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STATUTORY INSTRUMENTS

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**2018 No. 1400**

**The Merchant Shipping (Accident Reporting and Investigation) and the Railways (Accident Investigation and Reporting) (Amendment) (EU Exit) Regulations 2018**

**PART 3**

**Amendment of the Railways (Accident Investigation and Reporting) Regulations 2005**

**Introductory**

**15.** The Railways (Accident Investigation and Reporting) Regulations 2005(1) are amended in accordance with this Part.

**Amendment of regulation 2 (interpretation)**

**16.—**(1) Regulation 2 is amended as follows.

(2) In paragraph (1)—

- (a) omit the definition of “European Railway Agency”;
- (b) after the definition of “railway property”, insert—

““railway undertaking” means any public or private undertaking, the principal business of which is to provide services for the transport of goods and passengers, or goods or passengers, by rail with a requirement that the undertaking ensure traction; this includes undertakings which provide traction only;”;

- (c) omit the definition of “Safety Directive”;
- (d) before the definition of “working days”, insert—

““safety management system” means the organisation and arrangements established by an infrastructure manager or a railway undertaking to ensure the safe management of its operations;

“vehicle” has the meaning given in the Railways and Other Guided Transport Systems (Safety) Regulations 2006(2);”.

(3) Omit paragraph (5).

**Amendment of regulation 5 (conduct of investigations by the Rail Accident Investigation Branch)**

**17.—**(1) Regulation 5 is amended as follows.

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(1) [S.I. 2005/1992](#), to which there are amendments not relevant to these Regulations.  
(2) [S.I. 2006/599](#), as amended by [S.I. 2011/1860](#).

- (2) In paragraph (1), omit sub-paragraphs (c) to (e).
- (3) In paragraph (4)(d), omit “member”.
- (4) Omit paragraph (6).
- (5) In paragraph (7), omit “member” in each place where the word occurs.
- (6) In paragraph (8), omit “member” in each place where the word occurs.
- (7) In paragraph (11), omit “; and in making” to the end.

**Amendment of regulation 6 (persons conducting, etc., an investigation by the Rail Accident Investigation Branch)**

- 18. In regulation 6(3)(a)—
  - (a) omit “member”;
  - (b) omit “or the European Railway Agency”.

**Amendment of regulation 10 (disclosure of evidence)**

- 19. In regulation 10(7)(d), omit “member”.

**Amendment of regulation 11 (reports etc of accidents and incidents investigated by the Rail Accident Investigation Branch)**

- 20. In regulation 11(5), omit “the European Railway Agency and to”.

**Amendment of regulation 12 (recommendations of the Rail Accident Investigation Branch)**

- 21. In regulation 12(1)(b), omit “member”.

**Amendment of regulation 13 (duty of the Rail Accident Investigation Branch to consider representations)**

- 22. In regulation 13(2)(b)(viii), omit “member”.

**Amendment of regulation 14 (annual report of the Chief Inspector)**

- 23. In regulation 14, omit paragraph (4).

**Amendment of regulation 15 (miscellaneous functions)**

- 24.—(1) Regulation 15 is amended as follows.
  - (2) In paragraph (2)(a)—
    - (a) omit “member”;
    - (b) omit “or the European Railway Agency”.
  - (3) For paragraph (5), substitute—
    - “(5) The Branch must use its best endeavours to exchange information and views with similar investigation bodies established in other States for the purpose of—
      - (a) improving railway and train safety;
      - (b) developing and improving investigation methods;
      - (c) adapting to, and keeping up to date with, technical and scientific progress in relation to railway and train safety and investigation methods.”

**Amendment of Schedule 6 (principal content of an accident and incident investigation report)**

**25.** In Schedule 6, in paragraph 3 (record of investigations and inquiries), in sub-paragraph (3), for “Community” substitute “international”.