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STATUTORY RULES OF NORTHERN IRELAND

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**2006 No. 237**

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

**PART III**

**GENERAL DUTIES**

**Risk assessment**

**17.**—(1) A railway operator shall—

- (a) make a suitable and sufficient assessment of the risks to the safety of any persons for the purpose of identifying the measures he needs to take to ensure safe operation of the railway insofar as this is affected by his operation; and
- (b) implement the measures referred to in sub-paragraph (a).

(2) When carrying out an assessment or a review under paragraph (1) or (3), a railway operator shall apply the CSMs to the extent that the operation is carried out on the railway.

(3) Any assessment under paragraph (1) shall be reviewed by any railway operator who made it if—

- (a) there is a reason to suspect that it is no longer valid; or
- (b) there has been a significant change in the matters to which it relates and where as a result of any such review changes to an assessment are required,

the railway operator concerned shall make them, and he shall implement any changes to the measures identified pursuant to paragraph (1) as a result of the review.

(4) The railway operator shall record in relation to any assessment or review under this regulation—

- (a) the assessment process undertaken, the methods of any calculation used and any assumptions made; and
- (b) the significant findings of the risk assessment including the measures in place and any further measures any railway operator intends to take to ensure safe operation of the railway in relation to his operation.

(5) Every railway operator shall make and give effect to such arrangements as are appropriate, having regard to the nature of his activities and the size of the undertaking, for the effective planning, organisation, control, monitoring and review of the measures identified in paragraph (1) or (3) and shall record such arrangements.

**Annual safety reports**

**18.**—(1) Subject to paragraph (2), any railway operator who is subject to the prohibition in regulation 3(1)(b) and (2)(b) shall send to the Department an annual safety report relating to the previous calendar year which shall contain—

- (a) information on how any railway operator's safety targets, referred to in paragraph 2(b) of Schedule 1, are met;
  - (b) the results achieved through putting any railway operator's safety plans, referred to in paragraph 2(b) of Schedule 1, into effect;
  - (c) statistics for the common safety indicators listed in Schedule 3 insofar as they are relevant to the operation in question;
  - (d) the findings of internal safety auditing carried out pursuant to the procedures referred to in paragraph 2(k) of Schedule 1; and
  - (e) comments on any deficiencies or malfunctions relating to the running of vehicles or the management of infrastructure relating to the operation in question that may be relevant to the safety of any railway.
- (2) The first annual report required under paragraph (1) shall be sent by 31st August 2007 and subsequent reports by 31st August in each subsequent calendar year.
- (3) Subject to paragraph (4), the Department shall publish and send to the European Railway Agency an annual report relating to the previous calendar year which shall contain information on the following in relation to any railway—
- (a) the development of railway safety including an aggregation of all the statistics reported to the Department for the relevant calendar year pursuant to paragraph (1)(c) which relate to an operation or part of an operation which is carried out on the railway;
  - (b) any important changes in relation to the regulation of railway safety;
  - (c) the development of the system for safety certification and authorisation; and
  - (d) the results of and experience relating to the supervision of railway operators.
- (4) The first annual report required under paragraph (3) shall be sent to the European Railway Agency by 30th September 2007 and subsequent reports by 30<sup>th</sup> September in each subsequent calendar year.
- (5) Where the Department discovers, after sending an annual report, that there were errors or omissions in it then it shall send a corrected report for that year to the European Railway Agency at the first convenient opportunity and in any event by no later than the time the next annual report is due to be sent.

### **Sending, issuing and keeping of documents and making them available for public inspection**

- 19.**—(1) Any application, notice, report or any other information sent to the Department or records made pursuant to these Regulations shall be in writing and in English.
- (2) Any certificate, authorisation, notice, direction, request for information, statement or report issued by the Department pursuant to these Regulations shall be in writing, and in English.
- (3) An applicant who makes an application in respect of a safety certificate or a safety authorisation pursuant to regulations 5, 7, 8 or 10 shall when sending the application, notify the Department of an address in Northern Ireland for the purposes of this regulation (“notified address”)
- (4) Subject to paragraphs (5) and (6), a railway operator shall keep at the notified address in relation to the operation in question—
- (a) the safety certificate or safety authorisation issued in response to his application for such certificate or authorisation and the documentation referenced in that safety certificate or safety authorisation;
  - (b) any notice of amendment issued pursuant to Part 2 in relation to his safety certificate or safety authorisation;
  - (c) any records he is required to make pursuant to regulation 18(4) and (5);

- (d) any safety annual report sent to the Department under regulation 19(1)
- (e) any notification of changes or of a revision notified to the Department under regulation 11; and
- (f) a record of any findings of internal safety auditing carried out pursuant to the procedures referred to in paragraph 2(k) of Schedule 1 and of any action taken in consequence of such auditing,

or a hard or electronic copy of such documents.

- (5) The documents referred to in paragraph (4) shall be kept as long as they—
  - (a) are or are a copy of the current safety certificate or safety authorisation or a notice of amendment thereof;
  - (b) are or are a copy of a notification of a major change or a revision which is relevant to the current operation of any railway;
  - (c) relate to the information on the basis of which the Department’s acceptance referred to in regulation 5(4) or 8(3), as the case may be, was made in relation to a current safety certificate or safety authorisation; or
  - (d) relate to a risk assessment, as reviewed from time to time, carried out pursuant to regulation 18.

(6) The documents kept pursuant to paragraph (4)(d) or (f) shall be kept for 5 years and the documents kept pursuant to sub-paragraphs (a), (b), (d) and (e) of paragraph (4) shall, subject to paragraph (7), be made available for public inspection at the notified address at reasonable times and on reasonable notice.

- (7) Nothing in paragraph (6) shall require the disclosure of any information—
  - (a) relating to a named individual;
  - (b) which is commercially confidential; or
  - (c) which is detrimental to national security or to the security of any railway.

(8) A person who has a notified address may subsequently notify the Department of a different address in Northern Ireland and in this case references in this regulation to the notified address shall be construed as a reference to the last address notified under this paragraph.

### **Co-operation**

**20.**—(1) Every person to whom this paragraph applies shall co-operate as far as is necessary with any railway operator to enable him to comply with the provisions of these Regulations.

- (2) Paragraph (1) applies to—
  - (a) any railway operator whose operations may affect or may be affected by operations carried out by the duty holder; and
  - (b) an employer of persons or a self-employed person carrying out work on or in relation to premises or plant owned or controlled by the duty holder.

(3) Every railway operator shall co-operate, insofar as is reasonable, with any other railway operator who operates on the same railway where that other railway operator is taking action to achieve the safe operation of that railway.

- (4) In paragraph (2) “duty holder” means any railway operator referred to in paragraph (1).