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STATUTORY INSTRUMENTS

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**1997 No. 553**

**The Railway Safety (Miscellaneous Provisions) Regulations 1997**

**Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

“1992 Act” means the Transport and Works Act 1992(1);

“1994 Regulations” means the Railways and Other Transport Systems (Approval of Works, Plant and Equipment) Regulations 1994(2);

“construction work” has the meaning assigned to it by regulation 2(1) of the Construction (Design and Management) Regulations 1994(3);

“factory” means a factory within the meaning of section 175 of the Factories Act 1961(4) and premises to which section 123(1) or (2) or 125(1) of that Act applies;

“harbour” and “harbour area” have the meanings assigned to them by regulation 2(1) of the Dangerous Substances in Harbour Areas Regulations 1987(5);

“mine” and “quarry” have the meanings assigned to them by section 180 of the Mines and Quarries Act 1954(6);

“prescribed system of guided transport” means a system using a mode of guided transport prescribed by regulation 3 of the 1994 Regulations;

“railway” has the meaning assigned to it by section 67(1) of the 1992 Act;

“station” means a passenger station or terminal of a transport system but does not include any permanent way or plant used for signalling or exclusively for supplying electricity for operational purposes to the transport system;

“street” has the meaning assigned to it by section 67(1) of the 1992 Act;

“train of vehicles” means two or more vehicles attached to each other;

“tramway” has the meaning assigned to it by section 67(1) of the 1992 Act;

“transport system” means a railway, tramway or prescribed system of guided transport, except that it does not include any part of such a system which—

- (a) employs parallel rails forming a track of a gauge of less than 920 millimetres and is—
  - (i) part of a factory;
  - (ii) within a maintenance or goods depot;
- (b) employs parallel rails forming a track of a gauge of less than 1.432 metres and is above ground at a mine or quarry;

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(1) 1992 c. 42.  
(2) S.I. 1994/157.  
(3) S.I. 1994/3140.  
(4) 1961 c. 34.  
(5) S.I. 1987/37.  
(6) 1954 c. 90.

- (c) is below ground at a mine;
- (d) runs along and at the same level as a street or in any other place to which the public has access (including a place to which the public has access only on making a payment);
- (e) is used solely for the purpose of carrying out construction work;

“vehicle” means a vehicle which is being used on a transport system and includes a mobile traction unit.

(2) Any reference in these Regulations to the infrastructure of a transport system is a reference to the fixed assets used for the operation of the transport system including its permanent way and plant used for signalling or exclusively supplying electricity for operational purposes to the transport system, but does not include a station.

(3) Any reference in these Regulations to a person in control of any infrastructure of a transport system is a reference to a person who, in the course of a business or other undertaking carried on by him (whether for profit or not), is in operational control of that infrastructure, except that where such control is for the time being exercised by a person undertaking maintenance, repair or alteration work on the infrastructure, it is a reference to a person who would be in operational control of the infrastructure if such work were not being undertaken.

(4) Any reference in these Regulations to a person operating a vehicle is a reference to the person operating the vehicle for the time being in the course of a business or other undertaking carried on by him (whether for profit or not), but it does not include a self-employed person by reason only that he himself drives or otherwise controls the movement of a vehicle.

- (5) Any reference in these Regulations to the maintenance of any equipment is a reference to—
- (a) the maintenance of that equipment in an efficient state, in efficient working order and in good repair; and
  - (b) where appropriate, subjecting that equipment to a suitable system of maintenance.