



2002 CHAPTER 8

Safety of railways

1.—(1) Part II of the [Health and Safety at Work \(Northern Ireland\) Order 1978 \(NI 9\)](#) (“the 1978 Order”) shall have effect as if the provisions mentioned in subsection (4) (which relate to the proper construction and safe operation of railways and of the vehicles used on railways and the protection of railway employees or the general public from personal injury and other risks arising therefrom)—

- (a) were existing statutory provisions, within the meaning of that Part; and
- (b) in the case of the statutory provisions mentioned in paragraphs (a) to (i) of that subsection, were specified in the third column of Schedule 1 to that Order.

(2) If to any extent they would not do so apart from this subsection, the general purposes of Part II of the 1978 Order shall include—

- (a) securing the proper construction and safe operation of railways, and of any vehicles used, or to be used, on railways; and
- (b) protecting the public (whether passengers or not) from personal injury and other risks arising from the construction and operation of railways.

(3) Without prejudice to the generality of paragraph (1) of Article 17 of the 1978 Order (health and safety regulations), regulations under that Article may—

- (a) repeal or modify any of the statutory provisions mentioned in subsection (4); and
- (b) make any provision which, but for any such repeal or modification, could be made by regulations or orders made under any of those statutory provisions.

(4) The provisions referred to in subsections (1) and (3) are—

- (a) section 10 of the Railway Regulation Act 1842 (c. 55);
- (b) section 47 of the Railways Clauses Consolidation Act 1845 (c. 20);
- (c) section 22 of the Regulation of Railways Act 1868 (c. 119);
- (d) the Regulation of Railways Act 1871 (c. 78);
- (e) sections 1 and 4 of the Regulation of Railways Act 1889 (c. 57);
- (f) the Railway Employment (Prevention of Accidents) Act 1900 (c. 27);
- (g) sections 2 and 3 of the Railways Act (Northern Ireland) 1934 (c. 5);
- (h) section 66 of the Transport Act (Northern Ireland) 1967 (c. 37);
- (i) sections 2 to 4 of this Act;
- (j) any regulations made under section 2 of the European Communities Act 1972 (c. 68) for the purpose of implementing the Council Directive of 29th July 1991 (91/440/EEC) on the development of the Community's railways (as amended or extended by any subsequent Directive), so far as the regulations are made for safety purposes.