

---

STATUTORY INSTRUMENTS

---

**2000 No. 2688**

**The Railways (Safety Case) Regulations 2000**

**PART II**

**SAFETY CASES**

**Use of railway infrastructure**

4.—(1) Subject to regulation 16 (transitional provisions) a person in control of any railway infrastructure shall not use it or permit it to be used for the operation of trains or stations unless—

- (a) he has prepared a safety case containing the particulars specified in Schedule 1 and, where that infrastructure is to be used for the operation of trains or stations by persons other than the infrastructure controller, Schedule 2;
- (b) the Executive has accepted that safety case;
- (c) where he is not the person operating those trains or stations, the person undertaking that operation has agreed in writing to comply with any reasonable request he may make as respects any aspect of the operation which affects or is likely to affect the performance of the health and safety duties of the person in control of the railway infrastructure; and
- (d) the person operating those trains or stations has complied with regulation 5(1).

(2) An infrastructure controller who prepares a safety case shall—

- (a) procure the carrying out of an assessment of that safety case by an assessment body; and
- (b) obtain from that body a report of that assessment which shall include—
  - (i) a recommendation as to whether in the view of that body the safety case should or should not be accepted;
  - (ii) where acceptance is recommended, a statement that in its view the case for health and safety is satisfactorily made out; and
  - (iii) where acceptance is not recommended, the reasons for that recommendation.

(3) When submitting the safety case prepared pursuant to paragraph (1) to the Executive, the infrastructure controller shall send to the Executive a copy of the report of the assessment body relating to that safety case obtained under paragraph (2).

(4) Where a person who prepares a safety case for the purpose of paragraph (1) has submitted a safety case to the Executive for acceptance, the Executive shall notify that person whether the safety case is accepted or not and, where the safety case is not accepted, give reasons for that decision.

**Safety case for train operations and for station operations**

5.—(1) Subject to regulation 16 (transitional provisions) a person shall not operate a train in relation to any railway infrastructure and a person shall not operate a station unless—

- (a) he has prepared a safety case containing the particulars specified in Schedule 1; and
- (b) the Executive has accepted that safety case.

(2) A person who prepares a safety case for acceptance pursuant to paragraph (1) shall submit the safety case to the Executive and at the same time, unless he is the relevant infrastructure controller, to the relevant infrastructure controller.

(3) An infrastructure controller who receives a safety case shall—

- (a) procure the carrying out of an assessment of that safety case by an assessment body; and
- (b) obtain from that body a report of that assessment which shall include—

- (i) a recommendation as to whether in the view of that body the safety case is satisfactory for the purpose of the matters set out in regulation 2(4) on which the infrastructure controller must be satisfied;

- (ii) where acceptance is recommended, a statement that in its view the procedures and arrangements described in it which affect or are likely to affect the performance of the infrastructure controller's own health and safety duties will, when properly implemented with those described in any other safety case which the infrastructure controller has prepared, or which has been accepted pursuant to these Regulations and which relates to the railway infrastructure under the control of that infrastructure controller, be capable of ensuring compliance by the infrastructure controller with those duties in relation to the operation to which the first mentioned safety case relates; and

- (iii) where acceptance is not recommended, the reasons for that decision.

(4) The infrastructure controller shall scrutinise a safety case submitted to him under paragraph (2) and shall send to the Executive—

- (a) where the safety case submitted under paragraph (2) has been modified by agreement between the infrastructure controller and the person who has prepared the safety case, a copy of the safety case so modified;
- (b) the recommendation of the infrastructure controller as to whether the safety case should or should not be accepted and, if the recommendation is that the safety case should not be accepted, the reasons for that recommendation;
- (c) a copy of the record prepared by him pursuant to regulation 14(3); and
- (d) a copy of the report of the assessment body obtained pursuant to paragraph (3).

(5) A recommendation made by an infrastructure controller pursuant to paragraph (4)(b) shall be accompanied by a statement identifying—

- (a) the procedures and arrangements described in the safety case which do not affect or which are unlikely to affect the performance of his health and safety duties; and
- (b) where any procedures or arrangements described in the safety case affect or are likely to affect the performance of his health and safety duties only to a limited extent, the extent to which they do or are likely to do so.

(6) The infrastructure controller shall send to the person who has submitted the safety case—

- (a) a copy of the recommendation and the statement referred to in paragraph (5); and
- (b) a copy of the report of the assessment body obtained under paragraph (3) relating to that safety case.

(7) The Executive shall, having regard to any recommendation made by the infrastructure controller under paragraph (4)(b)—

- (a) notify the infrastructure controller and the person who has prepared the safety case whether the safety case has been accepted or not;

- (b) where the decision differs from the recommendation of the infrastructure controller provided under paragraph (4)(b) or where the Executive does not accept the safety case, give reasons for that decision; and
- (c) where the accepted safety case is different from that submitted to the Executive under paragraph (2) or, where paragraph (3)(a) applies, under that paragraph, notify the infrastructure controller of the changes made.

(8) The Executive may in writing direct the infrastructure controller to comply with the requirements imposed by paragraph (4) within such reasonable time, being a period of not less than 28 days, as may be specified by the Executive and where such direction is made the infrastructure controller shall comply with the direction.

(9) Nothing in paragraph (7) shall prevent the Executive determining, in the absence of a recommendation from the relevant infrastructure controller or, where applicable, the assessment body, whether a safety case should be accepted or not provided the Executive has given reasonable notice to the controller and, where applicable, the assessment body of its decision to do so.

### **Review of safety cases**

6. A person who has prepared a safety case which has been accepted pursuant to these Regulations shall make a thorough review of its contents at such intervals as the Executive may in writing direct or, in the absence of such direction, at least every three years.

### **Revision of safety cases**

7.—(1) A person who has prepared a safety case which has been accepted pursuant to these Regulations shall revise its contents—

- (a) in accordance with regulation 16(2);
- (b) whenever it is appropriate; and
- (c) whenever required to do so by the Executive pursuant to regulation 8.

(2) Nothing in these Regulations shall require the revision referred to in sub-paragraph (b) of paragraph (1) to be sent to another person except that, where such a revision will render the safety case materially different from the version last accepted pursuant to these Regulations, the revision shall not be made unless the Executive has accepted the revision.

(3) A person who proposes a revision to his safety case which he requires to be accepted by virtue of paragraph (2) shall submit the revision to the Executive and, unless he is the relevant infrastructure controller, to the relevant infrastructure controller.

(4) The infrastructure controller shall scrutinise the revision submitted to him under paragraph (3) and shall send to the Executive—

- (a) where the revision submitted under paragraph (3) has been modified by agreement between that controller and the person who submitted the revision, the revision so modified;
- (b) a recommendation as to whether the revision should or should not be accepted and the reasons for that recommendation; and
- (c) a copy of the record prepared by him pursuant to regulation 14(3).

(5) A recommendation made by an infrastructure controller pursuant to paragraph (4) shall be accompanied by a statement identifying—

- (a) the procedures and arrangements described in the revision which do not affect or which are unlikely to affect the performance of his health and safety duties; and

- (b) where any procedures or arrangements described in the revision affect or are likely to affect the performance of his health and safety duties only to a limited extent, the extent to which they do or are likely to do so.
- (6) The infrastructure controller shall send to the person who has submitted a revision to him pursuant to paragraph (3) a copy of the recommendation and statement referred to in paragraph (5).
- (7) The Executive shall, having regard to any recommendation made by the infrastructure controller under paragraph (4)(b)—
  - (a) in relation to a revision of a safety case of a train operator or station operator submitted under paragraph (3)—
    - (i) notify the relevant infrastructure controller and, where different, the person who has submitted the revision whether the revision has been accepted or not;
    - (ii) where the decision differs from the recommendation of the infrastructure controller provided under paragraph (5) or where the Executive does not accept the revision, give reasons for that decision; and
    - (iii) where the accepted revision is different from that submitted to the Executive under paragraph (2) or, where paragraph (4)(a) applies, under that paragraph, notify the infrastructure controller of the changes made; and
  - (b) in relation to a revision of a safety case of an infrastructure controller, notify the infrastructure controller whether the revision has been accepted or not and, where it is not accepted, give reasons for that decision.
- (8) The Executive may direct an infrastructure controller to comply with the requirements imposed by paragraph (4) within such reasonable time, being a period of not less than 28 days, as may be specified by the Executive, and where such direction is given, the infrastructure controller shall comply with the direction.
- (9) Nothing in paragraph (7) shall prevent the Executive determining in the absence of a recommendation from the relevant infrastructure controller or, where applicable, the assessment body whether a revision should be accepted or not provided the Executive has given reasonable notice to the controller and, where applicable, the assessment body of its decision to do so.
- (10) Regulation 4(2) and (3) and regulation 5(3), (4)(d) and (6)(b) shall apply in relation to a revision submitted pursuant to paragraph (3) as if any reference in those regulations to a safety case prepared for the purposes of those regulations was a reference to a revision of that safety case prepared pursuant to this regulation.

#### **Power of Executive in relation to safety cases**

**8.—**(1) Where a safety case has been accepted pursuant to these Regulations, the Executive may in writing direct the person who prepared that safety case to prepare revisions to it in relation to such matters as may be notified to that person by the Executive, and a direction made for the purposes of this regulation shall state the reasons why in the opinion of the Executive a revision is necessary and shall specify a time, not being less than 28 days, within which such revision shall be submitted to the Executive and, where appropriate, to the infrastructure controller.

(2) The procedures for revisions set out in regulation 7 shall apply to a revision submitted pursuant to paragraph (1) as if the revision had been made pursuant to paragraph (3) of regulation 7.

#### **Audit**

**9.—**(1) The infrastructure controller shall procure an assessment body to undertake at intervals or not more than 12 months an audit of—

- (a) those operations of the infrastructure controller arising from control of railway infrastructure and stations; and
  - (b) those operations of any other person operating trains or stations in relation to railway infrastructure in the control of the infrastructure controller,
- and obtain from that body a report or reports of such audit.
- (2) The infrastructure controller shall as soon as reasonably practicable after its completion send a copy of any report prepared for the purpose of paragraph (1) to—
- (a) the person (not being the infrastructure controller) to whose operations the report relates;
  - (b) any other railway operator who may be affected by matters to which the report relates; and
  - (c) the Executive.
- (3) In this regulation—
- (a) “audit” means a systematic assessment of the adequacy of the management system of the railway operator to achieve compliance by him with the relevant statutory provisions in relation to the operations undertaken by him;
  - (b) “management system” means the organisation and arrangements established by the railway operator for managing his undertaking.