
STATUTORY INSTRUMENTS

2006 No. 599

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

PART 5

MISCELLANEOUS

Transitional provisions and savings

29.—(1) Any competence and fitness assessments made pursuant to regulation 3 of the Railways (Safety Critical Work) Regulations 1994 ^{M1} shall have effect as if they were made under Part 4, provided that the assessment would, at the time it was made, have met the requirements for impartiality and objectivity in that Part.

(2) Notwithstanding the revocation of ROTS pursuant to regulation 34, and subject to paragraph (6) ROTS shall, up to and including 1st October 2008, continue in force as they had effect on 30th September 2006 for the purposes of—

- (a) determining applications for approval made;
- (b) issuing a written consent for the purposes set out in regulation 4(4)(b) of ROTS in relation to new or altered works, plant or equipment for which an application for approval has been made;
- (c) making notices dispensing with or requiring compliance with certain provisions of ROTS under regulation 10(1)(a) or 11(1)(a) of ROTS in relation to new or altered works, plant or equipment, for which an application for approval has been made,

to the [F1Office of Rail and Road] in relation to a relevant transport system before 1st October 2006.

(3) Where an approval is issued by the [F1Office of Rail and Road] in response to an application for approval made in relation to a transport system —

- (a) before 1st October 2006 but where the new or altered works, plant or equipment are placed in service within the meaning of regulation 5(6) and 6(5) on or after that date; or
- (b) on or before 1st October 2008 pursuant to paragraph (2),

in relation to new or altered works, plant or equipment that is relevant infrastructure or a vehicle then such works, plant or equipment shall be deemed to satisfy the requirements of regulations 5(4) and 6(4).

(4) Where a written consent is issued by the [F1Office of Rail and Road] in relation to new or altered works, plant or equipment which is relevant infrastructure or a vehicle in relation to a transport system—

- (a) under regulation 4(4)(b)(i) of ROTS on or before 1st October 2008 pursuant to paragraph (2) then such relevant infrastructure or vehicle shall be deemed to satisfy the requirements of regulations 5(4) and 6(4) ; or

(b) under regulation 4(4)(b)(ii) of ROTS on or before 1st October 2008 pursuant to paragraph (2) then no regard shall be taken of the use of such relevant infrastructure or vehicle for the purposes for which the written consent relates when determining whether the relevant infrastructure or vehicle has been placed in service in accordance with regulations 5(6) and 6(5).

(5) In this regulation—

- (a) “application for approval” means an application for approval made under regulation 5, 6 or 7 of ROTS;
- (b) “altered works, plant or equipment” shall have the meaning in regulation 2(a) of ROTS; and
- (c) “relevant transport system” shall have the meaning in regulation 2(a) of ROTS.

(6) For the purposes of heritage railways and tramways, all references in this regulation to 1st October 2006 shall be read as if those references were in each case to 1st October 2008, and all references to 1st October 2008 shall be read as if those references were in each case to 1st October 2010.

^{F2}(7)

Textual Amendments

- F1** Words in [reg. 29](#) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), [reg. 1\(2\)](#), [Sch. para. 6\(t\)](#)
- F2** [Reg. 29\(7\)](#) omitted (21.5.2013) by virtue of [The Railways and Other Guided Transport Systems \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/950\)](#), [regs. 1, 3\(12\)](#)

Marginal Citations

- M1** [S.I. 1994/299](#) as amended by [SIs 1996/1592](#), [1999/2024](#) and [2000/2688](#).

Changes to legislation:

There are currently no known outstanding effects for the The Railways and Other Guided Transport Systems (Safety) Regulations 2006, Section 29.