

**ACCOMPANYING NOTE TO
THE RAIL VEHICLE ACCESSIBILITY (NON-INTEROPERABLE RAIL SYSTEM)
(HAYLING LIGHT RAILWAY TRUST) EXEMPTION ORDER 2025**

1. Overview of the Instrument

What does the Order do?

1.1 The Rail Vehicle Accessibility (Non-Interoperable Rail System) (Hayling Light Railway Trust) Exemption Order 2025 (“the Order”) exempts four vehicles on the Hayling Light Railway Trust (“HLRT”) network from requirements of the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010¹ (“RVAR 2010”).

2 Policy Context

What is being done and why?

2.1 This Order exempts four passenger vehicles operated by HLRT from the accessibility requirements in RVAR 2010 as detailed in paragraph 2.7 below, with which the vehicle design does not comply.

2.2 This exemption applies to:

Coaches 10 and 11, built at Beachlands Railway Depot, Hayling Island, which entered passenger service in 2004;

Coach 12, built at Beachlands Railway Depot, Hayling Island, which entered passenger service in 2005;

Coach 14, built at Beachlands Railway Depot, Hayling Island, which entered passenger service in 2006.

HLRT operates another vehicle, Coach 2, built by E. E. Baguley Ltd, Burton on Trent, which entered passenger service in 1947 (on another railway), prior to the introduction of Rail Vehicle Accessibility Regulations in 1998, and consequently is not regulated.

2.3 The Rail Vehicle Accessibility (East Hayling Light Railway Vehicles) Exemption Order 2002 applied to any rail vehicle ‘of the types known as Coach Type A, B, C, D or E’. The 2002 Order authorised the carriages for use even though they did not conform with provisions of the Rail Vehicle Accessibility Regulations 1998. The order stated that this authorisation was to cease immediately in respect of an exempted vehicle that was: modified to use any form of electrical power supply; 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 not operated on Hayling Island in the County of Hampshire.

¹ S.I. 2010/432

2.4 No such advance notice was given to the Secretary of State, so the change of ownership in 2021 caused the exemption to cease. Hayling Light Railway Trust (HLRT), as the new owner, has requested a new exemption in its own name.

2.5 The Rail Vehicle Accessibility (Networks) Exemption Order 2010 provided an exemption for all heritage and tourist rail vehicles introduced into service prior to 1 January 1999. East Hayling Light Railway is included in the Schedule to the Order listing the 'Heritage or Tourist Networks' deemed exempt. For new designs of rail vehicle introduced after 1999, application can be made for vehicle-specific exemption orders.

2.6 Signage has been added to the priority seating areas for coach 10. Measures to remove the other non-compliances are not being implemented due to the narrow-gauge dimensions and heritage characteristics of the vehicles. Mitigations for the assistance of passengers are shown for each non-compliance below.

2.7 The vehicles that are being exempted by the Order do not meet the following requirements of Part 1 of Schedule 1 of RVAR 2010:

Paragraph 3.(1) Each passenger doorway to be indicated clearly by doors which on their exterior contrast with the exterior of the vehicle to each side of the doors.

Non-compliance and reason for exemption:

Colour of the doors does contrast with adjacent bodyside, in that the doors are painted in a different colour to the adjacent panel. This also replicates the appearance of a heritage vehicle and applies in each of the coach designs.

Mitigation(s) for the assistance of passengers:

The doors are opened and closed manually. The duties of guards and station staff include opening and closing the doors for passengers as required. The guard physically checks that all doors are properly closed including the additional hook and eye lock by walking the length of the train checking handles before giving the signal to the driver to start the train.

Paragraph 3.(3) Each passenger doorway to be fitted with an audible warning device which must emit warning sounds for door opening and closing,

Paragraph 3.(5) The device to emit different warning sounds for opening and closing.

Non-compliance and reason for exemption:

Audible warning devices are not fitted. (The vehicles have not been modified to use any form of electrical power supply.) These are considered unnecessary for the nature of the railway's operations.

Mitigation(s) for the assistance of passengers:

All doors are opened and closed by the railway's volunteer staff.

Paragraph 6.(3) Wheelchair sign conforming with diagram B in Schedule 2 to be marked on, or adjacent to, each wheelchair-compatible doorway.

Non-compliance and reason for exemption:

Wheelchair sign not provided. This is considered unnecessary for the nature of the railway's operations and not compatible with the objective of creating a coach that replicates the appearance of an original vehicle.

Mitigation(s) for the assistance of passengers:

The guard's duties include welcoming passengers to the railway, and the guard and other station staff are therefore available to assist passengers who are wheelchair users. The guard will open the door and deploy the ramp made specifically for that purpose. This applies to coaches 10,11 12 and 14.

Paragraph 10.(1) Handrail to be fitted each side of the inside of every doorway in every rail vehicle, extending vertically from not more than 700mm to not less than 1200mm above the floor.

Non-compliance and reason for exemption:

Handrails are not fitted. These would obstruct access to the passenger seats immediately adjacent to doors and would reduce the already narrow width of the coach. One of the coaches, No 10, is an open coach with the separately identified area for wheelchairs and any interior handrails would obstruct access to the seats and increase risk to passengers joining and/or leaving the vehicle.

Mitigation(s) for the assistance of passengers:

The coach doors can be clipped back and locked to assist with any person requiring support to access the coach, but railway staff are always on hand to help passengers on and off the train.

Paragraph 11. Rail vehicle (1) interior and (2) exterior to be fitted with a public address system for audible and visual announcements, including (5) destination or route, (6) next station, delay more than ten minutes, diversions and emergency announcements, (8) displays to conform to minimum character size, (10) visible from 51% of seats, and (12) contrast with background and of required height.

Non-compliance and reason for exemption:

A public address system is not fitted. (None of the vehicles have been modified to use any form of electrical power supply.) Exterior visual announcements would not be compatible with the objective of creating a coach that replicates the appearance of the historical vehicle.

Mitigation(s) for the assistance of passengers:

The railway has only two terminal stations and one intermediate halt. The guard and other railway staff pass along the platform at each stop, announcing the stop (which delivers the information required by 11(5) and 11(6)) and assisting passengers to alight. A clippy also checks tickets of passengers boarding the train once they are on the train and helps with those alighting from the train. Station names are provided on a large Dibond board on the platform at each station which can easily be read from the train, as the train travels at only 5 mph.

Paragraph 13.(1) Not less than 10 per cent of the passenger seats in a rail vehicle or 8 passenger seats (whichever is the lesser number) must be designated by signs as priority seats for the use of disabled persons.

Non-compliance and reason for exemption:

Seats are not designated as priority seats. Coaches 11, 12, and 14 have four compartments, with bench type seating. As the coaches are narrow, each bench seat will normally be used by no more than three adults. The seat spaces are therefore adjacent to doorways, unlike modern saloon coaches where there is a need to designate the seats adjacent to doors for disabled people, this need does not arise. All seats are closer to doorways than the priority seats on a modern saloon coach. Coach 10 is an open coach with seating immediately on entry and has a designated space for the wheelchair opposite the doorway.

Mitigation(s) for the assistance of passengers:

The seats meet the dimensions set in schedule 2 C1 and C2, except that as bench seats they do not have a defined width. The guard's and station staff's duties include helping passengers find available seats and assisting them to board.

Paragraph 14.(1) At any passenger doorway (e) steps must be illuminated, and **Part 2 of Schedule 1, paragraph (3)** the edge of the floor along the entrance must be illuminated, by a light placed within or immediately adjacent to the step and edge.

Non-compliance and reason for exemption:

Doorway steps are not illuminated. (The vehicles have not been modified to use any form of electrical power supply.) As a heritage railway, HLRT trains normally operate during the hours of daylight, rendering such light fittings superfluous. External light fittings would also be incompatible with the objective of creating a coach that replicates the appearance of a heritage vehicle.

Mitigation(s) for the assistance of passengers:

On occasions where trains are operated after dark, such as Halloween and Christmas specials, platforms are lit, and additional staff are deployed to guide and assist passengers.

2.8 There have been no complaints specifically concerning non-compliance since the vehicles have been in service.

3. Legislative and Legal Context

3.1 Section 182 of the Equality Act 2010 ("EA 2010") enables the Secretary of State to make rail vehicle accessibility regulations to ensure that rail vehicles to which the regulations applied ("regulated rail vehicles") conformed to requirements that enabled disabled persons, including wheelchair users, to access such vehicles and to travel in safety and reasonable comfort.

3.2 The Secretary of State made the RVAR 2010 pursuant to section 182 of the EA 2010, which applies to all passenger vehicles on light rail systems such as

tramways and the London Underground, and made provision as to the construction, use and maintenance of regulated rail vehicles to facilitate use by disabled travellers.

3.3 Section 183 of the EA 2010 enables the Secretary of State to exempt certain regulated rail vehicles by Order from the requirements of RVAR 2010, and to authorise the use of such vehicles in passenger service even though they do not conform to some, or all, of the requirements of the RVAR 2010. In accordance with section 183 of the EA 2010, exemption orders can include conditions and restrictions.

3.4 This Order is an exemption order made under section 183 of the EA 2010 and is in exercise of the Secretary of State's power in section 183(4)(a) as the Order is being made in the terms of the application for the Order.

3.5 Following the amendment of section 183 of the EA 2010 by the Deregulation Act 2015, which inserted paragraph (7), exemption orders can now be made by administrative order, rather than by statutory instrument. The Order will, however, be notified to Parliament in the Annual Report, which the Secretary of State is required to lay before Parliament pursuant to section 185 of the EA 2010.

4. Consultation

Summary of consultation outcome and methodology

4.1 The application did not include consultation outcomes with its application.

4.2 In accordance with section 183(4) of the EA 2010, DfT consulted with the Disabled Persons Transport Advisory Committee ("DPTAC"), the Office of Rail and Road ("ORR"), Transport Focus, and with the public via www.gov.uk/government/consultations. This consultation was carried out by making available to the consultees the exemption application document received from HLRT dated 16 May 2024, and allowing four weeks, from 19 July 2024 to 16 August 2024, for responses. No objections to the Order being made were received.

4.3 DPTAC made suggestions concerning HLRT's incident reporting, staff training and website information, to which HLRT responded.

4.4 The ORR reported no objection. Its view that all parties should be reminded that exemption from any accessibility requirement does not change their responsibility to manage health and safety risks to the level required by law is included in this published Accompanying Note for this purpose.

4.5 Transport Focus had no objection, and commented on HLRT's website information, to which HLRT responded.

4.6 There was one response to public consultation, in support of the Order being made.

4.7 The consultation responses in full, with the applicant's response to the consultation responses, can be found at Annex A.

5. Impact Assessment?

5.1. An Impact Assessment has not been prepared for this instrument due to the small nature of the impacts. The Order will enable Coaches 10, 11, 12 and 14 to continue to provide services for the benefit of those who use them and will not impose any costs on HLRT.

6. Contact

Philip Hunt at the Department of Transport: Tel: 07812 483546 or e-mail: philip.hunt@dft.gov.uk, can answer any queries regarding the Order.

Annex A – Stakeholder Consultation responses

From public consultation

20 July 2024

I believe the "RVAR 2010 exemption" for the Hayling Light Railway Trust should be granted.

The majority of preservation railways have a lot of volunteers on-hand when they are open. This means there are always people about to help disabled visitors.

In the particular case of the Hayling Light Railway, they have a system of work that means many of the requirements would add nothing useful. For example, their volunteers open & close the doors, so can ensure people are clear of the doors without the need for an audible warning. Further, East Hayling Light Railway Limited had the same exemption for a number of years, and operated without incident.

Therefore, I urge you to grant this exemption.

Transport Focus

16 August 2024

I'm not entirely sure our remit extends to non-licensed services, however, given the nature of the railway and services provided we do not wish to raise any objections to the application. The assistance provided by staff/volunteers would seem like a reasonable mitigation in respect of most of the areas that an exemption is being sought for. My only comment would really relate to the HLR website and whether improved information could be offered on the level of accessibility. Although the site currently says that services are full "disabled/wheelchair accessible" it could perhaps be clearer in what level of assistance is offered by staff, and whether ramps must be deployed to help wheelchair users board/disembark.

I hope that's helpful.

HLRT response

12 September 2024

There is now a clear statement on the HLR website dealing with access and disability, which includes the following statement together with photographs:

'We have taken the upmost care to ensure that all of our trains and stations are easily accessible for people using wheelchairs. Our stations feature a concrete ramp up to the platform and each train is equipped with a temporary ramp to ensure safe loading and unloading. Our trained volunteers are also on hand to assist with any extra care and attention needed to ride our trains including the opening and closing of doors. Our mission is to provide an enjoyable experience for every passenger.'

ORR

27 August 2024

Thank you for consulting us on the proposed RVAR exemption. We understand that this simply perpetuates the previous exemption for the new legal entity operating the vehicles on the same railway, and have no objection.

Disabled Persons Transport Advisory Committee (DPTAC)

27 August 2024

Thank you for inviting DPTAC to comment on this exemption request.

DPTAC note that this exemption request applies to what is essentially a Heritage Railway operation, and as such, it is noted that due to the nature of the service, full compliance with RVAR requirements are inevitably going to pose a challenge.

DPTAC also note that this exemption request is an extension of a previously granted RVAR exemption from 2002.

Having reviewed the supporting paperwork shared with DPTAC to help review this request, we would like to share the following observations with you:

1. We note that the number of affected carriages is 5.
2. DPTAC recognise that due to the heritage nature of this railway, adaptations to ensure RVAR compliance will inevitably pose difficulties in terms of striking a balance between ensuring good accessibility without detracting from the heritage elements of this railway.
3. Documentation supplied as part of this exemption request clearly details that the operator has paid due regard to both anticipating and mitigating adverse impact on disabled users of this railway.
4. DPTAC note that positive feedback from disabled users of this railway has been included in the supporting documentation.

Following on from the above, DPTAC do suggest some areas for consideration prior to the Secretary of State for Transport making a decision on whether to grant this exemption:

1. DPTAC note that whilst the supporting documentation notes that the railway is “regularly commended by various disabled passengers and community groups,” it isn’t clear whether any concerns or complaints with regards to accessibility have been recorded. It is therefore suggested that DfT may wish to check this aspect as part of the decision making process?
2. Does this operator offer any disability awareness training to staff / volunteers operating this service?
3. On reviewing this operators website:
<https://haylinglightrailway.wixsite.com/ehlr> DPTAC note that there does not appear to be any online information with regards to:
 - 3.1 Detail about the accessibility of the service; and

3.2 The 'offer' by which the operator accommodates disabled users of this railway.

It is therefore suggested that DfT consider 3.1 and 3.2 above as part of the decision making process, perhaps with a view to requesting this is addressed on a condition of granting a dispensation.

HLRT response

12 September 2024

There is now a clear statement on the HLR website dealing with access and disability, which includes the following statement together with photographs:

'We have taken the upmost care to ensure that all of our trains and stations are easily accessible for people using wheelchairs. Our stations feature a concrete ramp up to the platform and each train is equipped with a temporary ramp to ensure safe loading and unloading. Our trained volunteers are also on hand to assist with any extra care and attention needed to ride our trains including the opening and closing of doors. Our mission is to provide an enjoyable experience for every passenger.'

We have a generic email address for the railway to enable passengers and users to report any complaints including a face book page. This is monitored and as part of the procedure, a specific record kept of complaints made about accessibility problems and challenges. All such complaints are immediately responded to.

Clear awareness guidance is given to drivers, guards on train clippies, platform staff and Duty Managers on handling passengers and users with disability challenges with regular review to take account of best practice.