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## STATUTORY INSTRUMENTS

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# 2006 No. 397

## The Railways (Interoperability) Regulations 2006

PROSPECTIVE

### PART 2

#### *Subsystems*

#### **Technical file and retention of documents**

**11.**—(1) The technical file shall contain—

- (a) the items required by paragraph 4 of Schedule 9, including the certificate of conformity;
- (b) documents relating to the conditions and limits of use of the project subsystem;
- (c) documents relating to the characteristics of the project subsystem;
- (d) manuals and instructions relating to the servicing, constant or routine monitoring, adjustment, maintenance and configuration controls of the project subsystem;
- (e) documentation or records demonstrating compliance with the notified national technical rules where they are used;
- (f) documentation or records of notifications to the Commission pursuant to regulation 5(8) identifying to what extent TSIs apply to the project subsystem;
- (g) documentation or records of notifications to the Commission in relation to a derogation, pursuant to regulation 6; and
- (h) documents added to the file pursuant to paragraph (3).

(2) From the time a project subsystem authorised under regulation 4 is placed in service until it is permanently withdrawn from service (whether such service is in the United Kingdom or another Member State), the contracting entity shall keep the following documents—

- (a) the technical file, including the certificate of conformity; and
- (b) the verification declaration.

(3) The contracting entity shall ensure that after the technical file has been lodged with it by the notified body—

- (a) any alterations made to the project subsystem are documented; and
- (b) the documentation and any maintenance manuals in relation to the project subsystem are added to and kept as part of the technical file.

(4) Where the contracting entity is not the owner of the project subsystem when it is authorised under regulation 4, he shall within 60 days of the date of authorisation transfer the documents referred to in paragraph (2) to the owner of that subsystem, and thereafter for the purpose of paragraphs (2) and (3) the owner shall be regarded as the contracting entity.

**Status:** This version of this provision is prospective.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Railways (Interoperability) Regulations 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

(5) Where the owner of the project subsystem disposes of his interest in it, he shall within 60 days of the disposal transfer the documents referred to in paragraph (2) to the person acquiring that interest, and thereafter for the purpose of paragraphs (2) and (3) and this paragraph, the person acquiring that interest shall be regarded as the contracting entity.

(6) The contracting entity for the purpose of paragraphs (2) and (3) shall make the technical file available to the Safety Authority on demand.

**Commencement Information**

**11** Reg. 11 in force at 2.4.2006, see [reg. 1\(3\)](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Regulations revoked by [S.I. 2011/3066 reg. 47\(1\)](#)
- reg. 11 coming into force by [S.I. 2006/397 reg. 1\(3\)](#)
- reg. 11(1)(a) word substituted by [S.I. 2007/3386 reg. 2\(5\)\(a\)\(i\)](#)
- reg. 11(1)(a) word substituted by [S.I. 2007/3386 reg. 2\(5\)\(a\)\(ii\)](#)
- reg. 11(2) words substituted by [S.I. 2007/3386 reg. 2\(5\)\(b\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 4(9A) inserted by [S.I. 2008/1746 reg. 4\(4\)\(c\)](#)
- reg. 4A4B inserted by [S.I. 2008/1746 reg. 4\(5\)](#)
- reg. 11(7) inserted by [S.I. 2008/1746 reg. 4\(7\)](#)
- reg. 12(3)-(6) inserted by [S.I. 2008/1746 reg. 4\(8\)\(b\)](#)
- reg. 33(1A) inserted by [S.I. 2008/1746 reg. 4\(9\)](#)