
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 132

The Train Driving Licences and Certificates
Regulations (Northern Ireland) 2010

PART 12
ENFORCEMENT

Anti-fraud measures

39. The Department and railway undertakings must take such steps as are reasonably necessary to avoid—

- (a) the falsification of train driving licences and train driving certificates; and
- (b) the tampering with the registers required by regulations 22 and 23.

Commencement Information

II [Reg. 39](#) in force at 31.12.2010, see [reg. 41\(5\)](#)

Enforcement

40.—(1) It is the duty of the Department to make adequate arrangements for the enforcement of these Regulations.

(2) Subject to [^{F1}paragraph 5], the provisions of the 1978 Order specified in paragraph (3) (“the specified provisions”) apply for the purpose of the enforcement of these Regulations as if in the specified provisions—

- (a) a reference to the “enforcing authority” was a reference to the Department;
- (b) a reference to the “relevant statutory provisions” was a reference to these Regulations;
- (c) a reference to “health and safety regulations” was a reference to these Regulations;
- (d) in article 31(2) the reference to “Schedule 3A” was a reference to [^{F2}Regulation 40(4) of] these Regulations⁽¹⁾.

(3) The provisions of the 1978 Order referred to in paragraph (2) are as follows—

- (a) articles 21 and 22 (appointment and powers of inspectors)⁽²⁾ excluding article 22(3);
- (b) articles 23 and 24 (improvement and prohibition notices)⁽³⁾;

⁽¹⁾ Article 31(2) was substituted by the Health and Safety Offences Act 2008 (c. 20), Section 1(3).

⁽²⁾ Article 22(7) was amended by the Civil Partnership Act 2004 (c. 33), section 261(3) and Schedule 29, paragraph 7.

⁽³⁾ Article 24(1) and (2) was amended by the Consumer Protection (Northern Ireland) Order 1987 S.I.1987/2049 (N.I. 20), Article 28 and Schedule 2, paragraph 3. Article 24(3) was substituted by S.I 1987/2049 N.I.20), Article 28 and Schedule 2, paragraph 3.

- (c) article 25 (provisions supplementary to articles 23 and 24)(4);
- (d) article 26 (appeal against improvement and prohibition notices);
- (e) article 28 (power to indemnify inspectors);
- (f) article 30 (restrictions on disclosure of information)(5);
- (g) articles 31(1)(c), (e) to (h), (j) to (o) and (2), 32(1)(c) and (d) and (2), 33, 34(1) and (2), [F3 35 to 38] and 39(1) to (3) (provision as to offences)(6); F4...

[F5(4) The mode of trial and maximum penalty applicable to each offence under Article 31 of the 1978 Order so applied and listed in the first column of the following table are set out opposite that offence in the subsequent columns of the table

<i>Offence</i>	<i>Mode of trial</i>	<i>Penalty on summary conviction</i>	<i>Penalty on conviction on indictment</i>
An offence under article 31(1)(c), (e), (f), (g), (j), (k), (l), (m) or (n).	Summarily or on indictment.	Imprisonment for a term of not exceeding 3 months, or a fine not exceeding level 5 on the standard scale as if the offence was triable only summarily, or both.	Imprisonment for a term not exceeding 2 years, or a fine, or both.
An offence under article 33(1)(h).	Summarily only.	Imprisonment for a term not exceeding 3 months, or a fine not exceeding level 5 on the standard scale or both.	
An offence under article 33(1)(n)	Summarily only.	A fine not exceeding level 5 on the standard scale.]	

[F6(5)] A failure to discharge a duty placed on the Department by these Regulations shall not be an offence under section 31(1) of the 1978 Order.

- F1** Words in reg. 40(2) substituted (11.11.2013) by [The Train Driving Licences and Certificates \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/236\)](#), regs. 1(1), **2(9)(a)**
- F2** Words in reg. 40(2)(d) substituted (11.11.2013) by [The Train Driving Licences and Certificates \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/236\)](#), regs. 1(1), **2(9)(b)**
- F3** Words in reg. 40(3)(g) substituted (11.11.2013) by [The Train Driving Licences and Certificates \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/236\)](#), regs. 1(1), **2(9)(c)**
- F4** Word in reg. 40(3)(g) omitted (11.11.2013) by virtue of [The Train Driving Licences and Certificates \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/236\)](#), regs. 1(1), **2(9)(c)**
- F5** Reg. 40(4) inserted (11.11.2013) by [The Train Driving Licences and Certificates \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/236\)](#), regs. 1(1), **2(9)(d)**

- (4) Article 25(5) was amended by the [Fire and Rescue Services \(Northern Ireland\) Order S.I. 2006/1254 \(N.I. 9\)](#), Articles 1(3) and 63(1) and Schedule 3, paragraph 11.
- (5) Article 30(1)(a) was amended by S.I. [1987/2049 \(N.I. 20\)](#), Article 28 and Schedule 2, paragraph 6. Article 30(3)(a), 30(4) and 30(5)(a) were amended by the [Health and Safety at Work \(Amendment\) \(Northern Ireland\) Order 1998 No. 2795 \(N.I. 18\)](#), Article 6 and Schedule 1, paragraph 8.
- (6) Article 31(1)(h) was amended by the [Consumer Protection \(Northern Ireland\) Order 1987 S.I. 1987/2049 \(N.I. 20\)](#), Article 28 and Schedule 2, paragraph 7. Article 31(1)(m) was amended by the [Criminal Justice \(Northern Ireland\) Order 1986 No. 1883 \(N.I. 15\)](#), Article 9.

F6 Reg. 40(5): reg. 40(4) renumbered as reg. 40(5) (11.11.2013) by The Train Driving Licences and Certificates (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/236), regs. 1(1), **2(9)(e)**

Commencement Information

I2 Reg. 40 in operation at 10.5.2010, see **reg. 1(2)**

Changes to legislation:

There are currently no known outstanding effects for the The Train Driving Licences and Certificates Regulations (Northern Ireland) 2010, PART 12.