

SCHEDULE 1

Regulations 5(1)(c), and 6(1)(b)

SAFETY MANAGEMENT SYSTEM

Requirements on the safety management system

1. The safety management system shall—
 - (a) describe the distribution of responsibilities, within the operation, for the safety management system;
 - (b) show how control of the safety management system by the management on different levels is secured;
 - (c) show how persons carrying out work or voluntary work directly in relation to the operation and their representatives on all levels are involved with the safety management system; and
 - (d) show how continuous improvement of the safety management system is ensured.

Basic elements of the safety management system

2. The basic elements of a safety management system are—
 - (a) a statement of the safety policy which has been approved by the chief executive and communicated to all persons carrying out work or voluntary work directly in relation to the operation;
 - (b) qualitative and quantitative targets for the maintenance and enhancement of safety and plans and procedures for reaching those targets;
 - (c) procedures to meet relevant technical and operational standards or other requirements as set out in—
 - (i) TSIs;
 - (ii) national safety rules;
 - (iii) other relevant safety requirements; and
 - (iv) decisions of the Office of Rail Regulation addressed to the transport operator in question,and procedures to ensure compliance with the requirements listed in this paragraph throughout the life-cycle of any relevant equipment or operation which is subject to the requirement in question.
 - (d) procedures and methods for carrying out risk evaluation and implementing risk control measures when—
 - (i) there is a change in the way in which the operation in question is carried out; or
 - (ii) new material is used in the operation in question,which gives rise to new risks in relation to any infrastructure or the operation being carried out;
 - (e) provision of programmes for training of persons carrying out work or voluntary work directly in relation to the operation and systems to ensure that the competence of such persons is maintained and that they carry out tasks accordingly;
 - (f) arrangements for the provision of sufficient information relevant to safety—
 - (i) within the operation in question; and

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- (ii) between the operator in question and any other transport operator or an applicant for a safety certificate or a safety authorisation who carries out or who intends to carry out operations on the same infrastructure;
- (g) procedures and formats for the documentation of safety information;
- (h) procedures to control the lay out of, and changes to, vital safety information;
- (i) procedures to ensure that accidents, incidents, near misses and other dangerous occurrences are reported, investigated and analysed and that necessary preventative measures are taken;
- (j) provision of plans for action, alerts and information in the case of an emergency which are to be agreed with any public body, including the emergency services, that may be involved in such an emergency; and
- (k) provisions for recurrent internal auditing of the safety management system.

SCHEDULE 2

Regulation 7(1)(b)

APPLICATION FOR A SAFETY CERTIFICATE

PART 1

INFORMATION TO BE INCLUDED FOR A MAINLINE APPLICATION

1. The following information shall be included in relation to Part A of a safety certificate—
 - (a) particulars of the type and extent of the operation in respect of which the application is made; and
 - (b) either—
 - [^{F1}(i) a copy of a current certificate issued to the applicant by—
 - (aa) the Office of Rail Regulation, other than a deemed safety certificate;
 - (bb) a safety authority in another member State;
 - (cc) a safety authority in Northern Ireland; or
 - (dd) the safety authority for the tunnel system within the meaning of section 1(7) of the Channel Tunnel Act 1987,
 under provisions giving effect to article 10(2)(a) of the Directive which relates to an equivalent railway operation; or]
 - (ii) particulars of how the safety management system of the applicant meets the requirements set out in regulation 5(1) to (4).

Textual Amendments

F1 Sch. 2 para. 1(b)(i) substituted (coming into force in accordance with art. 1(1) of the amending S.I.) by The Channel Tunnel (Safety) Order 2007 (S.I. 2007/3531), arts. 1(1), 10 (with art. 7)

2. The following information shall be included in relation to Part B of a safety certificate—
 - (a) information on the TSIs, national safety rules and other safety requirements relevant to the applicant's operation including those relevant to persons carrying out work in relation

to the operation and the applicant's vehicles and an explanation of how compliance with these requirements is ensured by the safety management system;

- (b) information on the different types of work being carried out by persons directly in relation to the operation including evidence of how the applicant ensures that when such persons are carrying out such work that they are doing so in accordance with the requirements of any relevant TSIs and national safety rules; and
- (c) information on the different types of rolling stock used for the operation in question including evidence that they meet any relevant TSIs and national safety rules,

and where information is submitted concerning an interoperability constituent or a subsystem which is subject to and complies with the requirements of the [^{F2}Interoperability Regulations] then only brief details need be supplied concerning compliance of such constituents or subsystems with relevant TSIs and other requirements of those Regulations and in this paragraph “interoperability constituent” and “subsystem” shall have the same meaning as in the [^{F3}Interoperability Regulations].

Textual Amendments

- F2** Words in Sch. 2 para. 2 substituted (26.8.2011) by [The Railways and Other Guided Transport Systems \(Safety\) \(Amendment\) Regulations 2011 \(S.I. 2011/1860\)](#), regs. 1, **2(11)(a)**
- F3** Words in Sch. 2 para. 2 substituted (26.8.2011) by [The Railways and Other Guided Transport Systems \(Safety\) \(Amendment\) Regulations 2011 \(S.I. 2011/1860\)](#), regs. 1, **2(11)(b)**

PART 2

INFORMATION TO BE INCLUDED FOR A NON-MAINLINE APPLICATION

- 3. Particulars of the type and extent of the operation in respect of which the application is made.
- 4. Particulars of how the safety management system of the applicant meets the requirements set out in regulation 6.
- 5. Information on the—
 - (a) relevant statutory provisions which make provision in relation to safety which are applicable to the operation; and
 - (b) technical specifications and procedures relating to operations and maintenance that are relevant to the safety of the transport system which the applicant proposes to follow,

and an explanation of how compliance with these requirements is ensured by the safety management system.

6. Information on the different types of work or voluntary work being carried out by persons directly in relation to the operation including evidence of how the applicant ensures that when such persons are carrying out work or voluntary work in relation to the operation that they are doing so in accordance with relevant requirements of the relevant statutory provisions referred to in paragraph 5(a).

7. Information on the different types of rolling stock used for the operation including evidence that they meet relevant requirements of the relevant statutory provisions referred to in paragraph 5(a).

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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. (See end of Document for details)

1^{F4}SCHEDULE 3

Regulation 20(1)(c)

COMMON SAFETY INDICATORS

Textual Amendments

- F4** Sch. 3 substituted (26.8.2011) by [The Railways and Other Guided Transport Systems \(Safety\) \(Amendment\) Regulations 2011 \(S.I. 2011/1860\)](#), regs. 1, **2(12)**

(This Schedule substantially reproduces, with minor modifications, the provisions of Annex I to the Directive and its Appendix)

Part 1

COMMON SAFETY INDICATORS

Interpretation

1. In this Part, the definitions for the common safety indicators and the methods used to calculate the economic impact of accidents in Part 2 apply.

Indicators relating to accidents

2.—(1) Total and relative, to train-kilometres, number of—

- (a) significant accidents and a break-down of the following types of accidents—
- (i) collisions of trains, including collisions with obstacles within the clearance gauge;
 - (ii) derailments of trains;
 - (iii) level crossing accidents which includes accidents involving persons at level crossings;
 - (iv) accidents to persons caused by rolling stock in motion, except for suicides;
 - (v) fires in rolling stock; and
 - (vi) any other types of accidents,

and each significant accident shall be reported under the heading of the primary accident even where the consequences of any secondary accident are more severe, such as where a fire follows a derailment;

- (b) persons seriously injured or killed by type of accident divided into the following categories—
- (i) passengers;
 - (ii) persons carrying out work or voluntary work directly in relation to the operation;
 - (iii) level crossing users;
 - (iv) unauthorised persons on premises of the transport system; and
 - (v) any other types of person,

and the number of passengers seriously injured or killed shall also be indicated in relation to the total number of passenger-kilometres.

(2) The provisions of Regulation 91/2003 of the European Parliament and the Council on rail transport statistics shall be applied to any information provided under this paragraph.

Indicators relating to dangerous goods

3. Total and relative, to train-kilometres, number of accidents involving the transport of dangerous goods—

- (a) involving at least one vehicle transporting dangerous goods; and
- (b) number of such accidents in which dangerous goods are released.

Indicators relating to suicides

4. Total and relative, to train-kilometres, number of suicides.

Indicators relating to precursors of accidents

5. Total and relative, to train-kilometres, number of—

- (a) broken rails;
- (b) buckled rails;
- (c) wrong-side signalling failures;
- (d) signals passed at danger; and
- (e) broken wheels and axles on vehicles in service,

and all such precursors are to be reported, whether or not they result in accidents and where they result in a significant accident, they shall be reported under paragraph 2 of this Part of Schedule 3.

Indicators to calculate the economic impact of accidents

6.—(1) Total in Euros and relative, to train-kilometres—

- (a) number of deaths and serious injuries multiplied by the Value of Preventing a Casualty (VPC);
- (b) cost of damage to the environment;
- (c) cost of material damage to rolling stock or infrastructure;
- (d) cost of delays as a consequence of accidents.

(2) Each annual safety report submitted by the Office of Rail Regulation in accordance with regulation 20(3) shall include the economic impact of significant accidents only.

(3) The VPC is the value society attributes to the prevention of a casualty but is not intended to be used as a reference for the assessment of compensation between parties involved in accidents.

Indicators relating to technical safety of infrastructure and its implementation

7. The—

- (a) percentage of tracks with a train protection system, within the meaning of regulation 2(1) of the Railway Safety Regulations 1999, in operation;
- (b) percentage of train-kilometres with a train protection system falling within paragraph (a) in operation;
- (c) number of (total per line-kilometre and per track-kilometre)—
 - (i) active level crossings with—

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- (aa) automatic user-side warning;
 - (bb) automatic user-side protection;
 - (cc) automatic user-side protection and warning;
 - (dd) automatic user-side protection and warning, and rail-side protection;
 - (ee) manual user-side warning;
 - (ff) manual user-side protection;
 - (gg) manual user-side protection and warning; and
- (ii) passive level crossings.

Indicators relating to management of safety

8. Internal audits carried out by transport operators pursuant to the procedures referred to in paragraph 2(k) of Schedule 1 and the number of such audits which have been carried out and that number expressed as a percentage of the audits which were planned for that year.

PART 2

COMMON DEFINITIONS AND METHODS TO CALCULATE THE ECONOMIC IMPACT OF ACCIDENTS

Indicators relating to accidents

1.—(1) “Significant accident” means any accident involving at least one rail vehicle in motion, resulting in at least one killed or seriously injured person, or in significant damage to stock, track, other installations or environment, or extensive disruptions to traffic. Accidents in workshops, warehouses and depots are excluded.

(2) “Significant damage to stock, track, other installations or environment” means damage that is equivalent to [euro]150,000 or more.

(3) “Extensive disruptions to traffic” means that train services on a main railway line are suspended for six hours or more.

(4) “Train” means one or more railway vehicles hauled by one or more locomotives or railcars, or one railcar travelling alone, running under a given number or specific designation from an initial fixed point to a terminal fixed point. A light engine, i.e. a locomotive travelling on its own, is considered to be a train.

(5) “Collision of trains, including collisions with obstacles within the clearance gauge” means a front to front, front to end or a side collision between a part of a train and a part of another train, or with—

- (a) shunting rolling stock; or
- (b) objects fixed or temporarily present on or near the track (except at level crossings if lost by a crossing vehicle or user).

(6) “Train derailment” means any case in which at least one wheel of a train leaves the rails.

(7) “Level crossing accidents” means accidents at level crossings involving at least one railway vehicle and one or more crossing vehicles, other crossing users such as pedestrians or other objects temporarily present on or near the track if lost by a crossing vehicle/user.

(8) “Accidents to persons caused by rolling stock in motion” means accidents to one or more persons who are either hit by a railway vehicle or by an object attached to, or that has become

detached from, the vehicle. Persons who fall from railway vehicles are included, as well as persons who fall or are hit by loose objects when travelling on board vehicles.

(9) “Fires in rolling stock” means fires and explosions that occur in railway vehicles (including their load) when they are running between the departure station and the destination, including when stopped at the departure station, the destination or intermediate stops, as well as during re-marshalling operations.

(10) “Other types of accidents” means all accidents other than those already mentioned (train collisions, train derailments, at level crossing, to persons caused by rolling stock in motion and fires in rolling stock).

(11) “Passenger” means any person, excluding members of the train crew, who makes a trip by rail. For accident statistics, passengers trying to embark/disembark onto/from a moving train are included.

(12) “Employees (staff of contractors and self-employed contractors are included)” means any person whose employment is in connection with a railway and is at work at the time of the accident. It includes the crew of the train and persons handling rolling stock and infrastructure installations.

(13) “Level crossing users” means all persons using a level crossing to cross the railway line by any means of transport or by foot.

(14) “Unauthorised persons on railway premises” means any person present on railway premises where such presence is forbidden, with the exception of level crossing users.

(15) “Others (third parties)” means all persons not defined as “passengers”, “employees including the staff of contractors”, “level crossing users” or “unauthorised persons on railway premises”.

(16) “Deaths (killed person)” means any person killed immediately or dying within 30 days as a result of an accident, excluding suicides.

(17) “Injuries (seriously injured person)” means any person injured who was hospitalised for more than 24 hours as a result of an accident, excluding attempted suicides.

Indicators relating to dangerous goods

2.—(1) “Accident involving the transport of dangerous goods” means any accident or incident that must be reported in accordance with RID section 1.8.5., as revised or reissued from time to time.

(2) “Dangerous goods” means those substances and articles the carriage of which is prohibited by RID, or authorised only under the conditions prescribed therein.

(3) In this paragraph “RID” means the Regulations concerning the International Carriage of Dangerous Goods by Rail as adopted under Directive [2008/68/EC](#) of the European Parliament and of the Council of 24th September 2008 on the inland transport of dangerous goods.

Indicators relating to suicides

3. “Suicide” means an act to deliberately injure oneself resulting in death, as recorded and classified by the Railway Safety and Standards Board.

Indicators relating to precursors of accidents

4.—(1) “Broken rails” means any rail which is separated in two or more pieces, or any rail from which a piece of metal becomes detached, causing a gap of more than 50mm in length and more than 10mm in depth on the running surface.

(2) “Track buckles” means faults related to the continuum and the geometry of track, requiring track obstruction or immediate reduction of permitted speed to maintain safety.

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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. (See end of Document for details)

(3) “Wrong side signalling failure” means any failure of a signalling system (either to infrastructure or to rolling stock), resulting in signalling information less restrictive than that demanded.

(4) “Signal passed at danger (SPAD)” means any occasion when any part of a train proceeds beyond its authorised movement to an unauthorised movement; “unauthorised movement” means to pass—

- (a) a trackside colour light signal or semaphore at danger, order to STOP, where an Automatic Train Control System (ATCS) or train protection system (as described in paragraph 7(a) of Part 1 of this Schedule) is not operational;
- (b) the end of a safety related movement authority provided in an ATCS or train protection system;
- (c) a point communicated by verbal or written authorisation laid down in regulations; or
- (d) stop boards (buffer stops are not included) or hand signals,

but excludes cases in which—

- (e) vehicles without any traction unit attached or a train that is unattended run away past a signal at danger; or
- (f) for any reason, the signal is not turned to danger in time to allow the driver to stop the train before the signal.

(The Office of Rail Regulation may report separately on items (a) to (d) and shall report at least an aggregate indicator containing data on all four items).

(5) “Broken wheels and broken axles” means a break affecting the essential parts of the wheel or the axle and creating a risk of accident (derailment or collision).

Common methodologies to calculate the economic impact of accidents

5.—(1) The Value of Preventing a Casualty (VPC) is composed of—

- (a) value of safety *per se*: Willingness to Pay (WTP) values based on stated preference studies carried out in Great Britain;
- (b) direct and indirect economic costs, appraised in Great Britain, composed of—
 - (i) medical and rehabilitation costs;
 - (ii) legal and court costs, police, private crash investigations and emergency service costs and administrative costs of insurance;
 - (iii) production losses: value to society of goods and services that could have been produced by the person if the accident had not occurred.

(2) Common principles to appraise the value of safety *per se* and direct / indirect economic costs—

- (a) for the value of safety *per se*, the assessment of whether available estimates are appropriate or not shall be based on the following considerations—
 - (i) estimates shall relate to a system for valuation of mortality risk reduction in the transport sector and follow a WTP approach according to stated preference methods;
 - (ii) the respondent sample used for the values shall be representative of the population concerned. In particular, the sample has to reflect the age / income distribution along with other relevant socio-economic / demographic characteristics of the population;
 - (iii) method for eliciting WTP values: survey design shall be such that questions are clear / meaningful to respondents;
- (b) direct and indirect economic costs shall be appraised on the basis of the real costs borne by society.

(3) “Cost of damage to environment” means costs that are to be met by transport undertakings or infrastructure managers, appraised on the basis of their experience, in order to restore the damaged area to its state before the railway accident.

(4) “Cost of material damage to rolling stock or infrastructure” means the cost of providing new rolling stock or infrastructure, with the same functionalities and technical parameters as that damaged beyond repair, and the cost of restoring repairable rolling stock or infrastructure to its state before the accident. Both are to be estimated by transport undertakings or infrastructure managers on the basis of their experience. Also includes costs related to leasing rolling stock, as a consequence of non availability due to damaged vehicles.

(5) “Cost of delays as a consequence of accidents” means the monetary value of delays incurred by users of rail transport (passengers and freight customers) as a consequence of accidents, and is calculated by the following model—

VT = monetary value of travel time savings

Value of time for a passenger of a train (an hour)

$$VT_p = [VT \text{ of work passengers}] * [\text{Average percentage of work passengers per year}] + [VT \text{ of non-work passengers}] * [\text{Average percentage of non-work passengers per year}]$$

VT measured in EUR per passenger per hour

Value of time for a freight train (an hour)

$$VT_F = [VT \text{ of freight trains}] * [(\text{Tonne-Km}) / (\text{Train-Km})]$$

VT is measured in EUR per freight tonne per hour

$$\text{Average tonnes of goods transported per train in one year} = (\text{Tonne-Km}) / (\text{train-Km})$$

C_m = Cost of 1 minute of delay of a train

Passenger train

$$C_{MP} = K_1 * (VT_p / 60) * [(\text{Passenger-Km}) / (\text{Train Km})]$$

$$\text{Average number of passengers per train in one year} = (\text{Passenger-Km}) / (\text{Train Km})$$

Freight train

$$C_{MF} = K_2 * (VT_F / 60)$$

Factors K_1 and K_2 are between the value of time and the value of delay, as estimated by stated preference studies, to take into account that the time lost as a result of delays is perceived significantly more negatively than normal travel time.

Cost of delays of an accident = $C_{MP} * (\text{Minutes of delay of passenger trains}) + C_{MF} * (\text{Minutes of delay of freight trains})$

Scope of the model

Cost of delays is to be calculated for all accidents, both significant and non-significant.

Delays are to be calculated as follows:

- real delays on the railway lines where accidents occurred,
- real delays or, if not possible, estimated delays on the other affected lines.

Indicators relating to technical safety of infrastructure and its implementation

6.—(1) “Automatic Train Protection” means a system that enforces obedience to signals and speed restrictions by speed supervision, including automatic stop at signals.

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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. (See end of Document for details)

(2) “Level crossing” means any level intersection between the railway and a passage, as recognised by the infrastructure manager and open to public or private users. Passages between platforms within stations are excluded, as well as passages over tracks for the sole use of employees.

(3) “Passage” means any public or private road, street or highway, including footpaths and bicycle paths, or other route provided for the passage of people, animals, vehicles or machinery.

(4) “Active level crossing” means a level crossing where the crossing users are protected from or warned of the approaching train by the activation of devices when it is unsafe for the user to traverse the crossing, as follows—

- (a) protection by the use of physical devices, including half or full barriers or gates;
- (b) warning by the use of fixed equipment at level crossings, including lights, audible devices such as bells, horns or klaxons and physical devices such as vibration due to road bumps;

active level crossings are classified as—

- (c) “level crossing with crossing-user-side automatic protection and/or warning” which means a level crossing where the crossing protection and/or warning are activated by the approaching train. These level crossings are classified as—
 - (i) automatic user-side warning;
 - (ii) automatic user-side protection;
 - (iii) automatic user-side protection and warning;
 - (iv) automatic user-side protection and warning, and rail-side protection; “rail-side protection” means a signal or other train protection system that only permits a train to proceed if the level crossing is user-side protected and free from incursion; such freedom from incursion to be achieved by means of surveillance and/or obstacle detection;
- (d) “level crossing with crossing-user-side manual protection and/or warning” which means a level crossing where protection and/or warning is manually activated and there is not an interlocked railway signal showing, to the train, a running aspect only when protection and/or warning of level crossing are activated. These level crossings are classified as—
 - (i) manual user-side warning;
 - (ii) manual user-side protection;
 - (iii) manual user-side protection and warning.

(5) “Passive level crossing” means a level crossing without any form of warning system and/or protection activated when it is unsafe for the user to traverse the crossing.

Indicators relating to the management of safety

7. “Audit” means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

Definitions of the scaling bases

8.—(1) “Train-kilometre” (train-km) means the unit of measure representing the movement of a train over one kilometre. The distance used is the distance actually run, if available, otherwise the standard network distance between the origin and destination shall be used.

(2) “Passenger-kilometre” (passenger-km) means the unit of measure representing the transport of one passenger by rail over a distance of one kilometre.

(3) “Line-kilometre” (line-km) means the length measured in kilometres of the railway to which these Regulations apply. For multiple-track railway lines, only the distance between origin and destination is to be counted.

(4) “Track-kilometre” (track-km) means the length measured in kilometres of the railway, to which these Regulations apply. Each track of a multiple-track railway line is to be counted.]

SCHEDULE 4

Regulation 5(4)(a) and 6(4)(a)

WRITTEN SAFETY VERIFICATION SCHEME REQUIREMENTS

INFORMATION TO BE INCLUDED IN A SAFETY VERIFICATION SCHEME

1.—(1) The arrangements for the selection, appointment and retention of the competent person, which arrangements should at least provide for:

- (a) the appointment of the competent person at an early stage in the design selection process;
- (b) the involvement of the competent person in the establishing of the criteria to be applied in the verification process and the design selection process; and
- (c) the communication to the competent person of information necessary for the proper implementation, or revision, of the verification scheme and which information is necessary in order for the competent person to undertake the verification.

(2) The arrangements for the examination and testing of new or altered vehicles or infrastructure, which arrangements should at least provide for:

- (a) the means of controlling risks that arise during the carrying out of any testing or trials prior to placing in service; and
- (b) the standards and criteria to be applied in the verification process.

(3) The arrangements for the review and revision of the verification scheme.

(4) The arrangements for the making and preservation of records showing—

- (a) the examination and testing carried out to the new or altered vehicles or infrastructure prior to its being placed in service;
- (b) the findings of that examination and testing;
- (c) any remedial action recommended as a result of that examination and testing; and
- (d) any remedial action performed.

(5) The arrangements for communicating the matters contained in sub-paragraphs (1) to (4) of this Schedule to an appropriate level in the management system of the transport operator or responsible person as the case may be.

SCHEDULE 5

Regulation 29(7)

TRANSITIONAL PROVISIONS AND SAVINGS-SAFETY CERTIFICATES AND SAFETY AUTHORISATIONS

1. Subject to the following paragraphs of this Schedule—

- (a) a notification of acceptance by the Office of Rail Regulation of a safety case in relation to the operation of trains pursuant to regulation 5(7)(a) of the 2000 Regulations in relation to a safety case—

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(i) which is current immediately before 1st October 2006; or
(ii) which is issued pursuant to paragraph 3,
shall be deemed to be a safety certificate for that operation;

(b) a notification of acceptance by the Office of Rail Regulation of a safety case in relation to the use of railway infrastructure pursuant to regulation 4(4), or the operation of a station pursuant to regulation 5(7)(a), of the 2000 Regulations in relation to a safety case—
(i) which is current immediately before 1st October 2006; or
(ii) which is issued pursuant to paragraph 3,
shall be deemed to be a safety authorisation for the infrastructure in question,

and the holder of a deemed safety certificate shall also be deemed to have met the applicable requirements of regulations 3(1)(a) and 4(1)(a) and the holder of a deemed safety authorisation shall also be deemed to have met the applicable requirements of regulations 3(2)(a) and 4(2)(a).

2. In paragraph 1 a notification of acceptance shall be construed as including the original notification referred to in paragraph 1(a) or 1(b) together with any notification of acceptance of a revision of the safety case in question by the Office of Rail Regulation pursuant to regulation 7(7) of the 2000 Regulations or that regulation as saved by paragraph 3 in relation to the operation in question.

3. Notwithstanding their revocation the 2000 Regulations shall continue in force as they had effect on 30th September 2006 for the purposes of—

- (a) the consideration, acceptance or refusal of acceptance of safety cases and revisions to safety cases submitted to the Office of Rail Regulation for acceptance before 1st October 2006 under regulations 4, 5, 7 or 8 of the 2000 Regulations;
- (b) the making and determination of appeals under regulation 15 of the 2000 Regulations in relation to—
 - (i) the determination of any such appeals made before but not determined on 30th September 2006; and
 - (ii) the making and determination of any such appeals in relation to decisions on submissions falling within paragraph (a).

4. A deemed safety certificate or safety authorisation shall—

- (a) in the case of a deemed safety certificate or safety authorisation falling within paragraph 1(a)(i) or 1(b)(i), be deemed to be issued on 1st October 2006;
- (b) in the case of a deemed safety certificate or safety authorisation falling within paragraph 1(a)(ii) or 1(b)(ii), be deemed to be issued on the date of the notification of acceptance in question; and
- (c) be deemed to be held by the person to whom the notification of acceptance in question was addressed or, in the case of a deemed safety certificate or authorisation falling within paragraph 1(a)(i) or 1(b)(i), the person who is a successor of that person or a previous successor pursuant to regulation 2(7) of the 2000 Regulations on 30th September 2006.

5. A deemed safety certificate or safety authorisation shall be valid until—

- (a) in the case of a deemed—
 - (i) safety certificate, the holder has applied for a safety certificate under regulation 7 for the operation in question and the Office of Rail Regulation has issued a safety certificate in response to that application; or

- (ii) safety authorisation, the holder has applied for a safety authorisation for the operation in question under regulation 10 and the Office of Rail Regulation has issued a safety authorisation in response to that application;
- (b) subject to paragraph 6, the date by which the periodic review of the safety case to which the deemed safety certificate or deemed safety authorisation relates would have been required under regulation 6 of the 2000 Regulations had it still been in force; or
- (c) 1st October 2008,

whichever is the first to occur.

6. Where the date of the periodic review referred to in paragraph 5(b) would fall on or before 1st April 2007 then a deemed safety certificate or safety authorisation shall be valid up to and including 1st April 2007.

7. Where a transport operator—

- (a) holds a deemed safety certificate or deemed safety authorisation; and
- (b) the control of the operation in question is transferred to another person after 1st October 2006 so that regulation 2(7) of the 2000 Regulations would have operated to treat that other person as a successor had it still been in force,

then that other person may rely upon the deemed safety certificate or safety authorisation and if he does so rely shall comply with the provisions of these Regulations as though he were the holder of that deemed safety certificate or safety authorisation for a period of 6 months from the date he becomes a successor and may do so notwithstanding the prior expiry of such a certificate or authorisation in accordance with paragraph 5.

8. The holder of a deemed safety certificate or safety authorisation shall revise the contents of the safety case to which the deemed safety certificate or safety authorisation relates whenever it is appropriate to do so.

9. Where the revision referred to in paragraph 8 renders the safety case materially different from that accepted in the deemed safety certificate or safety authorisation then the holder of the deemed safety certificate or authorisation shall, without delay, notify the Office of Rail Regulation of such revision.

10. Where a holder of a deemed safety certificate or safety authorisation proposes a change to the operation to which a deemed safety certificate or safety authorisation relates which would have been a change falling within regulation 8(1) or 11(1) if those regulations had applied, then he shall not make such a change until he has applied for and the Office of Rail Regulation has issued a new safety certificate or safety authorisation for that operation pursuant to regulation 7 or 10 as the case may be.

11. Where a person—

- (a) was granted an exemption, which has not been revoked, from the prohibition relating to the holding of an accepted safety case in regulation 4(1) or 5(1) of the 2000 Regulations; or
- (b) was not subject to the requirements of the 2000 Regulations immediately before 1st October 2006 by virtue of their operation falling wholly within sub-paragraphs (a) to (c) of the definition of “railway” in the 2000 Regulations or because they were carrying out an operation on a transport system other than a railway,

then notwithstanding the revocation of the 2000 Regulations, that person shall not be required to comply with the provisions of Part 2 of these Regulations until 1st April 2007.

12. The 2000 Regulations shall apply in relation to—

- (a) a deemed safety certificate as if regulations 8, 9 and 15 did not apply; and
- (b) a deemed safety authorisation as if regulation 11, 12 and 16 did not apply;

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- (c) a deemed safety certificate or a deemed safety authorisation as if—
- (i) regulations 13, 14 and 18 did not apply;
 - (ii) sub-paragraphs (a) and (b) of regulation 20(1) did not apply;
 - (iii) regulation 20(1)(d) referred to “the findings of an audit carried out pursuant to the arrangements referred to in paragraph 5(d) of Schedule 1 to the 2000 Regulations;”;
and
 - (iv) regulation 21(4)(a) and 21(5)(a) referred to a deemed safety certificate or a deemed safety authorisation and the safety case to which it relates and as if the notified address referred to in regulation 21(3) were that notified in relation to the safety case in question under regulation 14 of the 2000 Regulations.

13. Notwithstanding the revocation of the 2000 Regulations, regulation 10 of the 2000 Regulations shall continue in effect in relation to the safety case to which a deemed safety certificate or deemed safety authorisation relates as it had effect on 30th September 2006 except that for the purposes of this Schedule the references in that regulation to—

- (a) “any revision” shall be construed to include a revision pursuant to paragraph 8; and
- (b) regulations 7 and 11 shall be construed as a reference to paragraph 8 of this Schedule and regulation 22(1) respectively.

14. For the purposes of this Schedule “the 2000 Regulations” means the Railways (Safety Case) Regulations 2000.

SCHEDULE 6

Regulation 33

CONSEQUENTIAL AMENDMENTS

Amendment to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995

1.—(1) The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 ^{M1} shall be amended as follows.

- (2) In regulation 2(1) (interpretation)—
- (a) after the definition of “factory” insert—
 - ““guided bus system” has the meaning assigned to it by regulation 2(1) of the Railways and Other Guided Transport Systems (Safety) Regulations 2006;”;
 - (b) for the definition of “guided transport system” substitute—
 - ““guided transport” has the meaning assigned to it by regulation 2(1) of the Railways and Other Guided Transport Systems (Safety) Regulations 2006;”;
 - (c) for the definition of “railway” substitute—
 - ““railway” has the meaning assigned to it by regulation 2(1) of the Railways and Other Guided Transport Systems (Safety) Regulations 2006;”;
 - (d) for the definition of “relevant transport system” substitute—
 - ““relevant transport system” means a railway, a tramway, a trolley vehicle system or any other system using guided transport but does not include a guided bus system or a trolley vehicle system when it operates on a road;”;
 - (e) for the definition of “tramway” substitute—

““tramway” has the meaning assigned to it by regulation 2(1) of the Railways and Other Guided Transport Systems (Safety) Regulations 2006;”.

Marginal Citations

M1 [S.I. 1995/3163](#) as amended by [S.I. 1997/2776](#), 1999/437, 1999/2024, 1999/2244 and 2004/568; there are other amendments not relevant to these Regulations.

Amendment to the Railway Safety (Miscellaneous Provisions) Regulations 1997

2.—(1) The Railway Safety (Miscellaneous Provisions) Regulations 1997 ^{M2} shall be amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) after the definition of “factory” insert— “ “guided bus system” and “guided transport” have the meanings assigned to them by regulation 2(1) of the Railways and Other Guided Transport Systems (Safety) Regulations 2006; ”;
- (b) omit the definition of “ prescribed system of guided transport ”;
- (c) for the definition of “tramway” substitute—
““tramway” has the meaning assigned to it by regulation 2(1) of the Railways and Other Guided Transport Systems (Safety) Regulations 2006;”; and
- (d) in the definition of “transport system” for the words before sub-paragraph (a) substitute—
““transport system” means a railway, a tramway, a trolley vehicle system or any other system using guided transport except that it does not include a guided bus system or any part of any of those systems which—;”; and
- (e) after the definition of “transport system” insert—
““trolley vehicle system” has the meaning assigned to it by regulation 2(1) of Railways and Other Guided Transport Systems (Safety) Regulations 2006;”.

Marginal Citations

M2 [S.I. 1997/553](#), as amended by [S.I. 1999/2024](#).

Amendment to the Railway Safety Regulations 1999

3.—(1) The Railway Safety Regulations 1999 ^{M3} shall be amended as follows.

(2) In regulation 2 (interpretation)—

- (a) in paragraph (1)—
 - (i) for the definition of “infrastructure controller” substitute—
““infrastructure controller” means a person who controls railway infrastructure;”;
 - (ii) after the definition of “railway” insert—
““railway infrastructure” means fixed assets used for the operation of a railway including its permanent way and plant used for signalling or exclusively for supplying electricity for operational purposes to the railway, but it does not include a station;”;
 - (iii) after the definition of “speed restriction” insert—

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““station” means a railway passenger station or terminal, but does not include any permanent way or plant used for signalling or exclusively for supplying electricity for operational purposes to the railway;” and

(b) after paragraph (4) add—

“(4A) Any reference in these Regulations to a person who controls railway infrastructure is a reference to a person who—

(a) in the course of a business or other undertaking carried on by him (whether for profit or not);

(b) is in operational control of that infrastructure,

except that where such control is for the time being exercised by a person undertaking maintenance, repair or alteration work on the infrastructure, it is a reference to a person who would be in operational control of the infrastructure if such work were not being undertaken.”.

(3) In paragraph 2 to the Schedule (meaning of railway), for the definition of “tramway” substitute—

““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; and

(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 only has access on making payment); and

(b) on any part of which the permitted speed is such as to enable the driver to stop a vehicle in the distance he can see to be clear ahead;”.

Marginal Citations

M3 [S.I. 1999/2244](#), as amended by [S.I. 2000/2688](#) and 2001/3291.

Amendment to the Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Amendment and Specification) Order 2003

4.—(1) The Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Amendment and Specification) Order 2003 ^{M4} shall be amended as follows.

(2) In Schedule 4 (subordinate legislation specified for the purposes of section 241(3) (statutory functions) of the Enterprise Act 2002)—

[^{F5}(a) at the end, add “Parts 2 and 3 of the Railways and Other Guided Transport Systems (Safety) Regulations 2006.”;]

[^{F6}(b) omit “Railways (Safety Case) Regulations 2000.”.]

Textual Amendments

F5 Sch. 6 para. 4(2)(a) added (10.4.2006) by [The Railways and Other Guided Transport Systems \(Safety\) \(Amendment\) Regulations 2006 \(S.I. 2006/1057\)](#), regs. 1, **2(2)**

F6 Sch. 6 para. 4(2)(b) added (1.10.2006) by [The Railways and Other Guided Transport Systems \(Safety\) \(Amendment\) Regulations 2006 \(S.I. 2006/1057\)](#), regs. 1, **2(3)**

Marginal Citations

M4 S.I. 2003/1400.

SCHEDULE 7

Regulation 34

REVOCATION

(1) Regulations revoked	(2) References	(3) Extent of revocation
ROTS	S.I. 1994/157	The whole Regulations
The Railways (Safety Critical Work) Regulations 1994	S.I. 1994/299	The whole Regulations
The Railways (Safety Case) Regulations 2000	S.I. 2000/2688	The whole Regulations
The Railway Safety (Miscellaneous Amendments) Regulations 2001	S.I. 2001/3291	Regulations 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16
The Railways (Safety case) (Amendment) Regulations 2003	S.I. 2003/579	The whole Regulations
The Cableway Installations Regulations 2004	S.I. 2004/129	Regulation 31

Status:

Point in time view as at 26/08/2011.

Changes to legislation:

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