

SCHEDULES

SCHEDULE 3

TRANSFER OF SAFETY FUNCTIONS

Railway safety purposes

- 1 (1) Subject to sub-paragraph (4), in this Schedule “railway safety purposes” means so much of the general purposes of Part 1 of the 1974 Act (within the meaning of section 1 of that Act) as—
- (a) relates to risks that are exclusively relevant to one or more of the purposes specified in sub-paragraph (2); or
 - (b) relates to so much of any risks that are primarily so relevant as arises in connection with anything mentioned in that sub-paragraph.
- (2) The purposes mentioned in sub-paragraph (1) are—
- (a) securing the proper construction and safe operation of transport systems falling within sub-paragraph (3);
 - (b) securing the proper construction and safe operation of locomotives, rolling stock or other vehicles used, or to be used, on such systems;
 - (c) protecting the public (whether or not they are passengers) from personal injury and other risks arising from the construction and operation of such systems;
 - (d) protecting persons at work from personal injury and other risks so arising.
- (3) A transport system falls within this sub-paragraph if it is—
- (a) a railway;
 - (b) a tramway; ^[F1]or
 - ^{F2}(c);
 - (d) a transport system using any other mode of guided transport ^[F3]other than a guided bus system].
- ^[F4]but not to the extent that the transport system consists of or is operated for the purposes of fairground equipment.]
- (4) The Secretary of State may, by regulations, modify the definition of “railway safety purposes”.
- (5) Before making any regulations under sub-paragraph (4), the Secretary of State must consult—
- (a) the ^[F5]Office of Rail and Road];
 - (b) ^[F6]the Health and Safety Executive];
 - ^[F7](ba) the Office for Nuclear Regulation;] and
 - (c) such other persons as he considers appropriate.
- (6) Regulations under sub-paragraph (4) are subject to the negative resolution procedure.

Changes to legislation: There are currently no known outstanding effects for the Railways Act 2005, Cross Heading: Railway safety purposes. (See end of Document for details)

(7) In this paragraph—

[^{F8}“bus” means a motor vehicle which is designed or adapted to travel along roads and to carry more than eight passengers but which is not a tramcar;

“fairground equipment” has the same meaning as in section 53 of the 1974 Act;

“guided bus system” means a system of transport, used wholly or mainly for the carriage of passengers, that employs buses which for some or all of the time when they are in operation—

(a) travel along roads; and

(b) are guided (whether while on the road or at other times) by means of—

(i) apparatus, a structure or other device which is fixed and not part of the bus; or

(ii) a guidance system which is automatic;]

“guided transport”, “railway”, “tramway”, ^{F9}... and “vehicle” have the same meanings as in the Transport and Works Act 1992 (c. 42) except that, for this purpose, paragraph (b) of the definition of “railway” in section 67(1) of that Act (which includes a condition as to the minimum gauge of track) is to be disregarded; and

“person at work” has the same meaning as it for the time being has in Part 1 of the 1974 Act (see section 52 of that Act).

[^{F10}“road”—

(a) in England and Wales, means any length of highway or of any other road to which the public has access, and includes bridges over which a road passes; and

(b) in Scotland, has the same meaning as in the Roads (Scotland) Act 1984.]

Textual Amendments

- F1** Word in Sch. 3 para. 1(3)(b) inserted (1.4.2006) by [The Railways Act 2005 \(Amendment\) Regulations 2006 \(S.I. 2006/556\)](#), regs. 1, **2(2)(a)**
- F2** Sch. 3 para. 1(3)(c) omitted (1.4.2006) by virtue of [The Railways Act 2005 \(Amendment\) Regulations 2006 \(S.I. 2006/556\)](#), regs. 1, **2(2)(b)**
- F3** Words in Sch. 3 para. 1(3)(d) inserted (1.4.2006) by [The Railways Act 2005 \(Amendment\) Regulations 2006 \(S.I. 2006/556\)](#), regs. 1, **2(2)(c)**
- F4** Words in Sch. 3 para. 1(3) inserted (1.4.2006) by [The Railways Act 2005 \(Amendment\) Regulations 2006 \(S.I. 2006/556\)](#), regs. 1, **2(2)(d)**
- F5** Words in Sch. 3 para. 1(5)(a) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 3(s)(i)**
- F6** Words in Sch. 3 para. 1(5)(b) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), art. 1, **Sch. 3** (with art. 21, Sch. 2)
- F7** Sch. 3 para. 1(5)(ba) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 83**; [S.I. 2014/251](#), art. 4
- F8** Words in Sch. 3 para. 1(7) inserted (1.4.2006) by [The Railways Act 2005 \(Amendment\) Regulations 2006 \(S.I. 2006/556\)](#), regs. 1, **2(3)(a)**
- F9** Words in Sch. 3 para. 1(7) omitted (1.4.2006) by virtue of [The Railways Act 2005 \(Amendment\) Regulations 2006 \(S.I. 2006/556\)](#), regs. 1, **2(3)(b)**

Changes to legislation: There are currently no known outstanding effects for the Railways Act 2005, Cross Heading: Railway safety purposes. (See end of Document for details)

F10 Words in Sch. 3 para. 1(7) inserted (1.4.2006) by [The Railways Act 2005 \(Amendment\) Regulations 2006 \(S.I. 2006/556\)](#), regs. 1, **2(3)(c)**

Commencement Information

I1 Sch. 3 para. 1 in force at 7.2.2006 by [S.I. 2006/266](#), **art. 2(1)(b)**

Changes to legislation:

There are currently no known outstanding effects for the Railways Act 2005, Cross Heading:
Railway safety purposes.