
STATUTORY INSTRUMENTS

2006 No. 557

**The Health and Safety (Enforcing Authority for Railways
and Other Guided Transport Systems) Regulations 2006**

Interpretation

2. In these Regulations—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

“bus” means a motor vehicle which is designed or adapted to travel along roads and to carry more than eight passengers but which is not a tramcar;

“cableway installation” means an installation made up of several components that—

- (a) is used or intended to be used for the purpose of providing an operational system for carrying persons in vehicles, on chairs or by towing devices;
- (b) uses cables positioned along the line of travel to provide suspension or traction or both; and
- (c) is one of the following—
 - (i) a cable car (including a gondola and chair lift) where the cabins or chairs are lifted or displaced by one or more carrier cables;
 - (ii) a drag lift, where users with appropriate equipment are dragged by means of a cable; or
 - (iii) a funicular railway or other installation with vehicles mounted on wheels or on other suspension devices where traction is provided by one or more cables;

but does not include rack railways or cable operated tramways;

“carriageway”—

- (a) in England and Wales, has the same meaning as in section 329(1) of the Highways Act 1980⁽¹⁾; and
- (b) in Scotland, has the same meaning as in section 151 of the Roads (Scotland) Act 1984⁽²⁾;

“construction work” has the same meaning as in regulation 2(1) of the Construction (Design and Management) Regulations 1994⁽³⁾ except that it does not include the installation, commissioning, maintenance, repair or removal of gas services which are normally fixed within or to a structure;

“dock premises” has the same meaning as in regulation 2(1) of the Docks Regulations 1988⁽⁴⁾;

“Enforcing Authority Regulations” means the Health and Safety (Enforcing Authority) Regulations 1998⁽⁵⁾;

“the Executive” means the Health and Safety Executive;

(1) 1980 c. 66.

(2) 1984 c. 54.

(3) S.I. 1994/3140, amended by SI1996/1592.

(4) S.I. 1988/1655.

(5) S.I. 1998/494; relevant amending instruments are S.I. 1999/2024 and 2002/2675.

“factory” means a factory within the meaning of section 175 of the Factories Act 1961⁽⁶⁾ or a power generating station but does not include—

- (a) light maintenance depots;
- (b) any premises forming part of a heritage railway which are used exclusively or primarily for the reconstruction, renovation, refurbishment or repair of vehicles for use on the heritage railway;
- (c) any premises forming part of a heritage tramway which are used exclusively or primarily for the reconstruction, renovation, refurbishment or repair of vehicles for use on the heritage tramway;
- (d) premises owned or operated by, or on behalf of, the Secretary of State for Defence; or
- (e) power generating stations which produce power exclusively for use in a system of transport specified in regulation 3(2);

“guided bus system” means a system of transport, used wholly or mainly for the carriage of passengers, that employs buses which for some or all of the time when they are in operation—

- (a) travel along roads; and
- (b) are guided (whether while on the road or at other times) by means of—
 - (i) apparatus, a structure or other device which is fixed and not part of the bus; or
 - (ii) a guidance system which is automatic;

“guided transport” means a system of transport, used wholly or mainly for the carriage of passengers, employing vehicles;

“heritage railway” means a railway which is operated to—

- (a) preserve, re-create or simulate railways of the past; or
- (b) demonstrate or operate historical or special types of motive power or rolling stock; and is exclusively or primarily used for tourist, educational or recreational purposes;

“heritage tramway” means a tramway which is operated to—

- (a) preserve, re-create or simulate tramways of the past; or
- (b) demonstrate or operate historical or special types of motive power or rolling stock; and is exclusively or primarily used for tourist, educational or recreational purposes;

“infrastructure” means the following fixed assets used for the operation of any system of transport specified in regulation 3(2)—

- (a) the permanent way;
- (b) electrical and mechanical installations used for signalling;
- (c) electrical installations used for supplying power to vehicles; and
- (d) any other plant, equipment or electrical or mechanical installation;

but, where and to the extent that the system is operated on a road, does not include road lighting, road traffic signals and signage or any apparatus located on, under or above the road unless used for the purposes of that system and maintained by the owner, operator or manager of the system or persons acting on behalf of one or more of them;

“intermodal depot” means a freight handling facility which is operated exclusively or primarily for the purpose of transferring containers from railway vehicles onto a different mode of transport or vice versa;

⁽⁶⁾ 1961 c. 34; section 175(2) (n) was amended by S.I. 1983/978, regulation 3(1) and Schedule 1.

“lift” means an appliance, other than a cableway installation, serving specific levels and having a car moving—

- (a) along guides which are rigid; or
- (b) along a fixed course even where it does not move along guides which are rigid; and inclined at an angle of more than 15 degrees to the horizontal and intended wholly or mainly for the transport of persons;

“light maintenance depot” means any premises used exclusively or primarily for, or in connection with, the provision of light maintenance services;

“light maintenance services” means services of any of the following descriptions—

- (a) the refuelling of vehicles;
- (b) the cleaning of vehicles; and
- (c) the carrying out to vehicles of maintenance work of a kind which is normally carried out at regular intervals of twelve months or less to prepare the vehicles for service;

and, for the purposes of paragraph (c), “maintenance work” includes the detection and rectification of any faults;

“mine” has the same meaning as in section 180 of the Mines and Quarries Act 1954(7) but, notwithstanding subsection (5) of that section, does not include any railway serving the mine unless and to the extent that the railway is located within the curtilage of the mine;

“nuclear licensed site” means a site in respect of which a nuclear site licence, within the meaning of section 1(1) of the Nuclear Installations Act 1965(8), has been granted and is in force;

“operation of a railway” includes, in particular,—

- (a) use, parking, sheltering, maintenance and repair of a vehicle including its inspection, cleaning, fuelling and preparation for use;
- (b) subject to paragraph (k), loading or unloading of goods on or from vehicles at operational premises;
- (c) ensuring the fitness of trains to enter into service, in particular, in the case of freight trains, by checking the condition and distribution of goods carried;
- (d) use of the infrastructure;
- (e) use of those fixed assets of the railway (other than infrastructure) which are both used in its operation and comprise, or are located within, operational premises;
- (f) use of signalling control centres, or centres used for the operation of communications systems or systems used for monitoring the operation of the railway, whether or not within operational premises, together with any railway offices within the same premises;
- (g) training of railway staff within operational premises or other premises included within paragraph (f);
- (h) carrying out construction work to the extent stated in regulation 5; and
- (i) reconstruction, renovation, refurbishment and repair of vehicles for use on a heritage railway carried out at premises used exclusively or primarily for these purposes and which form part of the heritage railway;

but does not include—

(7) 1954 c. 70; section 180 was amended by S.I. 1974/2031, 1993/1897 and 1999/2024.

(8) 1965 c. 57; section 1 was amended by S.I. 1974/2056 and 1990/1918.

- (j) subject to paragraph (f), office activities relating to the railway which are not carried out within operational premises; or
 - (k) loading or unloading of goods on or from vehicles at dock premises, intermodal depots or premises owned or operated by, or on behalf of, the Secretary of State for Defence;
- “operation of a tramway” and “operation of any other system of guided transport” includes, in particular,—
- (a) use, parking, sheltering, maintenance and repair of vehicles including their inspection, cleaning, fuelling and preparation for use;
 - (b) ensuring the fitness of vehicles to enter into service;
 - (c) use of the infrastructure;
 - (d) use of those fixed assets of the system of transport (other than infrastructure) which are both used in its operation and comprise, or are located within, operational premises;
 - (e) use of signalling control centres, or centres used for the operation of communications systems or systems used for monitoring the operation of the system of transport, whether or not within operational premises, together with any offices of the system of transport within the same premises;
 - (f) training of staff within operational premises or other premises included within paragraph (e);
 - (g) carrying out construction work to the extent stated in regulation 5; and
 - (h) in the case of tramways, the reconstruction, renovation, refurbishment and repair of vehicles for use on a heritage tramway carried out at premises used exclusively or primarily for these purposes and which form part of the heritage tramway;

but, subject to paragraph (e), does not include office activities relating to the system of transport which are not carried out within operational premises;

“operational premises” means, in relation to any system of transport specified in regulation 3(2),—

- (a) the permanent way;
- (b) stations;
- (c) light maintenance depots; and
- (d) any land adjacent to or adjoining the permanent way which is used, occupied or held for the purposes of the system;

but does not include—

- (e) parts separately occupied for the carrying on of any trade, business or undertaking other than for the purposes of the system, including shops, offices or premises used for the provision of catering services or temporary residential accommodation; or
- (f) where and to the extent that the system is operated on a road, all other parts of the road including bridges, tunnels, culverts, retaining walls or other structures used or to be used for the support of, or otherwise in connection with, the road;

“the permanent way”, in relation to any system of transport specified in regulation 3(2), means any land or other property comprising the permanent way of the system, taken together with the ballast, sleepers and metals or other means of guidance laid on, under or over it, whether or not the land or other property is also used for other purposes and includes—

- (a) any level crossings, bridges, viaducts, tunnels, culverts, retaining walls or other structures used or to be used for the support of, or otherwise in connection with, the permanent way; and

- (b) any walls, fences or other structures bounding the system or bounding any adjacent or adjoining property;

but does not include—

- (c) any bridge, structure or other property which spans the permanent way and is maintained by persons other than the owner, operator or manager of the system or persons acting on behalf of one or more of them; or
- (d) where and to the extent that the system is operated on a road, all other parts of the road including bridges, tunnels, culverts, retaining walls or other structures used or to be used for the support of, or otherwise in connection with, the road;

“power generating station” means any premises used exclusively or primarily for the purposes of generating electrical energy;

“quarry” has the same meaning as in regulation 3 of the Quarries Regulations 1999(9);

“railway” means a system of transport employing parallel rails which—

- (a) provide support and guidance for vehicles carried on flanged wheels; and
- (b) form a track which either is of a gauge of at least 350 millimetres or crosses a carriageway (whether or not on the same level);

but does not include a tramway;

“road”—

- (a) in England and Wales, means any length of highway or of any other road to which the public has access, and includes bridges over which a road passes; and
- (b) in Scotland, has the same meaning as in the Roads (Scotland) Act 1984;

“station” means any premises used as, or for the purposes of, or otherwise in connection with, a passenger station or terminal of a system of transport specified in regulation 3(2), (including station offices, ticket offices, left luggage and lost property facilities, approaches, forecourt, car parks and cycle stores), whether or not the premises are also used for other purposes;

“tramway” means a system of transport used wholly or mainly for the carriage of passengers—

- (a) which employs parallel rails which—
 - (i) provide support and guidance for vehicles carried on flanged wheels;
 - (ii) are laid wholly or partly along a road 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); and
- (b) on any part of which the permitted maximum speed is such as to enable the driver to stop a vehicle in the distance he can see to be clear ahead;

“vehicle” means any vehicle which for some or all of the time when it is in operation is guided by means of—

- (a) rails, beams, slots, guides or other apparatus, structures or devices which are fixed and not part of the vehicle; or
- (b) a guidance system which is automatic;

and includes a mobile traction unit;

“warehouse premises” means any premises used exclusively or primarily for the storage of goods for retail or wholesale distribution.

Status: *This is the original version (as it was originally made).*
