
STATUTORY INSTRUMENTS

2011 No. 3066

The Railways (Interoperability) Regulations 2011

PART 3 U.K.

Interoperability Constituents

Prohibition on placing interoperability constituents on the market U.K.

[^{F1}23.—(1) No person may place an interoperability constituent on the market for which there is an applicable NTSN with a view to its use on the rail system, unless—

- (a) the interoperability constituent meets the essential requirements that are relevant to an interoperability constituent of that type;
- (b) the appropriate procedure for assessing the conformity or suitability for use of the interoperability constituent has been carried out; and
- (c) subject to paragraph (2), a UK declaration of conformity or suitability for use in relation to that interoperability constituent has been drawn up.

(2) A person may place an interoperability constituent on the market in reliance on an EC declaration of conformity or suitability for use drawn up in relation to that interoperability constituent where one of the following conditions applies—

- (a) an EC declaration of conformity or suitability for use was drawn up before, on or before or after IP completion day, and there is no UK specific case applicable to the interoperability constituent; or
- (b) all of the following apply—
 - (i) an EC declaration of conformity or suitability for use was drawn up before IP completion day,
 - (ii) there is a UK specific case applicable to the interoperability constituent,
 - (iii) there is no material difference between the technical specifications of the applicable UK specific case and a pre-exit specific case against which the interoperability constituent was previously assessed, and
 - (iv) there are no other applicable UK specific cases.

(3) In this regulation, “a pre-exit specific case” means special provision in relation to the technical specifications for subsystems and interoperability constituents to allow for their compatibility with the rail system, which was applicable to the interoperability constituent and was set out and described in a TSI or notified national technical rule before IP completion day.

(4) In this regulation, a “material difference” in relation to technical specifications does not include the replacement of the standards contained in TSIs or notified national technical rules by the standards set by the Secretary of State in accordance with regulations 3B and 3C, and contained (on or after IP completion day) in NTSNs or NTRs.]

Textual Amendments

- F1** Reg. 23 substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(27)** (as amended by [The Railways \(Miscellaneous Amendments, Revocations and Transitional Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/786\)](#), regs. 1(2)(b)(i), **4(5)(a)(i)**, 4(5)(a)(ii), 4(5)(b), 4(5)(c)); 2020 c. 1, **Sch. 5 para. 1(1)**

Assessment procedure for interoperability constituents **U.K.**

24.—(1) [^{F2}Subject to paragraph (4),] if required by the [^{F3}applicable NTSN], the procedures for assessing the conformity or suitability for use of an interoperability constituent must be carried out by [^{F4}an approved body or, where assessment against an applicable UK specific case is required, a designated body].

(2) The appropriate procedures for assessing the conformity or suitability for use of an interoperability constituent are, subject to paragraph (3), the procedures indicated in the [^{F3}applicable NTSN].

(3) Spare parts for subsystems that were placed in service before the applicable [^{F5}NTSN] came into force are not subject to the procedures referred to in paragraph (2).

[^{F6}(4) Except for cases which fall within regulation 23(2), where an EC declaration of conformity or suitability for use has already been drawn up, an assessment of the conformity or suitability for use against an applicable UK specific case must be carried out by a designated body in accordance with the procedure set out in the NTSN concerning the further assessment of interoperability constituents which hold an EC declaration of conformity or suitability for use.]

Textual Amendments

- F2** Words in reg. 24(1) inserted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(28)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in reg. 24 substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(28)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in reg. 24(1) substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(28)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Word in reg. 24(3) substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(28)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Reg. 24(4) inserted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(28)(e)**; 2020 c. 1, Sch. 5 para. 1(1)

[^{F7}UK] declaration of conformity or suitability for use **U.K.**

25.—[^{F8}(1) Where neither a UK declaration of conformity or suitability for use, nor an EC declaration of conformity or suitability for use which satisfies one of the conditions in regulation 23(2) has been drawn up by the manufacturer or the manufacturer's representative, a UK declaration of conformity or suitability for use must be drawn up by any person who—]

- (a) places that interoperability constituent on the market; or
- (b) uses that interoperability constituent, or any part of it, in any other interoperability constituent that the person is manufacturing or assembling, or in any project subsystem that the person is constructing, upgrading or renewing

before the person places the interoperability constituent on the market with a view to its use on the rail system or uses it or any part of it on the rail system.

(2) [F⁹A UK declaration] of conformity or suitability for use must be drawn up in accordance with the requirements of [F¹⁰Schedule 7].

[F¹¹(3) A person may only draw up a UK declaration of conformity or suitability for use if satisfied that the interoperability constituent satisfies the relevant conditions of the applicable NTSN, including any applicable UK specific case.]

(4) If an interoperability constituent is subject to other requirements of [F¹²any enactment or rule of law], a person may only draw up [F¹³a UK] declaration of conformity or suitability for use if satisfied that the interoperability constituent meets those other requirements and the person must state in the declaration that the interoperability constituent meets those other requirements.

[F¹⁴(5) In this regulation, and in Schedule 7, the “manufacturer’s representative” means either an authorised representative or a person appointed by the manufacturer to perform specified tasks relating to the conformity or suitability for use of interoperability constituents, on or after IP completion day.]

Textual Amendments

- F7** Word in reg. 25 heading substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(29)(a)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F8** Words in reg. 25(1) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(29)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in reg. 25(2) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(29)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in reg. 25(2) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(29)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Reg. 25(3) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(29)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in reg. 25(4) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(29)(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in reg. 25(4) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(29)(e)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Reg. 25(5) inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(29)(f)** (as amended by The Railways (Miscellaneous Amendments, Revocations and Transitional Provisions) (EU Exit) Regulations 2020 (S.I. 2020/786), regs. 1(2)(b)(i), **4(6)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Effect of [F¹⁵declarations of conformity or suitability for use] **U.K.**

26.—(1) An interoperability constituent in relation to which [F¹⁶a UK] declaration of conformity or suitability for use [F¹⁷or an EC declaration of conformity or suitability for use which satisfies the criteria set out in regulation 23(2)(a) or (b)] has been drawn up is presumed for the purpose of these Regulations to—

- (a) meet such of the essential requirements as relate to an interoperability constituent of that type; and
- (b) conform to the applicable [F¹⁸NTSN],

unless there are reasonable grounds for believing that it does not so conform.

(2) The presumption set out in paragraph (1) does not apply where a person fails or refuses to make available to the Safety Authority the documentation which the person is required to retain by any of the procedures for assessing the conformity or suitability for use of that interoperability constituent or a copy of that documentation.

Textual Amendments

- F15** Words in reg. 26 heading substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(31)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in reg. 26(1) substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(31)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in reg. 26(1) inserted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(31)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Word in reg. 26(1)(b) substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(31)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

Duties on operators U.K.

27. The operator of any interoperability constituent for which there is an applicable [^{F19}NTSN] that is in use on, or is part of, the rail system ^{F20} ... must ensure that it is—

- (a) correctly installed for the purpose for which it is intended to be used;
- (b) not used for any purpose other than the purpose for which it was designed; and
- (c) maintained in effective working order and good repair.

Textual Amendments

- F19** Word in reg. 27 substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(32)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F20** Words in reg. 27 omitted (31.12.2020) by virtue of [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(32)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Recognition of assessments of other Member States U.K.

^{F21}28.

Textual Amendments

- F21** Reg. 28 omitted (31.12.2020) by virtue of [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(33)**; 2020 c. 1, Sch. 5 para. 1(1)

Notification to the [^{F22}European] Commission of incorrect declaration U.K.

29.—(1) Where it appears to the Safety Authority that an interoperability constituent in relation to which an EC declaration of conformity or suitability for use has been drawn up fails to meet the essential requirements relating to it, it [^{F23}may] give notice of that fact in writing to the [^{F24}European Commission and EU Member States].

- (2) That notice [^{F25}may] specify—
 - (a) whether the failure to comply was due to the inadequacy of a TSI; and

- (b) if it was not—
- (i) the steps taken to prohibit or restrict the use of that interoperability constituent or withdraw or recall the interoperability constituent;
 - (ii) the reasons for taking those steps; and
 - (iii) any measures taken against a person who drew up the declaration.

[^{F26}(3) This regulation does not apply in relation to the Channel Tunnel system.]

Textual Amendments

- F22** Word in reg. 29 heading inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(34)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F23** Word in reg. 29(1) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(34)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F24** Words in reg. 29(1) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(34)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F25** Word in reg. 29(2) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(34)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F26** Reg. 29(3) inserted by S.I. 2019/345, reg. 2(34)(d) (as substituted) by The Railways (Interoperability) (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2020 (S.I. 2020/318), regs. 1(2) (b), **5(7)**

Changes to legislation:

There are currently no known outstanding effects for the The Railways (Interoperability) Regulations 2011, PART 3.