

*These notes refer to the Railways and Transport Safety Act 2003 (c.20) which received Royal Assent on 10 July 2003*

# **RAILWAYS AND TRANSPORT SAFETY ACT 2003**

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## **EXPLANATORY NOTES**

### **SUMMARY**

3. The Act creates an independent body tasked with establishing the causes of accidents on the railways. This body, which would be called the Rail Accident Investigation Branch, would be established on a similar model to that which already exists in the marine and aviation sectors. The establishment of this new body is in response to recommendations made in September 2001 by Part 2 of Lord Cullen's Report into the Ladbroke Grove rail crash.
4. The Act provides for a Regulatory Board to replace the Rail Regulator, in line with standard practice for the regulation of utilities.
5. The Act creates a police authority for the British Transport Police Force ("BTP"), transferring responsibility for the BTP from the Strategic Rail Authority ("SRA") and existing BTP Committee to the new police authority. It also gives the BTP a wholly statutory, rather than part-statutory and part-contractual, jurisdiction over the railways.
6. The Act introduces alcohol limits and related measures for crews on water-borne vessels and certain aviation personnel, that broadly replicates drink/driving legislation already applying to motorists and certain railway workers.
7. The Act also contains a miscellaneous section, which makes provision for measures including:
  - incorporation into UK law of a modification to the 1999 International Convention concerning Carriage by Rail (COTIF). The new Convention text takes account of the major changes in management of railway operations in many countries, in particular increasing separation of train operations from infrastructure management, and the introduction of open access rights, allowing for the possibility of more than one operator on any one network.
  - powers to create a levy on the rail industry, to meet the expenses of the Health and Safety Executive (HSE) as regards railway systems.
  - powers to ensure that persons subject to directions by the Secretary of State under the Aviation & Maritime Security Act 1990, or instructions under the Railways Act 1993, may only contract out security work to companies figuring on a list held by the Secretary of State.
  - a duty on highway authorities to remove ice and snow from roads for which they are responsible.
  - amendments to the Greater London Authority Act 1999 to remedy certain unintended consequences it would otherwise have had for the transfer of London Underground to Transport for London.

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8. The Act is in seven Parts, with 8 Schedules:
- Part 1: (Investigation of Railway Accidents)
  - Part 2: (Office of Rail Regulation)
  - Part 3: (British Transport Police)
  - Part 4: (Shipping: Alcohol and Drugs)
  - Part 5: (Aviation: Alcohol and Drugs)
  - Part 6: (Miscellaneous)
  - Part 7: (General)