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STATUTORY INSTRUMENTS

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**1994 No. 237**

**The Railways (Safety Case) Regulations 1994**

**Notifications, consultations and documents**

9.—(1) Where a safety case has been received by an infrastructure controller for acceptance pursuant to these Regulations or a revision thereof has been received by him pursuant to regulation 6(2), the controller shall notify the Executive of that fact forthwith, and, except in the case of a revision, of the address notified to him pursuant to paragraph (4)(a).

(2) Where an infrastructure controller accepts a safety case or revision pursuant to these Regulations (other than by virtue of regulation 10(8)) or sends a notification pursuant to regulation 6(2)(b) in relation to a revision (other than by virtue of regulation 10(9)), he shall send a copy of the safety case or revision and a copy of the notification referred to in regulation 2(4) or the notification referred to in regulation 6(2)(b), as appropriate, to the Executive forthwith.

(3) Where an infrastructure controller accepts a safety case or revision pursuant to these Regulations (other than by virtue of regulation 10(8)) he shall identify in the notification referred to in regulation 2(4) the procedures and arrangements described in the safety case or revision which affect or are likely to affect the performance of his health and safety duties and the extent to which they do so.

(4) A person who prepares a safety case pursuant to these Regulations shall—

- (a) when submitting that safety case to a person for acceptance, notify that person of an address in Great Britain for the purposes of sub-paragraphs (b) to (f) below, and, where the person submitting that safety case is an infrastructure controller, paragraph (7);
- (b) keep the accepted safety case and any revision thereof or a copy thereof at that address;
- (c) keep each audit report made by him or a copy thereof at that address;
- (d) ensure that a record is made of any action taken in consequence of such an audit report and keep that record or a copy thereof at that address;
- (e) ensure that a report is made of every review carried out pursuant to regulation 6(3) and ensure that a copy of it is sent to the person who has accepted the safety case; and
- (f) keep such report or a copy thereof at that address.

(5) A person who submits to the Executive a safety case for acceptance pursuant to regulation 5 or who submits to the Executive a revision to a safety case accepted under that regulation, shall send a copy of the safety case or revision to the relevant infrastructure controller referred to in that regulation.

(6) Where an infrastructure controller scrutinises a safety case submitted to him for acceptance pursuant to these Regulations or a revision submitted to him pursuant to regulation 6(2), he shall make a record of the steps he has taken in that scrutiny and of the results thereof.

(7) Where an infrastructure controller accepts a safety case or revision he shall keep a copy of that safety case or revision, every report sent to him pursuant to paragraph (4)(e) and the record referred to in paragraph (6) at the address he has notified pursuant to paragraph (4)(a).

(8) Each report and record required to be kept by this regulation shall be kept for a period of 3 years after it has been made, and the safety case and revision shall be kept for so long as it is current.

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(9) It shall be sufficient compliance with paragraphs (4) and (7) for the information in the documents to be kept at the address notified on film or by electronic means provided that the information is capable of being reproduced as a written copy at that address and it is secure from loss or unauthorised interference.

(10) Where a person has notified an address pursuant to sub-paragraph (a) of paragraph (4), he may notify to the person who has accepted the safety case a different address in Great Britain for the purposes of the provisions referred to in that sub-paragraph, and where he does so references in those provisions and in paragraph (9) where applicable to the address notified shall be construed as the address in the last notification made under this paragraph.

(11) An employer who prepares in respect of a workplace a safety case or revision thereto pursuant to these Regulations shall consult safety representatives on its preparation.

(12) Regulation 7(1) of the Safety Representatives and Safety Committees Regulations 1977 shall have effect as if the reference to safety representatives being entitled to inspect and take copies of documents were, in a case where by virtue of paragraph (9) information is kept on film or in electronic form, a reference to them being entitled to be given appropriate facilities to enable them to read it and to take a copy of it.