
STATUTORY INSTRUMENTS

2002 No. 1166

The Railways (Interoperability) (High-Speed) Regulations 2002

PART V

Miscellaneous

Accessibility compliance certificates

22.—(1) Where a contracting entity makes an application for an accessibility compliance certificate pursuant to regulation 13(8), the application shall be made in writing and be accompanied by the following information—

- (a) a description of the high-speed rolling stock to which the application relates;
- (b) a description of how the high-speed rolling stock complies with each individual requirement of the RVAR;
- (c) details of any exemption orders made under section 47(1) of the Disability Discrimination Act 1995; and
- (d) documentation demonstrating how the notified body assessed the high-speed rolling stock with the RVAR.

(2) If the Secretary of State considers that the information provided by the contracting entity with an application made under paragraph (1) is insufficient to enable him to issue an accessibility compliance certificate, the Secretary of State shall notify the contracting entity in writing of the additional information that he requires in order to be able to consider whether he may issue the accessibility compliance certificate.

(3) On receiving a notification under paragraph (2) the contracting entity shall provide the Secretary of State with such of the additional information specified in that notification as the contracting entity is reasonably able to supply and, where any of the additional information so specified is not provided, a written explanation as to why the contracting entity is unable to provide that information.

(4) The Secretary of State shall issue an accessibility compliance certificate provided he is satisfied that the high-speed rolling stock in respect of which the application is made—

- (a) complies with the RVAR; or
- (b) though not complying fully with the RVAR is exempt from those provisions of the RVAR with which it does not comply by virtue of an exemption order granted under section 47(1) of the Disability Discrimination Act 1995.

(5) For the purposes of the application of this regulation to Northern Ireland, references in the preceding paragraphs to the Secretary of State should be construed as references to the Department.

Interoperability constituents: duties on operators

23. The operator of any interoperability constituent that is in use on, or is part of, a rail network scheme, shall ensure that while it is so in use it is—

- (a) correctly installed for the purpose for which it is intended to be used;
- (b) not used for any purpose other than the purpose for which it was designed; and
- (c) maintained in an efficient state, effective working order and good repair.

Structural subsystems: duties on owners

24.—(1) The owner of any structural subsystem that is in use on, or is part of, a rail network scheme, shall ensure that while it remains in his ownership—

- (a) it continues to conform to any TSIs and any notified standards against which it was assessed; except that where those standards have been varied and appropriate replacement parts which conform to them are no longer available, it conforms to those varied TSIs or notified standards;
- (b) any maintenance manuals in relation to that structural subsystem are added to and kept as part of the technical file; and
- (c) any alterations made to the structural subsystem are documented and that documentation is added to and kept as part of the technical file.

(2) The owner of a structural subsystem will be deemed to fulfil the requirements of paragraph (1) if another person with a legal interest in that structural subsystem is fulfilling those requirements.

Interoperability constituents: position after placing on the market

25. Nothing in these Regulations shall preclude any person from drawing up a conformity declaration or suitability declaration at any time in relation to an interoperability constituent which has been placed on the market provided that person has followed the requirements of these Regulations in relation to that interoperability constituent.

Structural subsystems: duties in respect of registers

26.—(1) The owner of authorised high-speed rolling stock shall create and maintain a register in accordance with paragraph (3) (“the rolling stock register”).

(2) The owner of authorised high-speed infrastructure shall create and maintain a register in accordance with paragraph (4) (“the infrastructure register”).

(3) The rolling stock register shall contain the following information in respect of authorised high-speed rolling stock—

- (a) all the information required by any relevant TSI; and
- (b) where conformity with the whole or part of a TSI is not required pursuant to regulation 15, or in the circumstances provided for in regulation 13(5), details of the part of the TSI that has not been conformed to.

(4) The infrastructure register shall contain the following information in respect of authorised high-speed infrastructure—

- (a) all the information required by any relevant TSI; and
- (b) where conformity with the whole or part of a TSI is not required pursuant to regulation 15, or in the circumstances provided for in regulation 13(5), details of the part of the TSI that has not been conformed to.

(5) The owner of—

- (a) authorised high-speed rolling stock shall maintain the rolling stock register; and
- (b) authorised high-speed infrastructure shall maintain the infrastructure register,

from the time that a structural subsystem owned by him is authorised for placing into service pursuant to regulation 14 and for the period that it remains in use and under his ownership.

(6) The owner of authorised high-speed rolling stock and the owner of authorised high-speed infrastructure shall update any register that he is required to create and maintain in accordance with this regulation—

- (a) each time he obtains an authorisation for a structural subsystem pursuant to regulation 14; and
- (b) each time he acquires ownership of a structural subsystem to which these Regulations apply.

(7) The owner of authorised high-speed rolling stock and the owner of authorised high-speed infrastructure shall send to the Authority a copy of—

- (a) any register that he is required to create under this regulation; and
- (b) any information that he is required to add to any register in accordance with paragraph (6), within the period specified in paragraph (8).

(8) The period referred to in paragraph (7) is—

- (a) as respects paragraph (7)(a), that of 21 days beginning with the date on which the authorisation under regulation 14 is given; and
- (b) as respects paragraph 7(b), that of 21 days beginning with the date on which the authorisation under regulation 14 is given or the ownership is acquired.

(9) Where the owner of authorised high-speed rolling stock or the owner of high-speed infrastructure is not the operator of that rolling stock or infrastructure he shall send to the operator of that rolling stock or infrastructure a copy of the rolling stock register or infrastructure register, as the case may be, at the same time that he is required to send the rolling stock register or infrastructure register to the Authority in accordance with paragraph (7).

(10) Where the owner of high-speed rolling stock or the owner of high-speed infrastructure disposes of his interest in that rolling stock or infrastructure he shall give to the person who acquires that interest the register that he has kept in respect of that rolling stock or infrastructure and the acquirer shall be regarded as being the owner of that rolling stock or infrastructure, as the case may be, for the purposes of this regulation.

(11) For the purposes of this regulation;

- (a) “authorised high-speed infrastructure” means infrastructure subsystems, energy subsystems, and control and command and signalling subsystems that have been authorised for placing into service under regulation 14; and
- (b) “authorised high-speed rolling stock” means high-speed rolling stock that has been authorised for placing into service under regulation 14.

Notification of standards, technical specifications and technical rules to the Commission

27.—(1) Subject to paragraph (2), the Secretary of State shall notify in writing the Commission and the other Member States of the standards, technical specifications and technical rules in use in the United Kingdom in relation to—

- (a) interoperability constituents—
 - (i) in the absence of European specifications, or
 - (ii) in the circumstances provided for in regulation 15; and
- (b) structural subsystems—
 - (i) in the absence of any relevant TSI,

- (ii) where a TSI does not govern all elements in relation to a structural subsystem,
- (iii) in the circumstances provided for in regulation 13(5), or
- (iv) in the circumstances provided for in regulation 15.

(2) Paragraph (1) does not apply to any standard, technical specification or technical rule which could prevent interoperability constituents or subsystems, as the case may be, from meeting the essential requirements.

Interoperability constituents: notification to the Commission

28.—(1) Where it appears to the Executive that an interoperability constituent in relation to which a conformity declaration or suitability declaration has been prepared fails to meet the essential requirements it shall notify in writing the Commission, and where appropriate other Member States, of that fact forthwith.

- (2) Where a notice under paragraph (1) is given by the Executive, that notice shall specify—
- (a) the steps taken to prohibit or restrict the use of that interoperability constituent;
 - (b) the reasons for taking those steps; and
 - (c) any measures taken against a person who prepared the conformity declaration or suitability declaration.

Notification to the Commission of additional checks

29.—(1) The supervisory authority shall notify the Commission in writing forthwith of any additional checks it requires pursuant to regulation 14(5).

- (2) Where a notice under paragraph (1) is given by the supervisory authority, that notice shall specify—
- (a) the additional checks required; and
 - (b) the reasons for requiring those additional checks.

Interoperability constituents: recognition of assessments of other Member States

30. Nothing in these Regulations shall preclude any person from placing on the market an interoperability constituent that has successfully completed all the requirements of any scheme in force in another Member State for the purpose of implementing the high-speed Directive.