
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make it necessary to obtain the approval of the Secretary of State before new works, plant or equipment or an alteration to any existing works, plant or equipment may be brought into use for the purposes of a relevant transport system. They replace less comprehensive provisions contained in section 25 of the Tramways Act 1870 (c. 78) and section 41 of the Road and Rail Traffic Act 1933 (c. 53).

The transport systems to which the Regulations apply are railways, tramways, trolley vehicle systems and the modes of guided transport described in *Schedule 1*.

Regulation 4 introduces the requirement to obtain approval. The works, plant or equipment, or the alteration thereto, has to be such as to be capable of materially affecting the safe operation of the transport system concerned. The term “equipment” includes a vehicle. There are exceptions to the need to secure approval in the case of trains using the Channel Tunnel (for which special provision is made in other legislation) and in certain circumstances in the case of vehicles which have to comply with construction and use requirements imposed by or under the Road Traffic Act 1988. The regulation also specifies when the requirement for approval takes effect and deals with testing and similar matters.

Regulation 5 sets out the procedure for obtaining approval and the information which the Secretary of State may require in order to consider an application. This information includes, in appropriate cases, the documents listed in *Schedule 2*.

Regulation 6 provides for the Secretary of State to give manufacturers of plant or equipment type approval of prototypes and *regulation 7* specifies the procedure to be followed when an operator proposes to bring into use any plant or equipment which conforms with such a prototype. If the application is accompanied by a certificate given by the manufacturer that the plant or equipment conforms with the approved prototype, the procedure laid down in regulation 5 may be dispensed with. The form of such a certificate is set out in *Schedule 3*.

Where works, plant or equipment meet the specifications, standards, codes or tests recognised by other member States of the European Union, *regulation 8* requires the Secretary of State not to refuse approval in such circumstances provided that equivalent levels of safety, suitability and fitness appertain.

Regulation 9 is concerned with relevant operational limitations. These are limitations to which an approval may be subjected in respect of speed, weight, number, duration or other factors, as specified in regulation 2: If an application states that it is intended to impose such a limitation or is accompanied by a certificate under regulation 7 which states that the item in question conforms with such a limitation, then the application is to be taken as being subject to that limitation.

Regulation 10 confers on the Secretary of State power to dispense with compliance of any of the requirements, either by individual or general notification. *Regulation 11* gives the Secretary of State power to require, by individual or general notification, compliance with provisions of the Regulations which would not otherwise apply.

Regulation 12 relates to the giving of false information and *regulation 13* imposes offences for contravention of the Regulations.

EN 45000 referred to in *Regulation 8(2)* is a European Standard, copies of which are obtainable from H M Stationery Office. The British Standard equivalent is BS 7500, copies of which can be

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obtained from any sales outlets operated by the British Standards institute or by post from them at Linford Wood, Milton Keynes, MK14 6LE.

An assessment of the cost to business of complying with these Regulations can be obtained from Railways Division 1A, Room S19/18, Department of Transport, 2 Marsham Street, London, SW1P 3EB, telephone number (071) 276 4815. Copies of the assessment have also been placed in the libraries of both Houses of Parliament.