

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

**S.R. No. 267**

**1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany The Railways (Safety Management) (Amendment) Regulations (Northern Ireland) 2016 which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under powers conferred by Section 2(2) of the European Communities Act 1972 and is subject to negative resolution procedure before the Assembly.

**2. Purpose**

- 2.1 The Regulations amend the provisions of the Railways (Safety Management) Regulations (Northern Ireland) 2006 in order to implement European Commission Directive 2014/88/EU (“the 2014 Directive”) which amends an earlier Directive 2004/49/EC regarding common safety indicators and common methods of calculating accident costs.

**3. Background**

- 3.1 European Directive 2004/49/EC set out a number of safety indicators (CSI’s) required to harmonise safety performance on railways and monitor the development of rail safety in Member States. This Directive was implemented in Northern Ireland by the Railways (Safety Management) Regulations (Northern Ireland) 2006 (“the 2006 Regulations”).

- 3.2 The 2014 Directive makes minor and technical amendments to the definition of some of the CSI's and to the related methodology to calculate the economic costs of accidents. As a result of these changes the 2006 Regulations had to be amended.
- 3.3 The Railways (Safety Management) (Amendment) Regulations (Northern Ireland) 2016 amends the provisions of the 2006 Regulations in order to implement the changes required by the 2014 Directive.

#### **4. Consultation**

- 4.1 The Department has completed an extensive consultation exercise in relation to the Statutory Rule. Three responses were received and the Department has formally responded. There were no objections to the legislative proposals.

#### **5. Equality Impact**

- 5.1 As part of the consultation on these legislative proposals the Department has written to all those parties in accordance with the Departments Equality Scheme. The Consultees attention was drawn to the Section 75 criteria and their views sought on any potential impacts that may arise from the implementation of these legislative proposals. The Department has considered the proposed legislative provisions against the Section 75 criteria and the responses to the consultation process and in conjunction with the Equality Unit and the Human Rights Unit has screened out the requirement for an Equality Impact Assessment in relation to these legislative proposals.

## **6. Regulatory Impact**

6.1 The Department has considered the proposed legislative provisions against the criteria for regulatory impact and concluded that this is not required for these legislative proposals.

## **7. Financial Implications**

7.1 There are no significant financial implications arising from the proposals and a regulatory impact assessment is not required.

## **8. Section 24 of the Northern Ireland Act 1998**

8.1 There are no implications arising in relation to Section 24 of the Northern Ireland Act 1998.

## **9. EU Implications**

9.1 These Regulations were notified in draft to the European Commission in accordance with Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services.

## **10. Parity or Replicatory Measure**

10.1 Not applicable to this Statutory Rule.

## **11. Additional Information**

11.1 The Provisions of the Regulations are as follows –

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

**Regulation 3(3)** amends Regulation 18(1)(c) of the 2006 Regulations by replacing “Schedule 3” by “Annex 1 (common safety indicators) of the Directive”.

**Department for Infrastructure**