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## STATUTORY RULES OF NORTHERN IRELAND

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**2013 No. 237**

### **HEALTH AND SAFETY**

#### **The Railways (Safety Management) (Amendment) Regulations (Northern Ireland) 2013**

*Made - - - - 3rd October 2013*

*Coming into operation 11th November 2013*

The Department for Regional Development being the Department concerned<sup>(1)</sup> makes the following Regulations in exercise of the powers conferred by Articles 2(5), 17(1), (2), 3(c), (4), 54, of, and paragraphs 1(1)(a) and (c), 1(2), 4, of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978<sup>(2)</sup>.

In accordance with Article 46(1)<sup>(3)</sup> of that Order the Department has consulted with the Health and Safety Executive for Northern Ireland<sup>(4)</sup> and such other bodies as appeared to the Department to be appropriate.

#### **Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Railways (Safety Management) (Amendment) Regulations (Northern Ireland) 2013 and shall come into operation on 11th November 2013.

(2) In these Regulations—

"The Safety Management Regulations" means the Railways (Safety Management) Regulations (Northern Ireland) 2006<sup>(5)</sup>;

#### **Amendments of the Safety Management Regulations**

2.—(1) Regulation 2(1) of the Safety Management Regulations is amended as follows—

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- (1) See Article 2(2) of [S.I. 1978/1039 \(N.I.9\)](#)  
(2) [SR 1978 No. 1039 \(N.I.9\)](#); the general purposes of Part II referred to in Article 17(1) were extended by section 1 of the Railway Safety Act (Northern Ireland) 2002.  
(3) Article 46 was amended by [S.I. 1998/2795 \(N.I.18\)](#), Article 6(1) and Schedule 1, paragraph 18.  
(4) Formerly known as the Health and Safety Agency for Northern Ireland which was established under Article 12 of the Health and Safety at Work (Northern Ireland) Order 1978 [S.I. 1978/1039 \(N.I.9\)](#). Article 3(1) of the Health and Safety at Work (Amendment) (Northern Ireland) Order 1998 [S.I. 1998/2795 \(N.I.18\)](#) changed its name to the Health and Safety Executive for Northern Ireland.  
(5) [S.R. 2006 No.237](#) as amended by the Railway Safety Management (Amendment) Regulations (NI) 2011 ([S.R. 2011 No. 261](#))

(a) for the definition of “the Directive” insert—

““the Directive” means Directive 2004/49/EC(6) of the European Parliament and of the Council on safety on the Community’s railways as amended by the Interoperability Directive, Directive 2008/110/EC(7) of the European Parliament and of the Council on safety on the Community’s railways and Commission Directive 2009/149/EC(8) on Common Safety Indicators and common methods to calculate accident costs;”;

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

““Interoperability Directive” means Directive 2008/57/EC of the European Parliament and of the Council of 17th June 2008 on the interoperability of the rail system within the Community (Recast)(9);”;

(2) For regulation 16A substitute—

**“Maintenance of vehicles on the railway system**

**16AA.**—(1) No person may place in service or use a vehicle on the railway system unless that vehicle has an entity in charge of maintenance assigned to it, and that entity is registered as such in the National Vehicle Register.

(2) Each entity in charge of maintenance must ensure, by means of a system of maintenance, that a vehicle for which it is in charge of maintenance is in a safe state of running.

(3) The requirements for a system of maintenance referred to in paragraph (2) are that a vehicle must be maintained in accordance with—

- (a) the maintenance file for the vehicle;
- (b) applicable maintenance rules; and
- (c) applicable TSIs.

(4) This Regulation does not apply to heritage vehicles”.

(3) In regulation 27 (Defence of due diligence), in paragraph (1), for “regulation 4(4)” substitute “regulation 4(4), or 16AA(2)”.

Sealed with the Official Seal of the Department for Regional Development on 3rd October 2013



*Tom Reid*

A senior officer of the Department for Regional  
Development

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(6) O.J. No.L164, 30.4.2004, p44.

(7) O.J. No.L345, 23.12.2008, p62

(8) O.J. No.L313, 28.11.2009, p65

(9) O.J. No.L191, 18.7.2008, p1, as amended by Commission Directive 2009/131/EC (O.J. No.L273, 17.10.2009, p12)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations transpose certain provisions of Directive [2008/110/EC](#) (the “Revised Safety Directive”) and the whole of Directive [2009/149/EC](#) (the “CSI Directive”) amending Directive [2004/49/EC](#) (the “Railway Safety Directive”) on safety on the Community’s railways. The Railway Safety Directive was transposed by the Railways (Safety Management) Regulations 2006 (“the Safety Management Regulations”). The transposition of the Revised Safety Directive provisions and of the CSI Directive is effected by amendments to the Safety Management Regulations.

Regulation 2(2) introduces a new regulation 16AA to the Safety Management Regulations which prohibits a person from operating a vehicle on the railway system unless an entity in charge of maintenance has been assigned to it, such entity having been registered as such on the National Vehicle Register. Regulation 16AA does not apply to heritage vehicles.

Regulation 2(3) amends regulation 27 (Defence of due diligence) of the Safety Management Regulations to provide a defence of due diligence for an entity in charge of maintenance that commits an offence under regulation 16AA(2).