
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 237

**THE RAILWAYS (SAFETY MANAGEMENT)
REGULATIONS (NORTHERN IRELAND) 2006**

PART IV

SAFETY CRITICAL WORK

Interpretation and application of Part 4

21.—(1) In this Part—

“assessor” means any person who is competent to make an impartial and objective assessment of another person’s competence or fitness to carry out safety critical work, and related expressions shall be construed accordingly;

“controller of safety critical work” means any person controlling the carrying out of safety critical work on any railway system;

“fitness” means physical and mental fitness, and related expressions shall be construed accordingly;

“installation” includes the installation, examination or testing of components;

“maintenance” includes repair work, reconditioning, examination, testing or alteration;

“operator” means any person carrying on an undertaking which includes any railway or any part of it or the provision of railway services on any railway;

“safety critical task” means—

- (a) in relation to a vehicle used on any railway—
 - (i) driving, dispatching or any other activity which is capable of controlling or affecting the movement of that vehicle;
 - (ii) signalling, receiving operations, the operation of level crossing equipment, receiving and relaying of communications or any other activity which is capable of controlling or affecting the movement of that vehicle;
 - (iii) coupling or uncoupling;
 - (iv) installation of components, other than where the installation of those components is subject to supervision and checking by a safety critical worker or a controller of safety critical work;
 - (v) maintenance, other than where the carrying out of that maintenance is subject to supervision and checking by a safety critical worker or a controller of safety critical work; or
 - (vi) checking that that vehicle is working properly and, where carrying goods, is correctly loaded before being used;
- (b) in relation to any railway —

- (i) installation or maintenance of any part of it or of the telecommunications system relating to it or used in connection with it, or of the means of supplying electricity directly to any railway or to any vehicles using it or to the telecommunications system other than where the carrying out of that task is subject to supervision and checking by a safety critical worker or a controller of safety critical work;
 - (ii) controlling the supply of electricity directly to it or to any vehicles used on it; or
 - (iii) receiving and relaying of communications;
 - (iv) in relation to ensuring worker safety on any railway, any person ensuring the safety of any persons working on or near to the track, whether or not the persons working on or near the track are carrying out safety critical work; and
- (c) in relation to training, any formal practical training or the supervision of any such training in any of the tasks set out in sub-paragraphs (a) to (c),

which could significantly affect the health or safety of persons on any railway;

“safety critical work” means any safety critical task carried out by any person in the course of their work or voluntary work on or in relation to a railway and related expressions shall be construed accordingly; and

“telecommunications system” means any telecommunications system or its associated equipment which is capable of controlling or affecting the movement of a vehicle, or which is provided for purposes which include calling the emergency services.

(2) Any reference in this Part to a safety critical worker or a controller of safety critical work supervising and checking the work of another person is to a safety critical worker or a controller of safety critical work who has been assessed as competent in the tasks to which that supervisor and checking relates.

(3) Any reference in this Part to a person controlling the carrying out of safety critical work is a reference to a person managing, supervising or controlling that work in connection with the carrying on by him of a trade, business or other undertaking whether or not for profit).

(4) This Part shall not apply to or in relation to—

- (a) the police, ambulance or fire service when they are carrying out their emergency functions on or in relation to any railway; and
- (b) any voluntary worker for a period of twelve months from the date of the coming into force of this Part.

(5) This part shall not apply where the operation in question is only carried out on a railway on no part of which there is a permitted maximum speed exceeding 40 kilometres per hour.

Competence and fitness

22.—(1) Every controller of safety critical work shall, so far as is reasonably practicable, ensure that a person under his management, supervision or control with the exception of where that person is receiving practical training in a safety critical task, only carries out safety critical work where—

- (a) that person has been assessed as being competent and fit to carry out that work following an assessment by an assessor;
- (b) there is an accurate and up to date record in writing of that person’s competence and fitness which references any criteria for determining competence and fitness against which that assessment of competence was made;
- (c) the record, or an accurate summary of the record referred to in sub-paragraph (b) is available for inspection, on reasonable request, by any other controller of safety critical work or any operator who may be affected by any safety critical work carried out or to be

carried out by that person, for the purposes of establishing that person's competence and fitness to carry out safety critical work; and

(d) there are in place arrangements for monitoring the competence and fitness of that person.

(2) Every controller of safety critical work shall without unreasonable delay review any person's competence or fitness assessment where—

(a) they have reason to doubt the competence or fitness of a person to carry out that safety critical work; or

(b) there has been a significant change in the matters to which the assessment relates,

and where, as a result of any such review a reassessment of competence or fitness is required, that reassessment of competence or fitness shall be carried out to ensure that the requirements of paragraph (1) are met.

(3) Where a reassessment of competence or fitness under paragraph (2) is required, the controller of safety critical work shall, so far as is reasonably practicable ensure that, as a result, the health and safety of persons on any railway is not prejudiced.

Fatigue

23.—(1) Every controller of safety critical work shall have in place arrangements to ensure, so far as is reasonably practicable, that a safety critical worker under his management, supervision or control does not carry out safety critical work in circumstances where he is so fatigued or where he would be liable to become so fatigued that his health or safety or the health or safety of other persons on a railway could be significantly affected.

(2) The arrangements in paragraph (1) shall be reviewed by the controller of safety critical work where he has reason to doubt the effectiveness of those arrangements.

Co-operation requirements for safety critical work

24.—(1) Every controller of safety critical work to whom this Part applies shall co-operate as far as is necessary with any other controller of safety critical work or any operator to enable that other controller of safety critical work to comply with the provisions of this Part.

(2) Every person carrying out safety critical work shall, as regards any requirement imposed on any controller of safety critical work under this Part, co-operate with that controller of safety critical work so far as is necessary to enable that requirement to be performed or complied with.