

## STATUTORY INSTRUMENTS

### 2006 No. 336

## The Health and Safety (Fees) Regulations 2006

### Fees payable in respect of railway safety functions

16.—(1) A fee shall be payable to the Executive by the person referred to in column 2 of Schedule 13 for the performance by the Executive of such functions conferred on the Executive as are specified in column 1 of that Schedule.

(2) A fee shall be payable to the Executive by a railway operator who has prepared a safety case which has been accepted by the Executive pursuant to the 2000 Regulations for the performance by or on behalf of the Executive, or by an inspector appointed by it, of any function conferred on the Executive or the inspector by the 1974 Act which relates to the enforcement of any of the relevant statutory provisions against one or other or both of the following —

- (a) that railway operator in relation to the railway infrastructure, station or train operation to which that safety case relates; or
- (b) a contractor in relation to work carried out by him on or in connection with that railway infrastructure or station or in connection with that train operation.

(3) This regulation shall not apply to a function performed in relation to the tunnel system within the meaning of section 1(7) of the Channel Tunnel Act 1987 <sup>M1</sup>.

(4) This regulation shall not apply to a function performed in relation to a railway, tramway or trolley vehicle system if on no part of that railway, tramway or trolley vehicle system there is a line speed exceeding 40 kilometres per hour and for the purposes of this paragraph “line speed” means the highest of the permitted speeds on the railway, tramway or trolley vehicle system concerned and “permitted speed” means the maximum speed permitted on the part of the railway, tramway or trolley vehicle system concerned.

(5) In this regulation, regulation 18 and Schedule 13, “the 2000 Regulations” means the Railways (Safety Case) Regulations 2000 <sup>M2</sup>, the “Approval Regulations” means the Railways and Other Transport Systems (Approval of Works, Plant and Equipment) Regulations 1994 <sup>M3</sup>, “railway”, “railway infrastructure”, “railway operator”, “safety case”, “station” and “train” have the same meanings as in the 2000 Regulations and “tramway” and “trolley vehicle system” have the same meanings as in the Transport and Works Act 1992 <sup>M4</sup>.

#### Marginal Citations

**M1** 1987 c. 53.

**M2** S.I. 2000/2688, to which there are amendments not relevant to these Regulations.

**M3** S.I. 1994/157, amended by S.I. 1997/553 and 2002/1166. The Regulations are relevant statutory provisions within the meaning of section 53 of the Health and Safety at Work etc. Act 1974 (c. 37) by virtue of section 117(1) and (4) of the Railways Act 1993 (c. 43).

**M4** 1992 c. 42.

**Changes to legislation:**

There are currently no known outstanding effects for the The Health and Safety (Fees) Regulations 2006, Section 16.