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## STATUTORY INSTRUMENTS

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### 2006 No. 557

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

### Enforcing authority

**3.**—(1) Subject to paragraphs (3) to (5), the Office of Rail Regulation shall be responsible for the enforcement of the relevant statutory provisions **(1)** to the extent that they relate to any activity specified in paragraph (2) (whether or not that activity is the main activity carried out in premises).

(2) Subject to regulations 4 and 5, the activities referred to in paragraph (1) are the following—

- (a) the operation of a railway;
- (b) the operation of a tramway; and
- (c) the operation of any other system of guided transport.

(3) The Office of Rail Regulation shall be responsible for the enforcement of subsections (1), (2), (4) and (5) of section 6 of the 1974 Act (general duties of manufacturers etc as regards articles and substances for use at work) **(2)** but only in so far as their requirements relate to any—

- (a) articles for use at work which are designed, manufactured, imported or supplied, or
- (b) substances which are manufactured, imported or supplied,

to be used exclusively or primarily in the construction or operation of any system of transport specified in paragraph (2).

(4) The Office of Rail Regulation shall be responsible for the enforcement of subsection (3) of section 6 of the 1974 Act **(3)** but only in so far as its requirements relate to the erection or installation of any articles for use at work which are to be used in the operation of any system of transport specified in paragraph (2).

(5) This regulation shall have effect subject to regulation 58(5) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 (defence and enforcement) **(4)**.

(6) This regulation shall have effect notwithstanding anything to the contrary in the following provisions of the Enforcing Authority Regulations—

- (a) regulation 3;
- (b) paragraphs (1) and (2) of regulation 4 but only in so far as they relate to the bodies specified in paragraph (3) (a), (b) and (h) of that regulation;
- (c) regulation 4(4)(a); and

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(1) “The relevant statutory provisions” is defined in section 53 of the 1974 Act. The scope of “the relevant statutory provisions” was extended by section 117 of the Railways Act 1993 (c. 43).

(2) Subsections (1) and (4) were substituted for the original subsections, and subsections (2) and (5) were amended, by the Consumer Protection Act 1987 (c. 43), section 36 and Schedule 3.

(3) Subsection (3) was amended by the Consumer Protection Act 1987 (c. 43), section 36 and Schedule 3.

(4) S.I. 2004/568. Regulation 58(5) was inserted by S.I. 2005/1732, regulation 2 and Schedule 1, paragraph 30. It makes the Secretary of State the enforcing authority for regulation 10A of SI2004/568 (security provisions concerning the carriage of dangerous goods by road and rail).

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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) 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](#)

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(d) regulation 4(4)(b) but only in so far as it relates to the activity specified in paragraph 4(a) of Schedule 2;

or in any transfer or assignment pursuant to regulations 5 or 6 of those Regulations.

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**Commencement Information**

**II** Reg. 3 in force at 1.4.2006, see [reg. 1](#)

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

- Regulations applied by [S.I. 2013/1506 reg. 9\(1\)](#)
- Regulations applied by [S.I. 2013/1506 reg. 18\(1\)](#)
- reg. 3 words substituted by [S.I. 2015/1682 Sch. para. 10\(o\)\(i\)](#)
- reg. 3(5) words substituted by [S.I. 2007/1573 Sch. 8](#)
- reg. 3(5) words substituted by [S.I. 2017/1075 Sch. 9 para. 7\(2\)\(b\)\(i\)](#)
- reg. 3(5) words substituted by [S.I. 2017/1075 Sch. 9 para. 7\(2\)\(b\)\(ii\)](#)
- reg. 3(6) words inserted by [S.I. 2014/469 Sch. 3 para. 126\(3\)](#)

**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. 2(1) word substituted by [S.I. 2015/51 Sch. 5](#)
- reg. 3(4A) inserted by [S.I. 2017/1075 Sch. 9 para. 7\(2\)\(a\)](#)
- reg. 4(1)(c)(d) and word added by [S.I. 2008/2323 reg. 4\(a\)](#)
- reg. 4(4A) inserted by [S.I. 2013/950 reg. 2\(2\)](#)
- reg. 5A inserted by [S.I. 2014/469 Sch. 3 para. 126\(5\)](#)
- reg. 5A heading words substituted by [S.I. 2015/1682 Sch. para. 10\(o\)](#)
- reg. 5A words substituted by [S.I. 2015/1682 Sch. para. 10\(o\)\(iii\)](#)
- reg. 8 inserted by [S.I. 2013/950 reg. 2\(3\)](#)