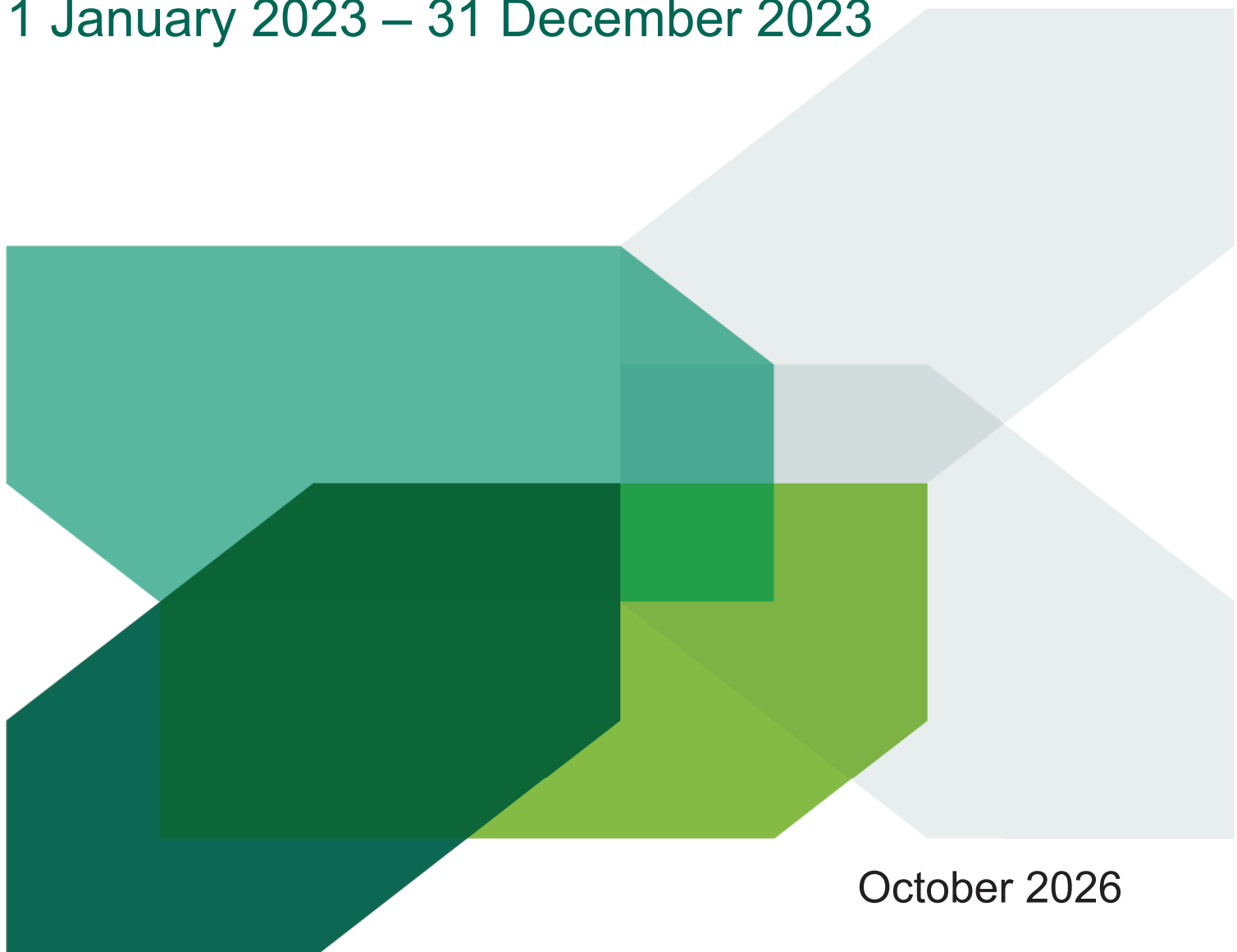




Department
for Transport

Annual Report Rail Vehicle Accessibility Regulations Exemption Orders

1 January 2023 – 31 December 2023



October 2026

Department for Transport

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1 January 2023 – 31 December 2023

**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 2010¹ (“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 2011² (“RIR 2011”) for main line (‘heavy rail’) vehicles from the requirements of the Persons with Reduced Mobility National Technical Specification Notice³ (“PRM-NTSN”). The applicability of the RVAR 2010 and the PRM NTSN is explained in Section 3 below.

1 S.I. 2010/432

2 S.I. 2011/3066

3 [PRM_NTSN](#)

1.4 The report covers the period 1 January 2023 to 31 December 2023 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>

2 Summary and statistics

2.1 This section outlines the headline figures for 2023, 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 2022: 3 (see Section 5)
- Applications received: 2 (see Section 5)
- Applications withdrawn: 0
- Applications rejected by Ministers: 0
- Applications accepted by Ministers: 1 (see Section 5)
- Orders brought into force: 1 (see Section 5)
- Applications carried forward into 2024: 4 (see Section 5)
- Exemption Orders expiring: 0 (see Section 6)

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

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”).

4 Progress during 2023

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 2023, the number of heavy rail vehicles in service⁴ was 15,400 (2022 figure: 15,153). Of these, 12,101 (78.6 per cent) had been built new in compliance with the applicable accessibility regulations (2022: 11,322, 74.7 per cent).

4 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.

4.1.3 The number of light rail vehicles in service⁵ was 4,994 (2022: 4,994), of which 2,173 (44 per cent) had been built new in compliance with the applicable accessibility regulations (2022: 2,173, 44 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 Committee⁶ (“DPTAC”), worked with the rail industry between 2011

5 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>]

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

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 2023, the accessibility compliance of 3,299 heavy rail vehicles (21.4 per cent) had been improved through refurbishment (2022: 3,831, 25.34 per cent). Similarly, 1,218 light rail vehicles (24.4 per cent) had been improved through refurbishment (2022: 1,218, 24.4 per cent).

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 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 2023, 57 exemption orders were made for light rail vehicles, of which 10 have expired.

4.3.5 At the end of 2023, 1,603 light rail vehicles were the subject of exemption orders (2022 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.

4.3.6 At the end of 2023, 18,791 (92.1 per cent) of the combined total of 20,394 vehicles (heavy rail and light rail) had been built or refurbished to be accessible (2022: 18,544, 92.0 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>.

5 Exemption applications considered during 2023

5.1 Glasgow Subway new Stadler trains

5.1.1 This enquiry was brought forward from 2022.

5.1.2 The formal request for exemption received in August 2021 from Strathclyde Partnership for Transport (SPT) concerned the headroom above facing seats in the 17 new Stadler trains for the Glasgow Subway. The available headroom was non-compliant due to the interior dimensions restricted by the small diameter of the tunnels.

5.1.3 Consultation was undertaken with DPTAC, Office of Rail and Road (“ORR”), Transport Focus, Transport Scotland, and Mobility and Access Committee for Scotland, and with the public via www.dft.gov.uk. The consultation period was 6 February 2023 to 6 March 2023.

5.1.4 DPTAC and the other direct consultees responded with no objections. Strathclyde Partnership for Transport accepted DPTAC’s suggestion for identifying the non-compliant seating area, and applied signage to alert passengers to the low headroom. Comments were

provided to the applicant for consideration and action as appropriate.

5.1.5 Ministers decided on 13 July 2023 in favour of granting the exemption order in terms of the application, i.e. for an indefinite period.

5.1.6 The Rail Vehicle Accessibility (Non-Interoperable Rail System) (Glasgow Subway) Exemption Order 2023 was signed on 13 July 2023. It came into force on 14 July 2023.

5.1.7 The Order exempts the Stadler trains from one requirement of the RVAR 2010:

Part 1 of Schedule 1:

13(3) (priority seats, and space available, must comply with Schedule 2 diagrams).

5.1.8 The Order was added on 18 July 2023 to the exemptions list published on dft.gov.uk (link: [list-of-rvar-exemption-orders](#)). It is published with an Explanatory Note, which includes consultation comments and the applicant's responses.

5.2 Croydon Tramlink⁷ Stadler vehicles

5.2.1 This draft application for exemption was brought forward from 2022.

5.2.2 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.

5.2.3 Following further consideration of the application with stakeholder groups, Croydon Tramlink submitted a revised application in March 2023. Exemption was requested until 31 December 2025.

5.2.4 Consultation was undertaken with DPTAC, ORR and Transport Focus. Public consultation in this case was considered disproportionate in view of the degree of non-compliance and the exemption requested being time-limited. The consultation period was 30 March 2023 to 27 April 2023. Comments received were provided to the applicant for consideration and action as appropriate.

7 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.

5.2.5 Further consideration of the application and drafting of the exemption order were undertaken in discussion with the applicant.

5.2.6 Consideration of this application was carried over to 2024.

5.3 DLR

5.3.1 This application for exemption was brought forward from 2022.

5.3.2 Following discussions, and with the expiry dates approaching in 2024 and 2025 for exemptions applying to its B90, B92 and B2007 trains, and with new B23 trains expected to enter service from the end of 2023, a revised application for exemption was received from DLR in March 2023.

5.3.3 The exemptions requested concerned the non-compliances for the platform gaps at train doorways, including for the B23 trains, which would amend the provisions of The Rail Vehicle Accessibility (B2007 Vehicles) Exemption Order 2015; the 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; the 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.

5.3.4 Consultation was undertaken with DPTAC, ORR, Transport Focus, London TravelWatch and twelve local bodies suggested by DLR, and with the public via www.dft.gov.uk. The consultation period was 3 August 2023 to 7 September 2023.

5.3.5 Comments received were provided to the applicant for consideration and action as appropriate. As a result, DLR undertook to liaise with user groups to assess train and platform signage for wheelchair compatible doorways, to arrange a site visit for London TravelWatch and others, and to provide an annual summary report of progress on the works programme to improve platform stepping distances.

5.3.6 Consideration of this application was carried forward to 2024.

5.4 Hayling Light Railway Trust

5.4.1 An enquiry was received in October 2023 from the Hayling Light Railway Trust. The Railway is of 2 ft (610 mm) gauge, and runs for approximately one mile (1.5 km) along the seafront of Hayling Island, Hampshire.

5.4.2 The Rail Vehicle Accessibility (East Hayling Light Railway Vehicles) Exemption Order 2002 authorised the use particular passenger coach types; but a condition off the 2002 Order was that the authorisation for use of these vehicles was to cease immediately if operated by

a person other than East Hayling Light Railway Limited unless the Secretary of State had been given written notice in advance.

5.4.3 Such notice was not given in 2022, when the owners sold the Railway to the East Hayling Light Railway Society, later known as the Hayling Light Railway Trust. By the time of purchase, five coaches had replaced the ones to which The Rail Vehicle Accessibility (East Hayling Light Railway Vehicles) Exemption Order 2002 applied. Under the RVAR 2010, four of these replacement coaches were regulated vehicles, but were not fully compliant with the requirements.

5.4.4 The proposed request was discussed with the applicant on a site visit to Hayling Island in November 2023.

5.4.5 Consideration of this application was carried over to 2024.

5.5 London Underground Bakerloo line 1972 Tube stock

5.5.1 The 1972 Tube stock RVAR upgrade continued to be discussed with London Underground Ltd (LUL), in view of the expiry date of 1 January 2024 of The Rail Vehicle Accessibility (Non-Interoperable Rail System) (London Underground Bakerloo Line 72 Tube Stock) Exemption Order 2019.

5.5.2 A further site visit was made in May 2023 to view the first completed floor in the two new wheelchair

spaces with an unavoidable slight slope, on which DPTAC was consulted.

5.5.3 A draft application was received from LUL on 31 October 2023 in respect of the 72 Stock fleet and, separately, application for non-compliant boarding arrangements at Bakerloo line platforms. Both requested an indefinite (not time-limited) exemption period.

5.5.4 Consideration of this application was carried over to 2024.

5.6 London Underground Central line 1992 Tube stock

5.6.1 In anticipation of the January 2025 expiry date of The Rail Vehicle Accessibility (Non-Interoperable Rail System) (Central Line 92 Tube Stock) Exemption Order 2019, LUL provided details of the Central Line Improvement Project at a site visit in September 2023.

5.6.2 Consideration of this case was carried over to 2024.

6 Exemptions expiring during 2023

6.1 No exemptions expired during this reporting year.

7 PRM NTSN dispensations applications considered in 2023

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 2023 are recorded below.

7.2 Porterbrook Class 168/0 units operated by Chiltern Railways

7.2.1 A request for dispensation was received in July 2023, following earlier discussions and a visit to view a unit, from Porterbrook Leasing Company (Porterbrook) for the five 4-car units of Class 168/0, numbered 168001 – 168005, operated by Chiltern Railway Company (Chiltern).

7.2.2 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.

7.2.3 Consultation was undertaken with DPTAC, ORR and Transport Focus, and comments received were

provided to Porterbrook and Chiltern for consideration and action as appropriate.

7.2.4 Consideration of this case was carried over to 2024.

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

7.3.1 A request for dispensation was received in August 2023 from Transport for Wales Rail Limited (TfW Rail) for six single-car Class 153 units, numbered 153508, 153528, 153531, 153352, 153968 and 153972, undergoing conversion to ‘Active Travel’ cycle car configuration.

7.3.2 This was in respect of 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.

7.3.3 Consideration of this case was carried over to 2024.

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 or 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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