

2016 No. 267

TRANSPORT

**The Railways (Safety Management) (Amendment) Regulations
(Northern Ireland) 2016**

Made - - - - - *30th June 2016*

Coming into operation - *3rd October 2016*

The Department for Infrastructure(**a**) being the Department designated(**b**) for the purposes of section 2(2) of the European Communities Act 1972(**c**) in relation to measures relating to railways and railway transport, in exercise of the powers conferred by that section makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Railways (Safety Management) (Amendment) Regulations (Northern Ireland) 2016 and shall come into operation on 3rd October 2016.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(**d**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Railways (Safety Management) Regulations (Northern Ireland) 2006

3.—(1) The Railways (Safety Management) Regulations (Northern Ireland) 2006(**e**) are amended as follows—

(2) In Regulation 2 (Interpretation), in paragraph (1) insert—

““the Directive” means Directive 2004/49/EC of the European Parliament and of the Council on safety on the Community’s railways(**f**) and amending Council Directive 95/18/EC on the licensing of railway undertakings(**g**) and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification(**h**) as amended by—

(a) The Interoperability Directive(**i**);

(a) 2016 c.5 (N.I.) section 1
(b) SI 1996/266
(c) 1972 c.68
(d) 1954 c.33 (N.I.)
(e) SR 2006/237
(f) O.J. No. L164, 30.04.2004, p.44
(g) O.J. No. L143, 27.6.1995, p.70
(h) O.J. No. L75, 15.3.2001, p.29
(i) O.J. No. L191, 18.7.2008, p.1

- (b) Directive 2008/110/EC of the European Parliament and of the Council amending Directive 2004/49/EC on safety on the Community's railways(a);
- (c) Commission Directive 2009/149/EC amending Directive 2004/49/EC of the European Parliament and of the Council as regards Common Safety Indicators and common methods to calculate accident costs(b); and
- (d) Commission Directive 2014/88/EU amending Directive 2004/49/EC of the European Parliament and of the Council as regards common safety indicators and common methods of calculating accident costs(c)."

(3) In Regulation 18(1)(c) for "Schedule 3" substitute "Annex 1 (common safety indicators) of the Directive".

(4) Omit Schedule 3 (common safety indicators).

Sealed with the Official Seal of the Department for Infrastructure on 30th June 2016.



Tom Reid

A senior officer of the Department for Infrastructure

(a) O.J. No. L345, 23.12.2008, p.62
(b) O.J. No. L313, 28.11.2009, p.65
(c) O.J. No. L201, 10.7.2014, p.9

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the provisions of the Railways (Safety Management) Regulations (Northern Ireland) 2006 (S.R. 2006 No. 237) in order to implement Commission Directive 2014/88/EU amending Directive 2004/49/EC of the European Parliament and of the Council as regards common safety indicators and common methods of calculating accidents costs (O.J. No. L201 of 10.7.2014, p.9) (“the Directive”)

Directive 2004/49/EC of the European Parliament and of the Council on safety on the Community’s railways (O.J. No. L164, 30.4.2004, p44) sets out (in Annex 1 to that Directive) a number of common safety indicators (“CSIs”) which are harmonised measures used by all Member States to provide an overview of safety performance and monitor the development of safety in different Member States. Transport operators are required to report on statistics for these safety indicators under regulation 18 of the 2006 Regulations.

The 2014 Directive makes minor and technical amendments to the definition of some of the CSIs and to the related methodology to calculate the economic costs of accidents.

Regulation 3(2) inserts a definition of “the Directive”.

Regulation 3(3) amends regulation 18(1)(c) of the 2006 Regulations by substituting for the reference to Schedule 3 of the 2006 Regulations a reference to Annex 1 to Directive 2004/49/EC (as amended by the 2014 Directive). Consolidated texts of EU legislation which show changes made by successive amendments to the original EU legislation can be found at: <http://eur-lex.europa.eu/collection/eu-law/consleg.html>. A consolidated text of Directive 2004/49/EC (as amended by the 2014 Directive showing the new Annex 1) can be found at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02004L0049-20140730&qid=1446642002683&from=EN>

Regulation 3(4) revokes Schedule 3 to the 2006 Regulations.

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