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STATUTORY RULES OF NORTHERN IRELAND

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**2007 No. 47**

**The Railway Safety Regulations (Northern Ireland) 2007**

**Automatic warning system**

- 4.—(1) For the purpose of this regulation “automatic warning system” means equipment which—
- (a) provides to the driver of that train a warning of each stop signal and warning signal approached by that train;
  - (b) requires the driver of that train to acknowledge the warning; and
  - (c) in the absence of such acknowledgement, causes that train to brake automatically.
- (2) Subject to paragraph (3), a person shall not operate, and an infrastructure controller shall not permit the operation of, a train on a railway unless—
- (a) an automatic warning system is in service in relation to that train and railway; and
  - (b) the criteria referred to in sub paragraphs (a), (b) and (c) of paragraph (1) are effective.
- (3) Paragraph (2) shall not apply until 31<sup>st</sup> December 2007 provided that—
- (a) a programme for the installation and bringing into service of an automatic warning system in relation to that train and railway has been approved by the Department and is being implemented; and
  - (b) each part of the system which has been brought into service under the programme is maintained in service.
- (4) In any proceedings against a person for an offence contravening paragraph (3) it shall be a defence for that person to prove that—
- (a) in the case where the fault is in equipment on the train, the train had commenced its journey before the discovery of the fault or is being driven without passengers to a place for the purpose of repair;
  - (b) it was not reasonably practicable to remedy the defect sooner; and
  - (c) suitable measures had been taken after the discovery of the fault to mitigate the risk of trains colliding or derailling.
- (5) Subject to paragraph (6), where equipment forming part of an automatic warning system is fitted to a train and that equipment is defective so that one of the criteria referred to in sub paragraphs (a), (b) or (c) of paragraph (2) is no longer effective, the operator of that train shall ensure that any passengers on the train are disembarked at the first suitable station.
- (6) Paragraph (5) shall not apply where there is in service in relation to a train on a railway the equipment referred to in the exception in the definition of “train protection system” in regulation 2(1).