
STATUTORY INSTRUMENTS

2011 No. 3066

The Railways (Interoperability) Regulations 2011

PART 2

Subsystems

Determination of type

8.—(1) If the Safety Authority issues an authorisation for the placing in service of a vehicle, the Safety Authority must issue a determination of type in relation to the vehicle.

(2) If the Safety Authority issues an authorisation for the placing in service of a structural subsystem that is not a vehicle, the Safety Authority may, with the consent of the person who applied for the authorisation, issue a determination of type in relation to that subsystem.

(3) The person who applied for the authorisation may make an application to the Safety Authority requesting the Safety Authority to make a determination of type under paragraph (2) and the Safety Authority must consider any such application.

(4) A determination of type must describe the basic design characteristics of the structural subsystem.

(5) If the Safety Authority considers it necessary as a result of [^{F1}material changes to the applicable standards] it may modify, suspend or withdraw a determination of type.

[^{F2}(6) The Safety Authority must publish and keep up to date a list of determinations of type for vehicles issued in accordance with this regulation (including those determinations issued by the Safety Authority before IP completion day) and any modification, suspension or withdrawal of such a determination.

(6A) In maintaining that list, the Safety Authority may have regard to the requirements set out in Annex II to Commission Implementing [Decision 2011/665/EU](#) of 4 October 2011 on the European register of authorised types of railway vehicles as that Decision has been amended by Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 amending Commission Regulations ([EU No 321/2013](#), (EU) No 1299/2014, (EU) No 1301/2014, (EU) No 1302/2014, (EU) No 1303/2014 and (EU) 2016/919 and Commission Implementing [Decision 2011/665/EU](#) as regards the alignment with Directive (EU) 2016/797 of the European Parliament and of the Council and the implementation of specific objectives set out in Commission Delegated Decision (EU) 2017/1474.]

(7) Following an authorisation under regulation 9 the Safety Authority is not required to make a further determination under this regulation.

(8) The Safety Authority must publish a list of the determination of types for structural subsystems that are not vehicles and keep the list up to date.

[^{F3}(9) In regulations 8, 9 and 10, “applicable standards” means the applicable standards in force at the time when type was determined, which are—

- (a) before IP completion day, standards set out in TSIs and notified national technical rules;
- (b) on or after IP completion day, standards set out in NTSNs and NTRs.

(10) In regulations 8, 9 and 10, any reference to “material” changes to standards does not include the replacement of the standards contained in TSIs or notified national technical rules by the standards published by the Secretary of State in accordance with regulations 3B and 3C on IP completion day and contained in NTSNs or NTRs.]

Textual Amendments

- F1** Words in [reg. 8\(5\)](#) substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(13)(a)**; 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F2** [Reg. 8\(6\)\(6A\)](#) substituted for [reg. 8\(6\)](#) (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(13)(b)** (as amended by [S.I. 2020/786](#), regs. 1(2)(b)(i), **4(4)(a)**; by [S.I. 2019/345](#), **reg. 2(13)(b)** and [S.I. 2020/318](#), regs. 1(2)(b), **5(5)**); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F3** [Reg. 8\(9\)\(10\)](#) inserted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(13)(c)** (as amended: by [S.I. 2020/786](#), regs. 1(2)(b)(i), **4(4)(b)(i)(ii)** and [S.I. 2019/1310](#), regs. 1(2)(c), **6(2)(a)**); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Railways (Interoperability) Regulations 2011, Section 8.