

## SCHEDULE

Change of name of the Office of Rail Regulation: consequential amendments

### PART 2

#### Amendments to secondary legislation

##### **Railways Infrastructure (Access and Management) Regulations 2005**

5. In the following provisions of the Railways Infrastructure (Access and Management) Regulations 2005<sup>(1)</sup>, for a reference to the Office of Rail Regulation substitute a reference to the Office of Rail and Road—

- (a) regulation 2(3) (amendments, repeals, revocations and transitional provisions);
- (b) regulation 3(1) (interpretation);
- (c) regulation 5(5) (access rights);
- (d) regulation 6(4) (access to terminals and ports);
- (e) regulation 7(7) (access to services);
- (f) regulation 10 (business plans);
- (g) regulation 11 (network statement);
- (h) regulation 12 (establishing, determining and collecting charges);
- (i) regulation 13 (infrastructure costs and accounts);
- (j) regulation 16 (capacity allocation);
- (k) regulation 18(12) (framework agreements);
- (l) regulation 20(7) (scheduling and co-ordination);
- (m) regulation 22(3) (declaration of specialised infrastructure);
- (n) regulation 23(3) (congested infrastructure);
- (o) regulation 25(6) (capacity enhancement plan);
- (p) regulation 28 (regulatory body);
- (q) regulation 29 (appeals to the regulatory body);
- (r) regulation 29A (regulatory decisions concerning international passenger services);
- (s) regulation 30 (competition in the rail services market);
- (t) regulation 31 (provision of information to the regulatory body);
- (u) regulation 32(2) (the International Rail Regulator);
- (v) regulation 36(3) (civil proceedings); and
- (w) paragraph 2 of Schedule 3 (principles of access charging).

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

6. In the following provisions of the Railways and Other Guided Transport Systems (Safety) Regulations 2006<sup>(2)</sup>, for a reference to the Office of Rail Regulation substitute a reference to the Office of Rail and Road—

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(1) S.I. 2005/3049, amended by S.I. 2009/1122; there are other amending instruments but none is relevant.  
(2) S.I. 2006/599, relevant amending instruments are S.I. 2011/1860, 2013/950.

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- (a) regulation 2(1) (interpretation and application);
- (b) regulation 2A (determination of exclusion from the mainline railway);
- (c) regulation 5(7) (safety management system for the mainline railway);
- (d) regulation 7 (safety certificate);
- (e) regulation 8 (amended safety certificate);
- (f) regulation 9 (further safety certificate);
- (g) regulation 10 (safety authorisation);
- (h) regulation 11 (amended safety authorisation);
- (i) regulation 12 (further safety authorisation);
- (j) regulation 13 (notice of changes by holder of a safety certificate or a safety authorisation);
- (k) regulation 14 (direction to apply for an amended safety certificate or safety authorisation);
- (l) regulation 15 (revocation of safety certificate);
- (m) regulation 16 (revocation of safety authorisation);
- (n) regulation 17 (general provisions relating to safety certificates and safety authorisations);
- (o) regulation 18 (notification to the European Railway Agency regarding safety certificates and safety authorisations relating to the mainline railway);
- (p) regulation 20 (annual safety reports);
- (q) regulation 21 (sending, issuing, and keeping of documents and making them available for public inspection);
- (r) regulation 27 (appeals);
- (s) regulation 28 (offences);
- (t) regulation 29 (transitional provisions and savings);
- (u) regulation 30 (exemptions);
- (v) paragraph 2(c)(iv) of Schedule 1 (basic elements of the safety management system);
- (w) paragraph 1(b)(i)(aa) of Schedule 2 (information to be included for a mainline application);
- (x) paragraph 6(2) of Part 1 of Schedule 3 (indicators to calculate the economic impact of accidents); and
- (y) paragraph 4(4) of Part 2 of Schedule 3 (indicators relating to precursors of accidents).

### **Railway Safety Levy Regulations 2006**

7. In the following provisions of the Railway Safety Levy Regulations 2006<sup>(3)</sup> and, in the case of regulation 3 in the heading preceding it, for a reference to the Office of Rail Regulation substitute a reference to the Office of Rail and Road—

- (a) regulation 3 (determination of matters by the Office of Rail Regulation);
- (b) regulation 4 (requests for information);
- (c) regulation 6 (assumptions);
- (d) regulation 7 (payment of the railway safety levy); and
- (e) regulation 8 (refunds).

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(3) [S.I. 2006/1010](#).

## **REACH Enforcement Regulations 2008**

**8.** In the following provisions of the REACH Enforcement Regulations 2008(4) and, in the case of Part 5 of Schedule 3 and Part 2 of Schedule 6 in their headings, for a reference to the Office of Rail Regulation substitute a reference to the Office of Rail and Road—

- (a) regulation 2(2) (interpretation);
- (b) regulation 6(1)(b) (health and safety enforcement);
- (c) Schedule 1 (table of REACH provisions);
- (d) paragraph 6 of Schedule 2 (functions of enforcing authorities);
- (e) Part 5 of Schedule 3 (health and safety enforcement: the Office of Rail Regulation);
- (f) paragraph 1 of Schedule 5A (placing asbestos-containing articles on the market);
- (g) Part 2 of Schedule 6 (powers of enforcement); and
- (h) Schedule 7 (authorisations).

## **Railways (Interoperability) Regulations 2011**

**9.** In the following provisions of the Railways (Interoperability) Regulations 2011(5), for a reference to the Office of Rail Regulation substitute a reference to the Office of Rail and Road—

- (a) regulation 2(1) (interpretation);
- (b) regulation 36(10) (national vehicle register);
- (c) regulation 39 (enforcement in Great Britain);
- (d) regulation 41 (notices relating to interoperability constituents not meeting the essential requirements); and
- (e) regulation 42 (notice of improper drawing up of the EC declaration of conformity or suitability for use for an interoperability constituent).

## **Other enactments**

**10.** In the following enactments and in the headings referred to, for a reference to the Office of Rail Regulation substitute a reference to the Office of Rail and Road—

- (a) regulation 8(3) of the Dangerous Substances (Notification and Marking of Sites) Regulations 1990(6) (enforcing authority);
- (b) regulation 2 of the Railway Safety (Miscellaneous Provisions) Regulations 1997(7) (interpretation);
- (c) regulation 3 of the Health and Safety (Enforcing Authority) Regulations 1998(8) (local authorities to be enforcing authorities in some cases);
- (d) regulation 28(1) of the Working Time Regulations 1998(9) (enforcement);
- (e) regulation 2(1) of the Railway Safety Regulations 1999(10) (interpretation);

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(4) S.I. 2008/2852, amended by S.I. 2013/2919; there are other amending instruments but none is relevant.

(5) S.I. 2011/3066.

(6) S.I. 1990/304, amended by S.I. 2014/469; there are other amending instruments but none is relevant.

(7) S.I. 1997/553, amended by S.I. 2006/557; there are other amending instruments but none is relevant.

(8) S.I. 1998/494, amended by S.I. 2006/557, there are other amending instruments but none is relevant.

(9) S.I. 1998/1833, relevant amending instruments are S.I. 2003/1684, 2006/557.

(10) S.I. 1999/2244, amended by S.I. 2006/557; there are other amending instruments but none is relevant.

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- (f) the following provisions of the Radiation (Emergency Preparedness and Public Information) Regulations 2001(**11**) and, in the case of regulation 18A, the heading preceding it—
  - (i) regulation 18A (modifications relating to the Office of Rail Regulation), and
  - (ii) regulation 18B(2)(b) (modifications relating to the Office of Nuclear Regulation);
- (g) regulation 16A of the Control of Substances Hazardous to Health Regulations 2002(**12**) (modifications relating to the Office of Rail Regulation) and the heading preceding it;
- (h) regulation 2(1) of the Control of Vibration at Work Regulations 2005(**13**) (interpretation);
- (i) article 26(3) of the Regulatory Reform (Fire Safety) Order 2005(**14**) (enforcement of order);
- (j) regulation 2(1) of the Control of Noise at Work Regulations 2005(**15**) (interpretation);
- (k) regulation 2(1) of the Railways (Accident Investigation and Reporting) Regulations 2005(**16**) (interpretation);
- (l) regulation 2(1) of the Railway (Licensing of Railway Undertakings) Regulations 2005(**17**) (interpretation);
- (m) the following provisions of the Channel Tunnel (International Arrangements) Order 2005(**18**) and, in the case of article 4A, the heading preceding it—
  - (i) article 2 (interpretation), and
  - (ii) article 4A (role of the Office of Rail Regulation);
- (n) regulation 5 of the Railways (Access to Training Services) Regulations 2006(**19**) (appeal to the regulatory body);
- (o) the following provisions of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006(**20**) and, in the case of regulation 5A, the heading preceding it—
  - (i) regulation 3 (enforcing authority),
  - (ii) regulation 4(4) (exceptions),
  - (iii) regulation 5A (assignment of responsibility for enforcement in cases of uncertainty: the Office of Rail Regulation), and
  - (iv) regulation 7 (transitional provisions);
- (p) row 25 of the table in Schedule 5 to the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(**21**) (those to be served with a copy of the application and documents);
- (q) article 15 of the London Gateway Logistics and Commercial Centre Order 2007(**22**) (maintenance of approved works, etc.);

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(11) S.I. 2001/2975, relevant amending instruments are S.I. 2006/557, 2014/469.

(12) S.I. 2002/2677, amended by S.I. 2006/557; there are other amending instruments but none is relevant.

(13) S.I. 2005/1093, amended by S.I. 2014/469.

(14) S.I. 2005/1541, amended by the Energy Act 2013, paragraph 89 of Schedule 12, and S.I. 2008/960; there are other amending instruments but none is relevant.

(15) S.I. 2005/1643, amended by S.I. 2014/469; there are other amending instruments but none is relevant.

(16) S.I. 2005/1992, amended by S.I. 2006/557; there are other amending instruments but none is relevant.

(17) S.I. 2005/3050, to which there are amendments not relevant to these Regulations.

(18) S.I. 2005/3207.

(19) S.I. 2006/598.

(20) S.I. 2006/557, relevant amending instruments are S.I. 2007/1573, 2008/2323, 2014/469.

(21) S.I. 2006/1466, to which there are amendments not relevant to these Regulations.

(22) S.I. 2007/2657.

- (r) articles 4 (enforcement of the Regulation) and 5 (access to training facilities) of the Channel Tunnel (Safety) Order 2007(**23**);
- (s) article 44(2) of the London Gateway Port Harbour Empowerment Order 2008(**24**) (power to operate and use railways);
- (t) the following provisions of the Supply of Machinery (Safety) Regulations 2008(**25**) and, in the case of paragraph 7 of Schedule 5, the heading preceding it—
  - (i) regulation 2(2) (interpretation),
  - (ii) regulation 21(2)(a) (non-compliance with CE marking requirements), and
  - (iii) paragraphs 3 and 6 to 8 of Schedule 5 (enforcement);
- (u) the following provisions of the Cross-border Railway Services (Working Time) Regulations 2008(**26**)—
  - (i) regulation 9(2)(b) (records),
  - (ii) regulation 10(1) (enforcement),
  - (iii) regulation 15(1) (prosecutions by inspectors), and
  - (iv) Schedule 2 (enforcement);
- (v) regulation 32 of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009(**27**) (enforcement);
- (w) Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009(**28**);
- (x) Schedule 2 to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010(**29**);
- (y) regulations 3 (rail vehicles first used after 31st December 1998) and 6 (enforcement) of the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010(**30**);
- (z) the following provisions of the Train Driving Licences and Certificates Regulations 2010(**31**)—
  - (i) regulation 2 (interpretation),
  - (ii) regulation 3(1A) (application and extent),
  - (iii) regulation 38(5) (enforcement), and
  - (iv) paragraph 2(d)(iv) of Schedule 2 (contents of the licence);
- (aa) regulation 1(2) of the Control of Artificial Optical Radiation at Work Regulations 2010(**32**) (citation, commencement and interpretation);
- (bb) the following provisions of the Rail Passengers' Rights and Obligations Regulations 2010(**33**) and, in the case of regulation 13, the heading preceding it—
  - (i) regulation 3(1) (interpretation), and
  - (ii) regulation 13 (enforcement body: the Office of Rail Regulation);

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(23) S.I. 2007/3531, to which there are amendments not relevant to these Regulations.

(24) S.I. 2008/1261, to which there are amendments not relevant to these Regulations.

(25) S.I. 2008/1597, to which there are amendments not relevant to these Regulations.

(26) S.I. 2008/1660. Schedule 2 was amended by the Protection of Freedoms Act 2012 (c.9), paragraph 14(1) of Schedule 2, and Part 2 of Schedule 10. There are also amending instruments but none is relevant.

(27) S.I. 2009/1348, amended by S.I. 2014/469; there are other amending instruments but none is relevant.

(28) S.I. 2009/2264, amended by S.I. 2013/522; there are other amending instruments but none is relevant.

(29) S.I. 2010/104, amended by S.I. 2013/522; there are other amending instruments but none is relevant.

(30) S.I. 2010/432, to which there are amendments not relevant to these Regulations.

(31) S.I. 2010/724, amended by S.I. 2013/950.

(32) S.I. 2010/1140, amended by S.I. 2014/469.

(33) S.I. 2010/1504, to which there are amendments not relevant to these Regulations.

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- (cc) Schedule 1 to the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011**(34)** (consultation and notification);
- (dd) regulation 2(1) of the Control of Asbestos Regulations 2012**(35)** (interpretation);
- (ee) regulation 4(1)(h) of the Town and Country Planning (Local Planning) (England) Regulations 2012**(36)** (duty to co-operate);
- (ff) article 3 of the Postal Services Act 2011 (Disclosure of Information) Order 2012**(37)** (prescription of bodies and persons);
- (gg) paragraph 28(2) of Schedule 7 to the Network Rail (Ipswich Chord) Order 2012**(38)** (protective provisions);
- (hh) paragraph 11 of Schedule 2 to the Network Rail (North Doncaster Chord) Order 2012**(39)** (alteration, reconstruction or replacement of level crossings);
- (ii) regulation 2(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013**(40)** (interpretation);
- (jj) regulations 9(1) and 18(1) of the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013**(41)** (allocation of enforcement responsibility);
- (kk) the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 2014**(42)** (prescribed persons);
- (ll) regulation 6(4) of the Construction (Design and Management) Regulations 2015**(43)** (notification);
- (mm) Schedule 1 to the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015**(44)** (statutory parties);
- (nn) article 5 of the Channel Tunnel (International Arrangements) (Charging Framework and Transfer of Economic Regulation Functions) Order 2015**(45)** (supplemental provisions and savings);
- (oo) the following provisions of the Railways Infrastructure (Access and Management) (Amendment) Regulations 2015**(46)**—
  - (i) paragraph 5(5) (establishing, determining and collecting the charges),
  - (ii) paragraph 7(3) (international cooperation), and
  - (iii) paragraph 8(1) (enforcement).

**(34)** S.I. 2011/2055, amended by S.I. 2013/522; there are other amending instruments but none is relevant.

**(35)** S.I. 2012/632, amended by S.I. 2014/469; there are other amending instruments but none is relevant.

**(36)** S.I. 2012/767, to which there are amendments not relevant to these Regulations.

**(37)** S.I. 2012/1128, to which there are amendments not relevant to these Regulations.

**(38)** S.I. 2012/2284.

**(39)** S.I. 2012/2635.

**(40)** S.I. 2013/1471, to which there are amendments not relevant to these Regulations.

**(41)** S.I. 2013/1506, amended by S.I. 2014/469; there are other amending instruments but none is relevant.

**(42)** S.I. 2014/2418, to which there are amendments not relevant to these Regulations.

**(43)** S.I. 2015/51.

**(44)** S.I. 2015/462.

**(45)** S.I. 2015/785.

**(46)** S.I. 2015/786.