
STATUTORY INSTRUMENTS

2006 No. 599

**The Railways and Other Guided Transport
Systems (Safety) Regulations 2006**

PART 1

INTRODUCTION

Interpretation and application

2.—(1) In these Regulations—

“building operation” means the—

- (a) construction, structural alteration, repair or maintenance of a building and “maintenance” shall include repointing, redecoration and external cleaning of the structure;
- (b) demolition of a building; or
- (c) preparation for and laying the foundation of an intended building,

but does not include any operation which is a work of engineering construction;

“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) cable car (including a gondola and chair lift) where the cabins or chairs are lifted or displaced by one or more carrier cables;
 - (ii) drag lift, where users with appropriate equipment are dragged by means of a cable; or
 - (iii) 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 cable operated tramways, rack railways or lifts;

“carriageway” has the same meaning as in the Highways Act 1980(1), or in Scotland the Roads (Scotland) Act 1984(2);

“common safety methods” (“CSMs”) means the methods, developed pursuant to article 6 of the Directive, to describe how—

- (a) safety levels;

(1) 1980 c. 66, to which there are amendments not relevant to these Regulations.

(2) 1984 c. 54, to which there are amendments not relevant to these Regulations.

- (b) achievement of safety targets; and
 - (c) compliance with other safety requirements,
- are assessed, as revised and reissued from time to time;

“common safety targets” (“CSTs”) means the safety levels, developed pursuant to article 7 of the Directive, that must be reached by—

- (a) different parts of the mainline railway system; and
- (b) that system as a whole,

expressed in risk acceptance criteria, as revised and reissued from time to time;

“competent person” means, except for the purposes of Part 4, a person who—

- (a) has sufficient skills, knowledge, experience and resources to undertake the safety verification in relation to which he is appointed;
- (b) has not borne such responsibility in relation to any of the matters he has to consider in undertaking that safety verification that might compromise his objectivity; and
- (c) is sufficiently independent of a management system, or a part thereof, which has borne responsibility for any of the matters he has to consider in undertaking the safety verification, to ensure that he will be objective in carrying out the safety verification for which he is appointed;

“conventional Directive” means Council Directive 2001/16 of the European Parliament and of the Council on the interoperability of the conventional rail system⁽³⁾;

“deemed safety authorisation” shall be construed in accordance with paragraph 1(b) of Schedule 5;

“deemed safety certificate” shall be construed in accordance with paragraph 1(a) of Schedule 5;

“the Directive” means Directive 2004/49/EC of the European Parliament and of the Council on safety on the Community’s railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of infrastructure capacity and the levying of charges for the use of infrastructure and safety certification⁽⁴⁾;

“engineering possession” means a section of track which is closed to normal traffic and where the closure is for the purpose of carrying out maintenance which shall include any repair alteration, reconditioning, examination or testing of infrastructure;

“European Railway Agency” means the Community agency for railway safety and interoperability established by Regulation (EC) No. 881/2004 of the European Parliament and of the Council establishing a European Railway Agency⁽⁵⁾;

“factory” means a factory within the meaning of section 175 of the Factories Act 1961⁽⁶⁾ and premises to which section 123(1) or (2) or 125(1) of that Act applies;

“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

⁽³⁾ O.J. No. L110, 20.04.2001, p1, as amended by Directive 2004/50/EC of the European Parliament and the Council of 29th April 2004 (O.J. No. L164, 30.04.2004, p114).

⁽⁴⁾ O.J. No. L164 of 30.04.04, p.44.

⁽⁵⁾ OJ No. L164 of 30.04.04, p1.

⁽⁶⁾ 1961 c. 34; subsection (2)(n) of section 175 was amended by the Factories Act 1961 etc. (the Metrication Regulations 1983 (S.I.1983/978), regulation 3(1) and Schedule 1; section 123(2) was amended by S.I. 1974/1941, regulation 2(a) and Schedule 1 ; there are amendments to the Act not relevant to these Regulations.

(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 which for some or all of the time when they are in operation are 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;

“harbour” and “harbour area” have the meanings assigned to them by regulation 2(1) of the Dangerous Substances in Harbour Areas Regulations 1987(7);

“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;

“high-speed Directive” means Council Directive 96/48/EC on the interoperability of the trans-European high-speed rail system(8);

“infrastructure” means fixed assets used for the operation of a transport system which shall include, without prejudice to the generality of the foregoing—

- (a) its permanent way or other means of guiding or supporting vehicles;
- (b) any station; and
- (c) plant used for signalling or exclusively for supplying electricity for operational purposes to the transport system;

“infrastructure manager” means the person who—

- (a) in relation to infrastructure other than a station, is responsible for developing and maintaining that infrastructure or, in relation to a station, the person who is responsible for managing and operating that station, except that it shall not include any person solely on the basis that he carries out the construction of that infrastructure or station or its maintenance, repair or alteration; and
- (b) manages and uses that infrastructure or station, or permits it to be used, for the operation of a vehicle;

“Interoperability Regulations” means the Railways (Interoperability) Regulations 2006(9);

“mainline application” means an application for—

- (a) a safety certificate or an amended safety certificate; or
 - (b) a safety authorisation or an amended safety authorisation,
- made in relation to an operation on the mainline railway;

“mainline railway” means any railway except for any railway or part of a railway—

- (a) the infrastructure and rolling stock of which are reserved strictly for—
 - (i) a local use; or
 - (ii) the operating of a heritage railway; or
 - (iii) the purposes of tourism; or

(7) S.I. 1987/37 to which there are amendments not relevant to these Regulations.

(8) O.J. No. L235, 17.09.97, p6, corrected by O.J. L262, 16.10.96, p8 and as amended by Directive 2004/50/EC of the European Parliament and the Council of 29th April 2004 (O.J. No. L164, 30.04.2004, p114).

(9) S.I. 2006/397

(b) the infrastructure of which is functionally separate from any other railway which does not fall within sub-paragraph (a);

“mainline railway system” means the mainline railway and the management and operation of the mainline railway as a whole;

“material” includes plant;

“military establishment” means an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence;

“mine” has the meaning assigned to it by section 180 of the Mines and Quarries Act 1954⁽¹⁰⁾;

“national safety rules” means any legislation and other requirements—

(a) applicable to the whole of Great Britain; and

(b) which contain requirements (including common operating rules) relating to railway safety which are imposed on more than one railway undertaking,

except that where the requirements in sub-paragraph (b) consist of common operating rules of the mainline railway it shall not include such rules which regulate matters which are covered by a TSI;

“new” in relation to regulations 5 and 6 means new to the transport system in question;

“non-mainline application” means an application for—

(a) a safety certificate or an amended safety certificate; or

(b) a safety authorisation or an amended safety authorisation,

made in relation to an operation on a transport system other than the mainline railway;

“operator of last resort” means a transport operator appointed by the Secretary of State to provide transport services in accordance with section 30 of the Railways Act 1993;

“Part A of a safety certificate” means that part of a safety certificate certifying the matters set out in regulation 7(4)(b)(i) and related expressions shall be construed accordingly;

“Part B of a safety certificate” means that part of a safety certificate certifying the matters set out in regulation 7(4)(b)(ii) and related expressions shall be construed accordingly;

“quarry” has the meaning assigned to it by regulation 3 of the Quarries Regulations 1999⁽¹¹⁾;

“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;

“relevant infrastructure manager” means the infrastructure manager for any infrastructure used in relation to the operation in question;

“relevant infrastructure or vehicle” means any new or altered—

(a) infrastructure; or

(b) vehicle,

⁽¹⁰⁾ 1954 c. 70; section 180(1) was substituted by S.I. 1993/1897, regulation 41(2) and Schedule 3, Part II; section 180(2) was repealed by S.I. 1999/2024, regulation 47(1) and Schedule 2, Part I; section 180(3)(b) was repealed by S.I. 1999/2024 regulation 47(1) and Schedule 2, Part I and amended by S.I. 1999/2024, regulation 47(2) and Schedule 2, Part II; section 180(4) was amended by S.I. 1999/2024, regulation 47(2) and Schedule 2, Part II and S.I. 1974/2013, regulation 2(1)(b) and Schedule 2, paragraph 3; section 180(5) was amended by S.I. 1999/2024, regulation 47(2) and Schedule 2, Part II and by S.I. 1974/2013, regulation 2(1)(b) and Schedule 2, paragraph 3.

⁽¹¹⁾ S.I. 1999/2024, to which there are amendments not relevant to these Regulations.

falling within regulation 5(4) or 6(4) and related expressions shall be construed accordingly; “responsible person” means in relation to any relevant infrastructure or vehicle, any person who—

- (a) has contracted with another person for the manufacture or construction by that other person of that infrastructure or vehicle; or
- (b) manufactures or constructs that infrastructure or vehicle for his own use, or for sale to, or use by, another person but not where he is contracted to do so by a person falling under sub-paragraph (a),

and includes an authorised representative established in Great Britain of such a person.

“risk” means in Parts 1 and 2 a risk to the safety of a person;

“road” means in the definition of “guided bus system” and “tramway” –

- (a) in England and Wales, 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;

“rolling stock” has the meaning in section 83(1) of the Railways Act 1993(12);

“ROTS” means the Railways and Other Transport Systems (Approval of Works, Plant and Equipment) Regulations 1994(13);

“safety authorisation” means a safety authorisation issued by the Office of Rail Regulation in accordance with regulation 10 or 12;

“safety authority” means—

- (a) as regards a member State other than the United Kingdom, the authority established in that State in accordance with article 16.1 of the Directive;
- (b) as regards Great Britain, the Office of Rail Regulation; or
- (c) as regards Northern Ireland, the Department for Regional Development established by article 3(1) of the Departments (Northern Ireland) Order 1999(14);

“safety certificate” means a safety certificate issued by the Office of Rail Regulation in accordance with regulation 7 or 9;

“safety management system” means the organisation and arrangements established by a transport operator to ensure the safe management of its operation;

“significant safety risk” means, in relation to new or altered infrastructure or a new or altered vehicle the design or construction of which incorporates significant changes compared to any infrastructure or vehicle already in use on the transport system, the capability of significantly increasing an existing safety risk or creating a significant safety risk to—

- (a) passengers on the transport system in question; or
- (b) members of the public on roads and any other location where the transport system in question operates and to which the public have access (including a place to which the public has access only on making a payment), except a location which is a crossing subject to an Order made under section 1 of the Level Crossings Act 1983(15);

(12) 1993, c. 43, to which there are amendments not relevant to these Regulations.

(13) S.I. 1994/157 as amended by SIs 1997/553, 2002/1166 and S.I. 2004/129.

(14) S.I. 1999/283 (N.I. 1) as amended by the Industrial Development (Northern Ireland) Act 2002, c. 1 (N.I.), section 5(4) and Schedule 4.

(15) 1983 c. 16; sections 1(1A), (4A), (10A) and (10B) were inserted, section 1(3) was repealed and sections 1(6) and (6A) were substituted for section 1(6) as originally enacted by S.I. 1997/487, regulations 3(6), 4(2) to (4) and (7) and section 1(7) and (9) were substituted by S.I. 1997/487, regulation 4(5) and (6), section 1(11) was amended by the Local Government (Wales) Act 1994 (c. 19), sections 22(1), 66(8) and Schedule 7, paragraph 31 and Schedule 18, the Local Government Act 1985 (c. 51), section 102 and Schedule 17, the Local Government etc. (Scotland) Act 1994 (c. 39), section 180(1), Schedule 13, paragraph

“station” means a passenger stop, station or terminal on a transport system but does not include any permanent way or other means of guiding or supporting vehicles or plant used for signalling or exclusively for supplying electricity for operational purposes to a transport system;

“technical specifications for interoperability” (“TSIs”) means technical specifications for interoperability which are published in the Official Journal of the European Communities pursuant to—

- (a) Article 6.1 of the high-speed Directive; or
- (b) Article 6.1 of the conventional Directive,
and in force;

“train” includes any rolling stock;

“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 ;

“transport operator” means any transport undertaking or infrastructure manager;

“transport system” means a railway, a tramway, or any other system using guided transport where that other system is used wholly or mainly for the carriage of passengers but a transport system does not include—

- (a) a guided bus system;
- (b) a trolley vehicle system ;
- (c) any part of a transport system—
 - (i) within a harbour or harbour area or which is part of a factory, mine or quarry;
 - (ii) used solely for the purpose of carrying out a building operation or work of engineering construction;
 - (iii) within a maintenance or goods depot;
 - (iv) within a siding except where Part 4 applies; or
 - (v) which is within a military establishment;
- (d) any fairground equipment;
- (e) any cableway installation; or
- (f) any transport system where the track forms a gauge of less than 350mm except where such a track crosses a carriageway (whether or not on the same level),

except where the transport system in question forms part of the mainline railway;

“transport undertaking” means any person who operates a vehicle in relation to any infrastructure but shall not include a person who operates a vehicle solely within an engineering possession;

“trolley vehicle system” means a system of transport by vehicles constructed or adapted for use on roads without rails under electric power transmitted to them by overhead wires (whether or not there is in addition a source of power on board the vehicles);

“vehicle” includes a mobile traction unit;

“work of engineering construction” means the—

- (a) construction of any line or siding otherwise than on an existing transport system; and
- (b) construction, structural alteration, repair (including repointing and repainting) or demolition of any tunnel, bridge or viaduct except where carried on upon a transport system; and

“writing” apart from its usual meaning includes any text transmitted using electronic communications that is received, or accessible by the person to whom it is sent, in legible form.

(2) Any reference in these Regulations to a person who operates a train or a vehicle is a reference to the person operating the train or vehicle for the time being in the course of a business or other undertaking carried on by him, whether for profit or not, but it does not include a self-employed person by reason only that he drives or otherwise controls the movement of a train or vehicle.

(3) Parts 2 and 3 of these Regulations shall not apply to or in relation to the operation of a train or the management or use of infrastructure in the tunnel system within the meaning of section 1(7) of the Channel Tunnel Act 1987⁽¹⁶⁾.

⁽¹⁶⁾ 1987 c. 53, to which there are amendments not relevant to these Regulations.