PA spoken information volume, step position for vehicle access and egress, width of external step board, passenger access steps, wheelchair portable ramp, universal toilet features and dimensions, baby changing table, call for aid device, and wheelchair portable ramp.

7.2.3 Consultation was undertaken with DPTAC, ORR, Transport Focus and with the public via www.dft.gov.uk, between 5 March and 3 April 2024. Comments received were considered by TfW and addressed as appropriate.

7.2.4 Ministers decided to grant the dispensation, with the condition that it applied to operation of the vehicles by TfW only for the purposes of cycle carriage when coupled

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to a compliant unit. The dispensation came into effect on the date of the dispensation letter, on 11 November 2024.

7.3 Porterbrook Class 168/0 units operated by Chiltern Railways

7.3.1 Consideration of this application was carried forward from 2023.

7.3.2 This application for dispensation from Porterbrook was in respect of its five 4-car units of Class 168/0 numbered 168001 – 168005, operated by Chiltern Railway Company. This was in respect of height of seatback handholds, length of wheelchair space, tip-up seats in a wheelchair space, seats for companion to wheelchair user, passenger doors audible alert, height above floor level of controls for interior door, width between seats adjacent to the centre aisle for access to priority seats, height above floor of headroom, exterior display of information, interior display of information, passenger audible information, height, above external doorway step, of vertical handrails, platform-train stepping distance, height above floor level of door control for universal toilet, width of door of standard toilet, handrail in standard toilet, space inside universal toilet, manoeuvrability inside universal toilet, clear space inside universal toilet, baby changing table dimensions, baby changing table minimum load, and internal and external information displays.

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7.3.3 The consultation comments were considered, as reported in the 2023 Annual Report, by Porterbrook and Chiltern, and addressed as appropriate.

7.3.4 Ministers decided on 9 July 2024 to grant the dispensation, which came into effect on that date.

7.4 Porterbrook Class 170 units operated by East Midlands Railway and CrossCountry Trains

7.4.1 An application for dispensation was received from Porterbrook for 64 Class 170 units operated by East Midlands Railway (EMR) and CrossCountry Trains {XCT): 170101 – 170117, 170201 – 170208, 170270 – 170273, 170397, 170398, 170501 – 170517, 170530 – 170535, 170618 – 170623, and 170636 – 170639. This dispensation was in respect of destination to be displayed on external bodyside, and ‘Next Stop’ display to be readable from all wheelchair spaces.

7.4.2 Consultation was undertaken with DPTAC, ORR and Transport Focus, between 19 June and 22 May 2024, and with the public via www.dft.gov.uk. The comments received were considered by Porterbrook and addressed as appropriate.

7.4.3 Consideration of this case was carried over to 2025.

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7.5 Porterbrook Class 165 and 168 units operated by Chiltern Railways

7.5.1 A dispensation enquiry was received from Chiltern Railways following receipt on 19 February 2024 of an Improvement Notice from the ORR concerning Chiltern Railways' inability to provide visual announcements on all its train services.

7.5.2 Chiltern formally requested on 3 October 2024 a dispensation, as a remedy, for the remaining life of its 39 Class 165 units, numbered 165001 to 165039, and 28 Class 168 units, numbered 168001 to 168005, 168106 to 168113, 168214 to 168219, and 168321 to 168329.

7.5.3 Consultation with DPTAC, ORR, Transport Focus and with the public via www.dft.gov, was undertaken from 3 December 2024 to 7 January 2025.

7.5.4 Consideration of this case was carried over to 2025.

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8 Other statistics

8.1 DfT publishes other documents and statistics relating to the rail vehicle accessibility regime including:

- List of all Exemption Orders made to date;
- List of all rail vehicles built or fully refurbished to RVAR, PRM TSI on PRM NTSN;
- Most recent Annual Exemption reports.

8.2 All lists are available from: https://www.gov.uk/government/collections/rail-vehicle-accessibility-regulations-rvar-exemption-orders.

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