
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 237

**THE RAILWAYS (SAFETY MANAGEMENT)
REGULATIONS (NORTHERN IRELAND) 2006**

**PART I
INTRODUCTION**

Citation and commencement

1. These Regulations may be cited as the Railways (Safety Management) Regulations (Northern Ireland) 2006 and shall come into force on 30th June 2006.

Interpretation

2.—(1) In these Regulations—

“building operation” means—

- (a) the construction, structural alteration, repair or maintenance of a building and maintenance shall include repointing, redecoration and external cleaning of the structure;
- (b) demolition of a building; or
- (c) preparation for and laying the foundation of an intended building,

but does not include any operation which is a work of engineering construction;

“common safety methods” (CSMs) means the methods to be developed, pursuant to article 6 of the Directive, to describe how—

- (a) safety levels;
- (b) achievement of safety targets; and
- (c) compliance with other safety requirements,

are assessed, as revised and reissued from time to time;

“common safety targets” (CSTs) means the safety levels, to be developed pursuant to article 7 of the Directive, that must be reached by—

- (a) different parts of the railway system; and
- (b) that system as a whole,

expressed in risk acceptance criteria as revised and reissued from time to time;

“competent person” means, except for the purposes of Part 4, a person who—

- (a) has sufficient skills, knowledge, experience and resources to undertake the safety verification in relation to which he is appointed;
- (b) has not borne such responsibility in relation to any of the matters he has to consider in undertaking that safety verification that might compromise his objectivity; and

- (c) is sufficiently independent of a judgment system, or a part thereof, which has borne responsibility for any of the matters he has to consider in undertaking the safety verification, to ensure that he will be objective in carrying out the safety verification for which he is appointed;

“conventional Directive” means Council Directive 2001/16 of the European Parliament and of the Council of 19th March 2001 on the interoperability of the conventional rail system (1);

“the Department” means the Department for Regional Development;

“engineering possession” means a section of track which is closed to normal traffic and where the closure is for the purpose of carrying out maintenance which shall include any repair, alteration, reconditioning, examination or testing of infrastructure;

“European Railway Agency” means the agency for railway safety and interoperability established by Regulation (EC) No.881/2004 of the European Parliament and the Council of 29th April 2004 establishing European Railway Agency(2)

“infrastructure” means fixed assets used for the operation of any railway which shall include, without prejudice to the generality of the foregoing—

- (a) its permanent way;
- (b) any station; and
- (c) plant used for signalling or exclusively for supplying electricity for operational purposes to the railway system;

“infrastructure manager” means the person who—

- (a) in relation to infrastructure is responsible for developing and maintaining that infrastructure, except that it shall not include any person solely on the basis that he carries out the construction of that infrastructure or its maintenance, repair or alteration; and
- (b) manages and uses that infrastructure, or permits it to be used, for the operation of a vehicle;

“Interoperability Regulations” means The Railways (Interoperability) Regulations 2006; (3)

“material” includes plant;

“national safety rules” means any legislation and other requirements—

- (a) applicable to Northern Ireland; and
- (b) which contain requirements (including common operating rules) relating to railway safety,

except that where the requirements in sub-paragraph (b) consist of common operating rules of the railway it shall not include such rules which regulate matters which are covered by a TSI;

“new” in relation to regulation 4 means new to any railway;

“Part A of a safety certificate” means that part of a safety certificate certifying the matters set out in regulation 7(4)(b)(i);

“Part B of a safety certificate” means that part of a safety certificate certifying the matters set out in regulation 7(4)(b)(ii);

“railway” means a system of transport employing parallel rails which—

- (a) provide support and guidance for vehicles carried on flanged wheels, and

(1) O.J. No.L 110, 20.4.2001, p1 as amended by Directive [2004/50/EC](#) of the European Parliament and the Council of 29th April 2004 (O.J. L164, 30.4.2004, p114

(2) O.J. No.L164 of 30.4.04, p1

(3) [S.I.2006 No.397](#)

(b) form a track which is of a gauge of at least 350 millimetres, except that it does not include any part which is located within a maintenance or goods depot.

“railway operator” means a person who is an infrastructure manager or who operates trains;

“railway safety application” means an application for—

- (a) a safety certificate or an amended safety certificate; or
- (b) a safety authorisation or an amended safety authorisation, made in relation to an operation on any railway;

“railway system” means any railway and the management and operation of that railway network as a whole;

“relevant infrastructure manager” means the infrastructure manager for any infrastructure in relation to the operation in question;

“relevant infrastructure or vehicle” means any new or altered—

- (a) infrastructure; or
- (b) vehicle,

falling within regulation 4(4) and related expressions shall be construed accordingly;

“responsible person” means in relation to any relevant infrastructure or vehicle, any person who—

- (a) has contracted with another person for the manufacture or construction by that other person of that infrastructure or vehicle; or
- (b) manufactures or constructs that infrastructure or vehicle for its own use, or for sale to, or use by, another person but not where he is contracted to do so by a person falling under sub-paragraph (a),

and includes an authorised representative established in Northern Ireland of such a person.

“risk” means in Parts 1 and 2 a risk to the safety of the person;

“rolling stock” means any carriage, wagon or other vehicle used on track and includes a locomotive;

“safety authorisation” means a safety authorisation issued by the Department in accordance with regulations 8 or 10;

“safety authority” means—

- (a) as regards a Member State other than the United Kingdom, the authority established in that State in accordance with article 16.1 of the Directive; and
- (b) as regards Great Britain, means the Executive; or
- (c) as regards Northern Ireland, the Department for Regional Development established by article 3(1) of the Departments (Northern Ireland) Order 1999;

“safety certificate” means a safety certificate issued by the Department in accordance with regulations 5 or 7;

“safety management system” means the organisation and arrangements established by a railway operator to ensure the safe management of its operation;

“significant safety risk” means, in relation to new or altered infrastructure or a new or altered vehicle the design or construction of which incorporates significant changes compared to any infrastructure or vehicle already in use on any railway, the capability of significantly increasing an existing risk or creating a significant safety risk to—

- (a) passengers on any railway; or

- (b) members of the public in any location where the railway operates and to which the public have access (including a place to which the public has access only on making payment), except a location which is a crossing subject to an Order made under section 66(4) of the Transport Act (Northern Ireland) 1967(4)

“station” means any railway passenger station, halt or terminal, but does not include any permanent way or plant used for signalling; or exclusively for supplying electricity for operational purposes to any railway;

“technical specifications for interoperability” (“TSIs”) means technical specifications for interoperability which are published in the Official Journal of the European communities pursuant to—

(a) article 6.1 of the high-speed Directive; or

(b) article 6.1 of the Conventional Directive,

and in force;

“train” includes any rolling stock;

“vehicle” includes a mobile traction unit;

“work of engineering construction” means the—

(a) construction of any line or siding otherwise than on any existing railway; and

(b) construction, structural alteration, repair (including repointing and repainting) or demolition or any tunnel, bridge or viaduct except where carried on upon any railway; and

“writing” apart from its usual meaning includes any text transmitted using electronic communications that is received, or accessible by the person to whom it is sent, in eligible form.

(2) Any reference in these Regulations to a person operating a train or a vehicle is a reference to the person operating the train or vehicle for the time being in the course of a business or other undertaking carried on by him, whether for profit or not, but it does not include a self-employed person by reason only that he drives or otherwise controls the movement of a train or vehicle.