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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 420**

**The Railways Infrastructure (Access, Management  
and Licensing of Railway Undertakings)  
Regulations (Northern Ireland) 2016**

**PART 7**

**ENFORCEMENT BY THE REGULATORY BODY**

**Statement of policy**

**39.**—(1) The Office of Rail and Road, in consultation with the Department and other interested parties, shall prepare and publish a statement of policy with respect to the imposition of penalties and the determination of their amount.

(2) A statement of policy may include provision for a decision whether to impose a penalty, or the determination of the amount of any penalty, in respect of the contravention of any relevant condition or requirement or direction to be influenced by—

- (a) the desirability of securing compliance with that relevant condition or requirement or direction;
- (b) the consequences or likely consequences of anything which has been or is being done or omitted to be done in contravention of that relevant condition or requirement or direction; and
- (c) the desirability of deterring contraventions of relevant conditions and requirements and final and provisional directions.

(3) In deciding whether to impose a penalty, and in determining the amount of any penalty, in respect of a contravention the Office of Rail and Road shall have regard to any statement of his, their or its policy published at the time when the contravention occurred.

(4) The Office of Rail and Road —

- (a) may at any time alter or replace a statement of their policy; and
- (b) shall publish the altered or replacement statement.

(5) The Office of Rail and Road shall undertake appropriate consultation when preparing, altering or replacing a statement of policy.

(6) Office of Rail and Road shall publish a statement of policy in the manner that appears most suitable for bringing it to the attention of those likely to be affected by it.

(7) This regulation applies in relation to sums required to be paid by virtue of regulation 41 above as to penalties, but as if—

- (a) references to the imposition of penalties were to the inclusion in a direction of a requirement to pay a sum;
- (b) references to relevant conditions or requirements were omitted; and

- (c) the reference in subparagraph (2)(b) above to anything which has been or is being done or omitted to be done included a reference to anything which is likely to be done or omitted to be done.