

STATUTORY RULES OF NORTHERN IRELAND

2016 No. 420

The Railways Infrastructure (Access, Management
and Licensing of Railway Undertakings)
Regulations (Northern Ireland) 2016

PART 9 **N.I.**

STATEMENTS OF NATIONAL REGULATORY PROVISIONS

Prohibition on operating trains without a statement of national regulatory provisions **N.I.**

48.—(1) Where a person is a railway undertaking to which these regulations apply, that person may not act as the operator of a train for the purpose of providing train services in Northern Ireland unless (in addition to being authorised by a European licence) he holds a valid statement of national regulatory provisions (SNRP).

(2) Any person who provides such services without holding such a statement shall be guilty of an offence.

(3) Any person who is guilty of an offence under this regulation shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
- (b) on conviction on indictment, to a fine.

(4) No proceedings shall be instituted in Northern Ireland in respect of an offence under this regulation except by or on behalf of the Department.

(5) In this regulation and in regulations 49 and 50, the expression “European licence” includes a licence granted pursuant to any action taken by an EEA State for the purpose of implementing the 1995 Directive^{M1} or [^{F1}the Directive and a licence granted by the Office of Rail and Road pursuant to the Railway (Licensing of Railway Undertakings) Regulations 2005].

Textual Amendments

F1 Words in reg. 48(5) substituted (31.12.2020) by [The Railways \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2019 \(S.I. 2019/826\)](#), regs. 1(2), **23**; 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

M1 O.J. No. L143, 27.6.1995, p.70-74

Statements of national regulatory provisions (“SNRPs”) **N.I.**

49.—(1) Upon application being made, the Department shall issue a SNRP to a holder of a valid European licence.

(2) Any application for a SNRP—

Changes to legislation: There are currently no known outstanding effects for the The Railways Infrastructure (Access, Management and Licensing of Railway Undertakings) Regulations (Northern Ireland) 2016, PART 9. (See end of Document for details)

- (a) shall be made in writing to the Department and in such form and manner as the Department may from time to time determine and publish, and
 - (b) shall be accompanied by a copy of the European licence, if already held.
- (3) A SNRP shall continue in force for such period as may be specified in or determined by or under the SNRP.

Conditions of SNRPs **N.I.**

50.—(1) Subject to paragraph (4), a SNRP may include one or more conditions (whether or not relating to the activities for which the applicant for the SNRP requires a European licence) as appear to the Department to be requisite or expedient.

(2) Subject to paragraph (4), a SNRP may include conditions requiring the rendering to the Department of a payment on the grant of the SNRP or payments during the currency of the SNRP, or both, of such amount or amounts as may be determined by or under the SNRP

(3) Without prejudice to the generality of paragraph (1), conditions included in a SNRP by virtue of paragraph (1) may impose any of the following requirements—

- (a) specific technical and operational requirements for rail services;
- (b) safety requirements applying to staff, rolling stock and the internal organisation of the undertaking;
- (c) provisions on health, safety, social conditions and the rights of workers and consumers;
- (d) requirements applying to all undertakings in the relevant railway sector designed to offer benefits or protection to consumers.

(4) A condition may not—

- ^{F2}(a)
- (b) be applied in a discriminatory manner.

(5) Any sums received by the Department in consequence of the provisions of any condition of a SNRP shall be paid into the Consolidated Fund.

Textual Amendments
F2 Reg. 50(4)(a) omitted (31.12.2020) by virtue of [The Railways \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2019 \(S.I. 2019/826\)](#), regs. 1(2), **24**; 2020 c. 1, Sch. 5 para. 1(1)

Referral for Commission's opinion **N.I.**

^{F3}**51.**

Textual Amendments
F3 Reg. 51 omitted (31.12.2020) by virtue of [The Railways \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2019 \(S.I. 2019/826\)](#), regs. 1(2), **25**; 2020 c. 1, Sch. 5 para. 1(1)

Modification of SNRPs by consent **N.I.**

52.—(1) Subject to regulation 50 and to the following provisions of this regulation, the Department may modify the conditions of a SNRP if the SNRP holder consents to the modifications.

(2) Before making modifications under this regulation, the Department shall give notice—

- (a) stating that it proposes to make the modifications and setting out their effect;
- (b) stating the reasons why it proposes to make the modifications; and
- (c) specifying the period (not being less than 28 days from the date of publication of the notice) within which representations or objections with respect to the proposed modifications may be made,

and shall, before making the modifications, consider any representations or objections which are duly made and not withdrawn.

- (3) A notice under paragraph (2) shall be given—
 - (a) by publishing the notice in such manner as the Department considers appropriate for the purpose of bringing the notice to the attention of persons likely to be affected by the making of the modifications; and
 - (b) by serving a copy of the notice on the SNRP holder.

[^{F4}Monitoring, suspension and revocation of SNRPs issued to holders of European licences” N.I.]

52A.—(1) This regulation applies where the Department has issued a SNRP under regulation 49 to the holder of a licence granted pursuant to any action taken by an EEA State for the purpose of implementing the Directive or the 1995 Directive.

(2) The Department must take such steps as are necessary to enable it to determine whether or not the licence holder complies with the requirements referred to in Schedule 4 as to good repute, financial fitness, professional competence and insurance cover for civil liabilities at any time the Department considers that there is serious doubt whether the licence holder complies with any of those requirements, and in doing so, the Department must treat Schedule 4 as if it applies in relation to holders of licences granted pursuant to any action taken by an EEA State for the purposes of implementing the Directive or the 1995 Directive.

(3) If, having taken the steps referred to in paragraph (2), the Department is satisfied that the licence holder does not comply with any such requirement, the Department must revoke or suspend the SNRP issued to the licence holder.]

Textual Amendments

- F4** Reg. 52A inserted (31.12.2020) by [The Railways \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2019 \(S.I. 2019/826\)](#), regs. 1(2), **26**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Railways Infrastructure (Access, Management and Licensing of Railway Undertakings) Regulations (Northern Ireland) 2016, PART 9.