
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 132

**The Train Driving Licences and Certificates
Regulations (Northern Ireland) 2010**

PART 13

TRANSITIONAL PROVISIONS

Transitional provisions

41.—(1) The registers referred to in regulations 22 and 23 must be established before 29th October 2011.

(2) These Regulations have effect on and from 29th October 2011 in relation to the driving of trains where a driver drives trains both in Northern Ireland and at least one other Member State.

(3) These Regulations have effect on 29th October 2013 in relation to the driving of trains where a train driver did not drive trains in Northern Ireland before that date.

(4) These Regulations have effect on 29th October 2018 in relation to a person to whom paragraphs (2) and (3) do not apply.

(5) Regulations 5 to 19, 21, 25 to 32, 34, 36, 39 and the schedules come into force on 31st December 2010.

(6) Where this paragraph applies, in determining a first application for a train driving licence the Department—

- (a) must take into account any train driving qualifications, experience and competencies acquired by the applicant prior to the application;
- (b) in exceptional cases may waive, in whole or in part, the requirement in regulation 8(1)(d) if it thinks it appropriate to do so provided that the validity of any train driving licence issued on the basis of such exemption is limited to Northern Ireland;
- (c) may waive, in whole or in part, the requirement in regulation 8(1)(e) and (f) if it thinks it appropriate to do so; and
- (d) may require the applicant to pass other examinations or tests, or undertake further training, if it thinks it appropriate to do so.

(7) Where this paragraph applies, in determining a first application for a train driving certificate a railway undertaking—

- (a) must take into account any train driving qualifications, experience and competencies relevant to the rolling stock and infrastructure in relation to which the certificate is sought, acquired by the applicant prior to the application;
- (b) may waive, in whole or in part, the requirement in regulation 9(1)(c) if it thinks it appropriate to do so; and
- (c) may require the applicant to pass other examinations or tests, or undertake further training, if it thinks it appropriate to do so.

(8) Paragraphs (6) and (7) apply to a first application for a train driving licence, or train driving certificate, where the applicant has driven trains in Northern Ireland before they were required to have a licence or certificate.

(9) Until 31st May 2018, the reference in regulation 4(7)(a) to “another train driver, who holds a train driving certificate relating to the specific infrastructure” includes a train driver whom the railway undertaking is satisfied has sufficient knowledge and experience of the specific infrastructure to give the necessary supervision.

(10) Until 31st May 2018, the reference in regulation 4(10) to a “train driver, who is authorised by a train driving certificate relating to the category of train driven and the infrastructure used” includes a train driver whom the relevant railway undertaking, or infrastructure manager, is satisfied has sufficient knowledge and experience of the category of train driven and infrastructure used to give the necessary supervision.

(11) From the date these Regulations come into force each railway undertaking must ensure the gradual implementation of periodic checks, corresponding to those required by regulations 13 and 15, for each train driver employed by it pending those regulations coming into effect in relation to the driver.