
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 132

**The Train Driving Licences and Certificates
Regulations (Northern Ireland) 2010**

PART 9

TRAINING AND EXAMINATION

Training content

- 28.**—(1) A railway undertaking that employs train drivers must ensure that their training—
- (a) complies with the requirements of, and takes into account the guidance given in, Schedule 7;
 - (b) includes instruction on train driving licences and covers the general professional knowledge, and meets the objectives, set out in Schedule 3;
 - (c) includes instruction on train driving certificates, and covers the general professional knowledge, and meets the objectives, set out in Schedules 4 and 5; and;
 - (d) meets the requirements for continuous training which—
 - (i) are set up to ensure that staff competencies are maintained; and
 - (ii) form part of the safety management system of the railway undertaking.

(2) The training objectives referred to in paragraphs (1)(b) and (c) may be supplemented by any relevant technical specifications for interoperability adopted from time to time by [F¹the European Union] under Council Directive [96/48/EC](#) on the interoperability of the trans — European high-speed rail system(1), Directive [2001/16/EC](#) of the European Parliament and of the Council on the interoperability of the conventional rail system(2) or Directive [2008/57/EC](#) of the European Parliament and of the Council on the interoperability of the rail system within the Community(3) and published in the Official Journal.

Textual Amendments

- F1** Words in Regulations substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3-6
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Commencement Information

- I1** [Reg. 28](#) in force at 31.12.2010, see [reg. 41\(5\)](#)

(1) O.J. No. L235, 17.9.1996, p. 6 as last amended by Commission Directive [2007/32/EC](#) (O.J. No. L141, 2.6.2007, p. 63).
(2) O.J. No. L110, 20.4.2001, p. 1 as last amended by Commission Directive [2007/32/EC](#).
(3) O.J. No. L191, 18.7.2008, p. 1.

Trainers

29.—(1) Subject to paragraph (2), a person may only provide training intended to enable satisfaction of the following—

- (a) the condition in regulation 8(1)(f) relating to general professional competence required for obtaining a train driving licence;
- (b) the condition in regulation 9(1)(b) relating to language skills required for obtaining a train driving certificate; or
- (c) the condition in regulation 9(1)(c) relating to specific professional knowledge required for obtaining a train driving certificate;

[^{F2}if that person is a recognised trainer].

[^{F3}(1A) For the purposes of paragraph (1), a recognised trainer includes a trainer accredited or recognised to act as a trainer in a member State in accordance with the requirements of article 20 of the Directive.]

(2) Training relating to infrastructure knowledge, including route knowledge and operating rules and procedures may only be provided by a trainer recognised by the Department under regulation 21(1).

Textual Amendments

- F2** Words in [reg. 29\(1\)](#) substituted (31.12.2020) by [The Railways \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2019 \(S.I. 2019/826\)](#), regs. 1(2), **38(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** [Reg. 29\(1A\)](#) inserted (31.12.2020) by [The Railways \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2019 \(S.I. 2019/826\)](#), regs. 1(2), **38(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I2** [Reg. 29](#) in force at 31.12.2010, see [reg. 41\(5\)](#)

Cost of training

30.—(1) If a train driver voluntarily leaves the employment of one railway undertaking for another in circumstances where because of the cost the first employer has incurred in the training of that driver an undue benefit accrues to the second employer, the first employer is entitled to a reasonable contribution to those costs from the second employer.

(2) In determining what is a reasonable contribution for the purpose of paragraph (1), railway undertakings must have regard to such guidance as may be published by the Department.

Commencement Information

- I3** [Reg. 30](#) in force at 31.12.2010, see [reg. 41\(5\)](#)

Examinations

31.—(1) The Department must—

- (a) set or approve the general professional competence examination referred to in regulation 8(1)(f);
- (b) designate the examiner; and

- (c) include guidance and information about the examination in the publication it makes on its website in pursuance of regulation 10(1).
- (2) A railway undertaking must—
 - (a) set or approve the specific professional knowledge examinations relevant to its rolling stock or infrastructure, as the case may be, as referred to in regulation 9(1)(c);
 - (b) designate the examiner for the examinations it sets or approves; and
 - (c) include guidance and information about the examination in the publication it makes on its website in pursuance of regulation 11(4).
- (3) Subject to paragraph (4), a person may only be designated as an examiner under paragraphs (1)(b) or (2)(b) if that person is—
 - (a) a recognised examiner; or
 - (b) recognised or accredited as competent for the purpose by [^{F4}a member State] in accordance with article 20 of the Directive.
- (4) In so far as an examination set or approved under paragraph (2)(a) is for infrastructure knowledge evaluation, including evaluation of route knowledge and operating rules and procedures, the examiner must be a recognised examiner.
- (5) The Department or railway undertaking must ensure that the examinations referred to in paragraphs (1)(a) and (2)(a) which they set or approve are organised in such a way as to avoid any conflict of interest arising.
- (6) Notwithstanding paragraph (5) a railway undertaking, may designate a recognised examiner under paragraph (2)(b) who is also its employee, provided the examiner has not trained the candidate for the examination.

Textual Amendments

- F4** Words in [reg. 31\(3\)\(b\)](#) substituted (31.12.2020) by [The Railways \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2019 \(S.I. 2019/826\)](#), regs. 1(2), **39**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I4** [Reg. 31](#) in force at 31.12.2010, see [reg. 41\(5\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Train Driving Licences and Certificates Regulations (Northern Ireland) 2010, PART 9.