

Stephanie Tobyn
Deputy Director
Railway Markets & Economics

30 September 2019



[By Email]

Dear Colleague,

Accessible Travel Policy – Legal Advice on the Applicability of the Public Service Vehicles Accessibility Regulations 2000 (PSVAR)

On 27 July 2019 we published our Improving Assisted Travel consultation, together with the amended Accessible Travel Policy (ATP) Guidance.¹

Following that, we have had cause to re-consider the position in relation to the accessibility of rail replacement services, as set out in paragraph A6.2 of the ATP Guidance, and will be re-consulting on the point as set out below.

We decided that we would seek legal advice regarding the applicability of PSVAR and to share that advice with industry. To inform our consideration, we have obtained legal advice on the question of whether (and to what extent) the PSVAR applies to rail replacement services, both buses and coaches. You will find attached to this letter Counsel's advice from Zoe Leventhal of Matrix Chambers who was instructed by ORR. This legal advice has also been published on ORR's website.

We have taken the decision to publish this legal advice in order that interested parties (in particular licence holders who are subject to the ATP Guidance) have an opportunity to consider it before we formally consult on any amendments we consider appropriate to paragraphs A4 and A6 of the ATP guidance. We set out below how we intend to go about the consultation process.

Next steps:

We are now preparing to re-consult on the accessibility of rail replacement services, and we aim to publish a consultation paper on this discrete issue at the end of October 2019. In advance of the publication of that consultation, we consider that it would be useful to us if interested parties would provide us with any comments or arguments that they may have on the applicability of PSVAR to rail replacement services. We will take into account as appropriate any responses.

¹ <https://orr.gov.uk/rail/consumers/what-we-do-for-consumers/improving-assisted-travel>

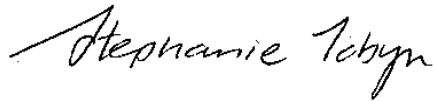
Please note, we expect to publish as part of our consultation any responses or comments that we receive in response to this letter.

I shall be grateful if you will provide any responses that you wish to via e-mail to: ATP@orr.gov.uk by 5pm Friday 11 October 2019.

We will continue to require ATPs to be submitted to the deadlines provided in our letter of 26 July 2019. Please consider the requirements set out in Section 4, A4.2 and A6.2 to be provisional until further notice.

If you have any concerns or wish to discuss this matter further, please get in touch with me using the details at the top of this letter.

Yours sincerely

A handwritten signature in black ink that reads "Stephanie Tobyn". The signature is written in a cursive, flowing style.

Stephanie Tobyn
Deputy Director
Railway Markets & Economics