Department for Transport

Annual Report Rail Vehicle Accessibility Regulations Exemption Orders

1 January 2021 - 31 December 2021

October 2026

Department for Transport

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1 January 2021 – 31 December 2021

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[1] ("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[2] ("RIR 2011") for main line ('heavy rail') vehicles from the requirements of the Persons with Reduced Mobility National Technical Specification Notice[3] ("PRM NTSN"). The applicability of the RVAR 2010 and the PRM NTSN is explained in Section 3 below.

1.4 The report covers the period 1 January 2021 to 31 December 2021 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

[1] S.I. 2010/432
[2] S.I. 2011/3066
[3] PRM_NTSN

2 Summary and statistics

2.1 This section outlines the headline figures for 2021, 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 2020: 1 (see Section 5)
- Applications received: 3 (see Section 5)
- Applications withdrawn: 0
- Applications rejected by Ministers: 0
- Applications accepted by Ministers: 2 (see Section 5)
- Orders brought into force: 2 (see Section 5)
- Applications carried forward into 2022: 3 (see Section 5)
- Exemption Orders expiring: 2 (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.

3.4 At the beginning of this reporting year, the PRM TSI ceased to apply on implementation period completion day, as defined in regulation 39(1) of the European Union (Withdrawal Agreement) Act 2020, i.e. 1 January 2021. It was replaced by the PRMNTSN, which came into force on that date. The PRM NTSN replaced and substantially reproduced the provisions of the PRM TSI as it had effect immediately before 1 January 2021. The technical requirements set out in the PRM NTSN were the same as those in the PRM TSI, with some exceptions. The specific cases relevant to GB that were included in the PRM TSI were retained as UK specific cases. (TSIs continued to have direct effect in Northern Ireland.)

3.5 Accordingly, the wording of letters to applicants granting dispensation in accordance with section 46 of the RIR 2011 was amended to include reference to the PRM NTSN, as follows:

Regulation 45 of the Railways (Interoperability) Regulations 2011 (RIR 2011) makes it unlawful for a passenger rail vehicle to be used in service on the trans-European rail

system in the UK on or after 1 January 2020 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 the National Technical Specification Notice on Persons of Reduced Mobility that replaced Commission Regulation 1300/2014 from 1 January 2021, or any variation of that NTSN or any NTSN which replaces it (and/or defined domestic accessibility standards) except to the extent that:

a) a derogation from part of the PRM TSI or relevant NTSN was granted under regulation 14 before 31 December 2020, or an exemption from part of it has been granted since that date 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 such 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 Railways (Interoperability) Regulations 2011, granting that the vehicles listed in Annex A need not comply with those parts of the PRM-NTSN listed in Annex B.

4 Progress during 2021

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, PRM TSI requirements applied from 2008 to 2020, and PRM NTSN requirements have applied from 1 January 2021.

4.1.2 At the end of 2021, the number of heavy rail vehicles in service[4] was 15,878 (2020 figure: 15,580). Of these, 10,896 (69.0 per cent) had been built new in compliance with the applicable RVAR (2020: 10,750).

4.1.3 The number of light rail vehicles in service[5] was 4,981 (2020: 4,907), of which 2,110 (43.4 per cent) had been built new in compliance with the applicable RVAR (2020: 43.0 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[6] ("DPTAC"), worked with the rail industry between 2011

[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.

[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 2021, the accessibility compliance of 4,982 heavy rail vehicles (31.4 per cent) had been improved through refurbishment (2020: 4,437). Similarly, 1,218 light rail vehicles (24 per cent) had been improved through refurbishment (2020: 1,201).

4.3 Vehicles subject to exemption or dispensation

4.3.1 Section 47 of the DDA enabled the Secretary of State to make exemption orders authorising specified regulated rail vehicles to be used in passenger service even though they did not conform to some or all of the requirements of the Rail Vehicle Accessibility Regulations 19981998.

4.3.2 Between 1999 and 2005, a total of 54 such exemption orders, each with a date for expiry, were made in respect of heavy rail vehicles or classes of vehicle. The last four of these to expire reached their expiry dates in 2019. Consequently, no RVAR exemption orders for heavy rail vehicles remain in force.

4.3.3 Regulation 46 of RIR 2011 enables the Secretary of State to grant for a particular case or description of case a dispensation that part of the PRM TSI or PRM NTSN does not apply.

4.3.4 For some heavy rail vehicles, minor non-compliances exist, stemming from differences between domestic and European standards (i.e. RVAR and PRM TSI) which do not materially affect accessibility. In these cases, dispensations were granted in 2012[7].

4.3.5 Some heavy rail vehicles were the subject of time-limited dispensations granting, on a temporary extension basis, that they need not comply after 1 January 2020 with the PRM TSI (NTSN from 1 January 2021). Of these dispensations, the last five expired on 31 December 2021. The two-year over-run of the 2020 end-date was mainly due to the late delivery and commissioning of new vehicle fleets. Once these were in service, the remaining 127 non-compliant vehicles - mostly Class 321 units and a few Class 153 units - were withdrawn from service.

4.3.6 At the end of 2021, the number of pre-1999 heavy rail vehicles which were not refurbished and were the subject of exemptions orders or time-limited dispensations was down to zero (2020 figure: 557).

4.3.7 Consequently, after 31 December 2021 all heavy rail passenger vehicles in normal operation were either fully compliant or, for some pre-1999 fleets, compliant in accordance with the agreed 'targeted compliance' policy.

4.3.8 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

[7] https://www.gov.uk/government/publications/heavy-rail-fleet-post-1998-fleets

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.

4.3.9 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.

4.3.10 At the end of 2021, 1,603 light rail vehicles were the subject of exemption orders (2020 figure: 1,608). 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, i.e. until replaced by new trains.

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

4.3.12 Between 1999 and 2006, a total of 54 time-limited exemption orders for heavy rail vehicles were made; none have been made since. All 54 have expired, the last of them expiring in 2019. For light rail vehicles, 54 exemption orders were made from 1999 to the end of 2022, of which 9 have expired.

4.3.13 At the end of 2021, 19,256 (92.3 per cent) of the combined total of 20,859 vehicles (heavy rail and light rail) had been built or refurbished to be accessible, an increase from 20,487 (89.7 per cent) in 2020.

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

5 RVAR exemption applications considered during 2021

5.1 Welsh Highland Railway Limited

5.1.1 Consideration of this application was brought forward from 2020.

5.1.2 In September 2020 the Welsh Highland Railway Limited (WHRL), a narrow-gauge heritage operator, requested an exemption covering multiple features of its new-build Pickering Brake Composite Coach, a replica of a coach originally built in 1907, for operation mainly on the Welsh Highland Heritage Railway, with occasional use on the Ffestiniog Railway and Welsh Highland Railway.

5.1.3 The coach incorporates a designated space for two wheelchairs and companion seating. However, being a replica for operation on networks that recreate a heritage rail experience, it does not include modern accessibility features such as passenger information systems, power doors, priority seating, modern signage and colour contrast, and exemption was therefore sought against these features. (Welsh Highland Heritage Railway trains do not have on-board toilets.)

5.1.4 Consultation was undertaken with DPTAC, Transport Focus and the Office of Rail and Road ("ORR"), and with the public via www.dft.gov.uk. The consultation period was 14 December 2020 to 10 January 2021. Consultees' comments were submitted to WHRL, which resulted in improvements to signage and passenger alarm operation for users of the wheelchair spaces.

5.1.5 A decision in favour of granting the exemption order in terms of the application, for an indefinite period, was made on 26 March 2021. As a result, the Rail Vehicle Accessibility (Non-Interoperable Rail System) (Replica Pickering Brake Composite Coach) Exemption Order 2021 was signed on 29 March 2021 and came into force on 31 March 2021. The decision was formally noted by the Secretary of State on 29 April 2021.

5.1.6 The Order exempts the Replica Pickering Brake Composite Coach from requirements of the RVAR 2010 as listed below:

Part 1 of Schedule 1:

3(1) (contrast between passenger doorway door and exterior of vehicle);

3(3) (external passenger doorway audible warning devices);

3(5)(a) (audible sound when doors become openable by passengers);

3(5)(b) (audible warning before door closes);

6(3) (specified disabled sign outside wheelchair-compatible doorway);

10(1)(a) (handrail on the inside close to, and on either side of, the passenger doorways);

11(1) (public address system for audible and visual passenger information announcements);

11(2) (external public address system for visual announcements on vehicle haulage locomotives);

11(5) (passenger information when vehicle is stationary);

11(6) (mandatory announcements from public address systems inside vehicle);

11(8) (dimension and contrast requirements of visual announcement displays on vehicle exterior);

11(10) (percentage of passengers able to view information display from seated position);

(12) (dimension and contrast requirements of visual announcement displays inside vehicle);

13(1) (prescribed proportion of priority seats for disabled persons in vehicle);

13(6) (mandatory sign marking priority seats for disabled persons);

14(1)(e) (illumination around steps for use of passengers at external passenger doorways);

Part 2 of Schedule 1

3 (illumination on floor of external passenger doorway).

5.1.7 The Order was added to the exemptions list published on dft.gov.uk (link: list-of-rvar-exemption-orders), with an Explanatory Note including the consultation comments and responses, on 19 April 2021.

5.2 Croydon Tramlink[8] Bombardier and Stadler vehicles

5.2.1 The exemption order made in October 2020, The Rail Vehicle Accessibility (Non-Interoperable Rail System) (Croydon Tramlink) Exemption Order 2020, reported in the Annual Report for 2020, authorised the 24 Bombardier CR4000s and the 12 Stadler Variobahns operated by London Trams to remain in use even though they did not conform to the RVAR 2010 requirements for audible door warning and passenger information displays. The exemption was time limited, with an expiry date of 31 December 2021.

5.2.2 During 2021, London Trams developed the London Trams Rolling Stock Replacement Programme, which included a decision to replace the Bombardier fleet with a new fleet in 2026. It also reported severe delays in bringing the audible door warning and passenger information displays into compliance by the end of 2021 as planned, due to technical, economic and operational reasons arising from Covid 19 and the associated significant fall in revenue.

5.2.3 In consequence of these factors, London Trams requested in August 2021 that the expiry date be amended to 31 December 2022 for the passenger information displays and to 31 December 2026 for the audible door warning.

5.2.4 Consultation was undertaken with DPTAC, ORR, London TravelWatch and Transport Focus, and with the public via ww.dft.gov.uk. The consultation period was 1 August 2021 to 11 September 2021. Comments were provided to the applicant for consideration and action as appropriate.

5.2.5 Ministers decided on 14 December 2021 in favour of granting the amendment order in terms of the application.

5.2.6 The Rail Vehicle Accessibility (Non-Interoperable Rail System) (Croydon Tramlink) (Amendment) Exemption Order 2021 was signed on 20 December 2021. It came into force on 31 December 2021 and expires on 31 December 2022 for the passenger information displays and 31 December 2026 for the audible door warning.

5.2.7 The Order was added to the exemptions list published on dft.gov.uk (link: list-of-rvar-exemption-orders), with an Explanatory Note including the consultation comments.

5.3 Southend Pier Railway new trains

5.3.1 An enquiry was received in March 2021 on behalf of Southend Pier Railway concerning an exemption application for its new SPR/21 trains on order at the time. A formal exemption request was received in November 2021.

5.3.2 Consideration of this application was carried over to 2022.

[8] 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.

5.4 Glasgow Subway new Stadler trains

5.4.1 A enquiry first received in a previous year was considered further with Strathclyde Partnership for Transport in September 2021 in respect of the new Stadler trains on order for the Glasgow Subway. This concerned one non-compliance that was unavoidable, brought about by the internal dimensions of the trains commensurate with the size of the Subway tunnels.

5.4.2 This matter was carried over to 2022 pending a formal request for exemption.

5.5 Glasgow Subway legacy Metro-Cammell trains

5.5.1 A formal request for exemption was received in December 2021 from Strathclyde Partnership for Transport in respect of the Metro-Cammell vehicles in operation on the Glasgow Subway.

5.5.2 The request was for an extension of the expiry date of the Rail Vehicle Accessibility (Non-Interoperable Rail System) (Glasgow Subway) Exemption Order 2019, from 1 July 2022 to 30 June 2024.

5.5.3 Consideration of this application was carried over to 2022.

6 RVAR exemptions expiring during 2021

6.1 East Hayling Light Railway

6.1.1 In The Rail Vehicle Accessibility (East Hayling Light Railway Vehicles) Exemption Order 2002, Article 6 stated that:

The authorisation shall cease forthwith in respect of an exempted vehicle that is—

(a) modified to use any form of electrical power supply; or

(b) operated by a person other than East Hayling Light Railway Limited unless the Secretary of State has been given written notice in advance specifying the name and address of that other person; or

(c) not operated on Hayling Island in the County of Hampshire.

6.1.2 In September 2019 the owners put the East Hayling Light Railway up for sale. It was purchased by the East Hayling Light Railway Society (later known as the Hayling Light Railway Trust) in 2021. Written notice of the change of operator was not given to the Secretary of State. Accordingly, The Rail Vehicle Accessibility (East Hayling Light Railway Vehicles) Exemption Order 2002ceased.

6.2 Croydon Tramlink

6.2.1 The Rail Vehicle Accessibility (Non-Interoperable Rail System) (Croydon Tramlink) Exemption Order 2020 expired on 31 December 2021.

6.2.2 Application was made for the Order to be extended, and The Rail Vehicle Accessibility (Non-Interoperable Rail System) (Croydon Tramlink) (Amendment) Exemption Order 2021 was made on 20 December 2021, as recorded in 5.2 above.

7 PRM NTSN dispensation applications considered in 2021

7.1 Time-limited dispensations for 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.

7.2.4 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.

7.2 Angel Class 153s 'Active Travel' (cycle cars) operated by Abellio ScotRail

7.2.1 The dispensation granted to Abellio ScotRail in 2019 for its five Class 153 single-vehicle units being converted to 'Active Travel' cycle car configuration expired on 31 December 2020.

7.2.2 The vehicles were 153305, 153370, 153373, 153377 and 53380. The dispensation was granted in respect of provision of a wheelchair area and Universal Accessible Toilet, wheelchair accessible exterior doorway, clearways - wheelchair accessible areas, signage, pictograms and tactile information - wheelchair accessible areas, dynamic visual information - external bodyside passenger information system displays, egress steps, and interface of the call for aid device.

7.2.3 ScotRail requested a dispensation for a period of twelve months for trial operation in passenger service once the conversion programme had been completed.

7.2.4 The dispensation was granted, and the letter issued on 9 July 2021, conditional upon operation of the vehicles by Abellio ScotRail only for the purposes of cycle carriage when coupled to a PRM NTSN compliant unit, and with an expiry date 365 calendar days after the date the vehicle first enters into passenger service.

7.3 Porterbrook Class 153s operated by TfW

7.3.1 A request for PRM NTSN dispensation was received in August 2021 from Porterbrook Leasing Company (Porterbrook) in respect of nine Class 153 single-vehicle units on behalf of the operator, Transport for Wales (TfW): 153303, 153312, 153320, 153323, 153325, 153327, 153329, 153333, 153353, 153361, 153362, 153367 and 153369.

7.3.2 These units had been granted time-limited dispensation on 27 May 2021. Porterbrook's request was on the basis of completion of targeted compliance upgrade work being completed by the end of 2021. Dispensation was requested in respect of the remaining non-compliances: height of seatback handholds, height of priority seat cushions, door button arrangement, external door width (No.2 End only), audible warnings on door controls, saloon lighting, bodyside visual passenger information, public address spoken information, platform gap/step, width of external stepboard and wheelchair ramp maximum slope angle.

7.3.3 Consultation was undertaken with DPTAC, ORR and Transport Focus, and comments received were addressed by Porterbrook and TfW.

7.3.4 Ministers decided to grant the dispensation, and the letter was issued on 22 November 2021.

7.4 Class 153s owned and operated by TfW

7.4.1 A request for dispensation was received in August 2021 from TfW concerning a total of nine Class 153 single-vehicle units that it owned and operated.

7.4.2 Dispensation was requested in respect of the remaining non-compliances following PRM upgrade work in 2020 for five units of Class 153/3: 153303, 153312, 153327,153353 and 153362.

Dispensation for the same scope was requested, following PRM upgrade in 2021, for two units of Class 153/9: 153972 and 153968:

Dispensation was requested for height of seatback handholds, height of priority seat cushions, door button arrangement, external door width (No.2 End only), audible warnings on door controls, saloon lighting, minimum clearway width, bodyside visual passenger information, width of external stepboard, platform gap/step and wheelchair ramp maximum slope angle.

Dispensation was requested for two Class 153/3 units to be upgraded in 2022 (to the same scope as the nine units referred to 7.3.1): 153318 and 153382.

7.4.3 Consultation was undertaken with DPTAC, ORR and Transport Focus. Comments received were provided to the applicant for consideration and action as appropriate.

7.4.4 Ministers decided on 7 December 2021 to grant the dispensation. The three letters were provided to the applicant and published on www.gov.uk.

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.

Annex A: Regulatory basis during 2021

A 1 Regulations for **Light Rail vehicles**

The regulatory basis for light rail vehicles during 2021 was the EA 2010, in particular sections 182 and 183:

182 Rail vehicle accessibility regulations

(1)The Secretary of State may make regulations (in this Chapter referred to as "rail vehicle accessibility regulations") [i.e. currently The Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010] *for securing that it is possible for disabled persons—*

(a) to get on to and off regulated rail vehicles in safety and without unreasonable difficulty;

(b) to do so while in wheelchairs;

(c) to travel in such vehicles in safety and reasonable comfort;

(d) to do so while in wheelchairs. . . .

(4) In this section—

"network" means any permanent way or other means of guiding or supporting rail vehicles, or any section of it;

"rail vehicle" means a vehicle constructed or adapted to carry passengers on a railway, tramway or prescribed system other than a vehicle used in the provision of a service for the carriage of passengers on the trans-European rail system located in Great Britain;

"regulated rail vehicle" means a rail vehicle to which provisions of rail vehicle accessibility regulations are expressed to apply.

(5) In subsection (4)—

"prescribed system" means a system using a mode of guided transport ("guided transport" having the same meaning as in the Transport and Works Act 1992) that is specified in rail vehicle accessibility regulations;

"railway" and "tramway" have the same meaning as in the Transport and Works Act 1992.

(6) The Secretary of State must exercise the power to make rail vehicle accessibility regulations so as to secure that on and after 1 January 2020 every rail vehicle is a regulated rail vehicle.

(7) Subsection (6) does not affect subsection (3), section 183(1) or section 207(4)(a).

(8) Before making regulations under subsection (1) or section 183, the Secretary of State must consult—

(a) the Disabled Persons Transport Advisory Committee, and

(b) such other representative organisations as the Secretary of State thinks fit.

183 Exemptions from rail vehicle accessibility regulations

(1)The Secretary of State may by order (an "exemption order")—

(a) authorise the use for carriage of a regulated rail vehicle even though the vehicle does not conform with the provisions of rail vehicle accessibility regulations with which it is required to conform;

(b) authorise a regulated rail vehicle to be used for carriage otherwise than in conformity with the provisions of rail vehicle accessibility regulations with which use of the vehicle is required to conform.

(2) Authority under subsection (1)(a) or (b) may be for—

(a) a regulated rail vehicle that is specified or of a specified description,

(b) use in specified circumstances of a regulated rail vehicle, or

(c) use in specified circumstances of a regulated rail vehicle that is specified or of a specified description.

(4) After consulting the Disabled Persons Transport Advisory Committee and such other persons as the Secretary of State thinks appropriate, the Secretary of State may—

(a) make an exemption order in the terms of the application for the order;

(b) make an exemption order in such other terms as the Secretary of State thinks appropriate;

(c) refuse to make an exemption order.

(5) The Secretary of State may make an exemption order subject to such conditions and restrictions as are specified.

(6) "Specified" means specified in an exemption order.

A 2 Regulations for **Heavy Rail vehicles**

The provisions in RIR 2011, that were applicable to main line 'heavy rail' vehicles in this reporting period were:

A 2.1 Accessibility for people with reduced mobility

45. No person is to use a vehicle in the provision of a service for the carriage of passengers on the trans-European rail system located in the United Kingdom on or after 1st January 2020 unless it has been constructed, renewed, upgraded or modified to comply with the technical standards, and is operated to comply with the operational standards, required by—

(a) the TSI relating to persons with reduced mobility set out in the Annex to Decision 2008/164/EC of the European Commission of 21st December 2007(1), or any amended version of it, or any TSI which replaces it;

(b) Part 1 of Schedule 1 to the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010;

(c) the Rail Vehicle Accessibility Regulations (Northern Ireland) 2001; or

(d) the TSI, or amended version of it or TSI replacing it, referred to in paragraph (a) except to the extent that—

(i) the vehicle or its operation complies with the technical or operational standards required by the provisions referred to in paragraphs (b) or (c),

(ii) a derogation from part of it has been granted under regulation 14,

(iii) a determination that part of it does not apply has been made under regulation 13(8), and

(iv) a dispensation that part of it does not apply for the purposes of this regulation has been granted under regulation 46.

A 2.2 Dispensations

46.—(1) The Competent Authority may grant a conditional or unconditional dispensation from notified national technical rules for a particular case or description of case if the Competent Authority is satisfied that the dispensation is consistent with the essential requirements.

(2) If the Competent Authority has granted a dispensation that the Competent Authority considers has created for the purposes of Article 17(3) of the Directive a rule or restriction of a strictly local nature the Competent Authority must notify the relevant owner that the rule or restriction must be referred to in the infrastructure register.

(3) Paragraph (1) does not apply in relation to the requirements of the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010 or the Rail Vehicle Accessibility Regulations (Northern Ireland) 2001.

(4) The Secretary of State may grant for a particular case or description of case a dispensation for the purposes of regulation 45(d)(iv).

A 2.3 Change of regulation from 1 January 2021

The EU PRM TSI ceased to apply on implementation period completion day, as defined in regulation 39(1) of the European Union (Withdrawal Agreement) Act 2020, i.e. 1 January 2021. It was replaced by the PRM NTSN, which came into force on that date.

The PRM NTSN replaced and substantially reproduced the provisions of the PRM TSI (Commission Regulation (EU) No 1300/2014 of 18 November 2014), as it had effect immediately before 1 January 2021. The technical requirements set out in the PRM NTSN were the same as those in the PRM TSI, with some exceptions. The specific cases relevant to GB that were included in the PRM TSI were retained as UK specific cases. TSIs continued to have direct effect in Northern Ireland.

Consequently, the wording of letters to applicants granting dispensation in accordance with section 46 of the RIR 2011 was amended to include reference to the PRM NTSN, as follows:

Regulation 45 of the Railways (Interoperability) Regulations 2011 (RIR 2011) makes it unlawful for a passenger rail vehicle to be used in service on the trans-European rail system in the UK on or after 1 January 2020 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 the National Technical Specification Notice on Persons of Reduced Mobility that replaced Commission Regulation 1300/2014 from 1 January 2021, or any variation of that NTSN or any NTSN which replaces it (and/or defined domestic accessibility standards) except to the extent that:

a) a derogation from part of the PRM TSI or relevant NTSN was granted under regulation 14 before 31 December 2020, or an exemption from part of it has been granted since that date 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 such that part of the PRM TSI or NTSN does not apply has been granted under regulation 46 of RIR 2011.

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