
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose prohibitions and requirements in relation to safety on Northern Ireland railways.

Part 2 and regulation 18 of the Regulations implement, insofar as they apply to any railway in relation to Northern Ireland, Directive [2004/49/EC](#) (O.J. No. L164, 30.04.04 p.44) of the European Parliament and the Council of 29th April 2004, on safety on the Community's railways and amending Council Directive [95/18/EC](#) on the licensing of transport undertakings and Directive [2001/14/EC](#) on the allocation of infrastructure capacity and the levying of charges for use of infrastructure and safety certification ("the Rail Safety Directive"), except in relation to access to training facilities, placing in service of in-use rolling stock and accident and incident investigation.

Part 1 contains the interpretation provisions. Part 2 contains prohibitions in relation to the operation of trains or vehicles on any railways and the management and use of infrastructure unless a person has established and is maintaining a safety management system and in specified cases has a safety certificate in relation to the operation of vehicles or a safety authorisation in relation to the management and use of infrastructure. Part 2 also makes provision in relation to the requirements for a safety management system and the issuing, amendment and revocation of safety certificates and authorisations and for the giving of notices to the Department.

Part 3 provides for general duties on any railway operators subject to the duties in Part 2 to carry out risk assessment, co-operate with each other and certain other persons and to prepare an annual safety report to the Department. It makes provision in relation to annual reports to the European Railway Agency and for the issuing, keeping and public inspection of documents.

Part 4 makes provision in relation to the carrying out of safety critical work on any railways. It imposes obligations on those controlling the carrying out of such work to ensure that it is only carried out by fit and competent persons, that safety critical workers do not carry out work when fatigued and related co-operation requirements.

Part 5 makes provision for appeals in relation to decisions relating to safety certificates and authorisations, for transitional provisions in relation to compliance with the provisions of regulations (3)(1) and (2), for the granting of exemptions and for a defence in relation to the safety verification requirements in regulation 4.

Technical Specifications for Interoperability are published in the Official Journal of the European Communities. Common Safety Methods and Common Safety Targets are to be developed pursuant to the Rail Safety Directive and shall be published in the Official Journal of the European Communities.