
STATUTORY INSTRUMENTS

2019 No. 826

**The Railways (Amendment) (EU Exit)
Regulations (Northern Ireland) 2019**

PART 3

**Amendments to the Train Driving Licences and
Certificates Regulations (Northern Ireland) 2010**

Regulation 2 (interpretation)

30.—(1) Regulation 2 is amended as follows.

(2) In regulation 2(1)—

(a) omit the definition of “the Agency”;

(b) for the definition of “the Department” substitute—

““the Department” means the Department for Infrastructure renamed as such by the Departments Act (Northern Ireland) 2016(1) and originally established as the Department for Regional Development by article 3(1) of the Departments (Northern Ireland) Order 1999(2);”;

(c) for the definition of “the Directive” substitute—

““the Directive” means [Directive 2007/59/EC](#) of the European Parliament and of the Council on the certification of train drivers operating locomotives and trains on the railway system in the Community(3), as amended from time to time, before and after exit day;”;

(d) after the definition of “employed” insert—

““European train driving licence” means a licence issued by a safety authority in accordance with article 14 of the Directive indicating that the holder satisfies medical, educational and professional skills for train driving;

“GB train driving licence” means a licence issued by or on behalf of the Office of Rail and Road under the Train Driving Licences and Certificates Regulations 2010(4) indicating that the holder satisfies medical, educational and professional skills requirements for train driving;”;

(e) after the definition of “infrastructure manager” insert—

““the Office of Rail and Road” means the body established by section 15 of the Railways and Transport Safety Act 2003(5);”;

(1) [2016 c.5 \(N.I.\)](#).

(2) [S.I. 1999/283 \(N.I. 1\)](#).

(3) O.J. No. L315, 3.12.2007, p.51, amended by Commission [Directive 2014/82/EU](#) (O.J. No. L184, 25.6.2014, p.11) and Commission Directive (EU) 2016/882 (O.J. No. L146, 3.6.2016, p.22).

(4) [S.I. 2010/724](#), amended by [S.I. 2013/950](#), [2015/1798](#).

(5) [2003 c.20](#). Section 15 was amended by [S.I. 2015/1682](#), Schedule, Part 1, paragraph 2(b).

- (f) for the definition of “railway undertaking” substitute—
““railway undertaking” means the holder of a safety certificate issued by the Department in accordance with regulation 5 or 7 of the Railways (Safety Management) Regulations (Northern Ireland) 2006;”;
- (g) after the definition of “railway undertaking” insert
““Recast Safety Directive” means Directive (EU) 2016/798 of the European Parliament and of the Council on railway safety (recast)(6);”;
- (h) for the definition of “safety authority”, substitute—
““safety authority” means an authority established in an EEA state in accordance with article 16(1) of [Directive 2004/49/EC](#) of the European Parliament and of the Council on safety on the Community’s railways and amending Directive 95/18 EC on the licensing of railway undertakings and [Directive 2001/14/EC](#) on the allocation of infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification(7) or article 16(1) of the Recast Safety Directive;”;
- (i) for the definition of “train driving certificate”, substitute—
““train driving certificate” means a certificate issued by a railway undertaking or infrastructure manager under these Regulations indicating the infrastructure on which the holder is authorised to drive and the types of train which the holder is authorised to drive;”;
- (j) for the definition of “train driving licence” substitute—
““train driving licence” means a licence issued by or on behalf of the Department under these Regulations indicating that the holder satisfies medical, educational and professional skills requirements for train driving;”.
- (3) Omit regulation 2(2).

(6) O.J. No. L138, 26.5.2016, p.102.

(7) O.J. No. L164, 30.4.2004, p 44 as amended by [Directive 2008/57/EC](#) of the European Parliament and of the Council on the interoperability of the rail system within the Community (Recast) (O.J. No. L191, 18.7.2008, p 1), [Directive 2008/110/EC](#) of the European Parliament and of the Council (O.J. No. L345, 23.12.2008, p 62), Commission [Directive 2009/149/EC](#) (O.J. No. L313, 28.11.2009, p 65), [Directive 2012/34/EU](#) of the European Parliament and of the Council establishing a single European railway area (recast) (O.J. No. L343, 14.12.2012, p 32) and Commission [Directive 2014/88/EU](#) (O.J. No. L201, 10.7.2014, p 44).