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## STATUTORY INSTRUMENTS

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# 2006 No. 599

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

### PART 2

#### SAFETY MANAGEMENT, CERTIFICATION AND AUTHORISATION

##### Safety management system for the mainline railway

5.—(1) The requirements for a safety management system referred to in regulation 3(1)(a) are that—

- (a) subject to paragraph (2), it is established to ensure that the mainline railway system—
  - (i) can achieve the CSTs; and
  - (ii) is in conformity with relevant national safety rules and relevant safety requirements laid down in TSIs;
- (b) it applies the relevant parts of CSMs;
- (c) it meets the requirements and contains the elements set out in Schedule 1, adapted to the character, extent and other characteristics of the operation in question;
- (d) subject to paragraph (2), it ensures the control of all categories of risk including new or existing risks associated with the operation in question which, without prejudice to the generality of the foregoing, shall include such risks relating to the—
  - (i) supply of maintenance and material;
  - (ii) use of contractors; and
  - (iii) placing in service of new or altered vehicles the design or construction of which incorporates significant changes compared to any vehicle already in use on the transport system and which changes would be capable of significantly increasing an existing risk or creating a significant safety risk;
- (e) it takes into account, where appropriate and reasonable, the risks arising as a result of activities carried on by other persons; and
- (f) all parts of it are documented.

(2) The requirements in paragraphs (1)(a) and (d) shall be met where the safety management system of a transport operator or of an applicant for a safety certificate or a safety authorisation (“the first operator”) taken with that of any relevant transport operator is capable of meeting the requirements of the paragraph in question.

(3) In paragraph (2), “relevant transport operator” means another transport operator whose operation is capable of materially affecting the safety of the operation carried on by the first operator.

(4) In paragraph (1)(d)(iii) where such new or altered vehicles are intended to be placed in service, then before that placing in service the transport operator shall ensure that he has—

*Status: Point in time view as at 16/01/2012. This version of this provision has been superseded.  
Changes to legislation: There are currently no known outstanding effects for the The Railways and Other Guided Transport Systems (Safety) Regulations 2006, Section 5. (See end of Document for details)*

- (a) an established written safety verification scheme which meets the requirements and contains the elements set out in Schedule 4; and
- (b) appointed a competent person to undertake that safety verification, and the competent person has undertaken that safety verification in relation to the new or altered vehicles.

(5) Where a new or altered vehicle has been authorised under <sup>F1</sup>... the Interoperability Regulations for the placing in service on the mainline railway, that authorisation shall be treated as satisfying the requirements of paragraph (4).

<sup>F2</sup>(6) .....

[<sup>F3</sup>(6) Paragraph (5) does not apply in respect of an authorisation deemed to be given under the Interoperability Regulations by operation of regulation 44 of those Regulations.]

(7) The requirements for a safety management system referred to in regulation 3(2)(a) are the requirements in paragraphs (1) to (6) save that any reference to new or altered vehicles in those paragraphs shall be replaced with a reference to new or altered infrastructure and that—

- (a) it ensures the control of all categories of risk associated with the placing in service of new or altered infrastructure the design or construction of which incorporates significant changes compared to any infrastructure already in use on the transport system and which changes would be capable of significantly increasing an existing risk or creating a significant safety risk;
- (b) it takes into account the effects of operations of transport undertakings; and
- (c) it contains provisions to ensure that the way in which the infrastructure manager carries out his operation makes it possible for any transport undertaking to operate in accordance with—
  - (i) relevant TSIs and national safety rules; and
  - (ii) the means adopted by the transport undertaking to meet the requirements referred to in regulation 7(4), of which the Office of Rail Regulation accepted that there was sufficient evidence upon issue or amendment of its safety certificate pursuant to these Regulations; and
- (d) it aims to co-ordinate the emergency procedures of the infrastructure manager or of the applicant for a safety authorisation with those of transport undertakings,

and in each case the requirements in sub-paragraphs (a) to (d) shall only apply in relation to transport undertakings that operate or will operate a train in relation to the infrastructure of the infrastructure manager or of the applicant for a safety authorisation in question.

**Textual Amendments**

**F1** Words in reg. 5(5) omitted (16.1.2012) by virtue of [The Railways \(Interoperability\) Regulations 2011 \(S.I. 2011/3066\)](#), reg. 1(2), [Sch. para. 3\(b\)](#) (with reg. 3)

**F2** Reg. 5(6) omitted (26.8.2011) by virtue of [The Railways and Other Guided Transport Systems \(Safety\) \(Amendment\) Regulations 2011 \(S.I. 2011/1860\)](#), regs. 1, [2\(3\)](#)

**F3** Reg. 5(6) inserted (16.1.2012) by [The Railways \(Interoperability\) Regulations 2011 \(S.I. 2011/3066\)](#), reg. 1(2), [Sch. para. 3\(c\)](#) (with reg. 3)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the The Railways and Other Guided Transport Systems (Safety) Regulations 2006, Section 5.