
STATUTORY INSTRUMENTS

1994 No. 157

The Railways and Other Transport Systems (Approval of Works, Plant and Equipment) Regulations 1994

Citation and commencement

1. These Regulations may be cited as the Railways and Other Transport Systems (Approval of Works, Plant and Equipment) Regulations 1994 and shall come into force on 5th April 1994.

Interpretation

2. In these Regulations, unless the context otherwise requires—

(a) “the Act” means the Transport and Works Act 1992;

“altered works, plant or equipment” means any works plant or equipment to which alterations have been made or, where the context so requires, to which it is proposed or intended to make alterations;

“approval” means an approval which is required by regulation 4 to be obtained;

“manufacturer”, in relation to any plant or equipment, includes any person who constructs the plant or equipment by any method or who assembles the component parts thereof or, in the case of any plant or equipment which has been imported, the importer of the plant or equipment;

“member State” means a state which is a member of the Communities;

“operator” means any person carrying on, or proposing or intending to carry on, the undertaking of a relevant transport system and who proposes or intends to bring into use or, if the context so requires, who uses any works, plant or equipment or altered works, plant or equipment for the purposes of the operation of that system;

“prescribed system of guided transport” means a system using a mode of guided transport prescribed under regulation 3;

“relevant operational limitation” means a limitation on—

- (i) the maximum speed at which a vehicle may be permitted to travel,
- (ii) the maximum weight which may be transmitted to the rails (or other structures which support a vehicle in use on a relevant transport system) by any one pair of wheels, or by such other parts of a vehicle as may be specified in the limitation,
- (iii) the maximum number of passengers who may be permitted to travel in a vehicle,
- (iv) the maximum weight of burden which may be loaded in or on to a vehicle,
- (v) any period of time, however expressed, during which the works, plant or equipment concerned may be used,
- (vi) the maximum voltage at which any electrical plant or equipment may be operated,

- (vii) the use in tunnels or under overhead electric traction power wires of any type of vehicle specified in the limitation,
 - (viii) the routes on which a vehicle specified in the limitation may be used having regard to its loading gauge, to any of its dimensions or to any of its other characteristics, or
 - (ix) any other restriction intended to impose a limitation on the use of any works, plant or equipment, or any altered works, plant or equipment for the purpose of securing the safe operation of the transport system of which they form part; and
- “relevant transport system” means a railway, a tramway, a trolley vehicle system or a prescribed system of guided transport;
- (b) any reference to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in these Regulations; and
 - (c) any reference to a numbered paragraph is a reference to the paragraph bearing that number in the regulation or Schedule in which the reference occurs.

Prescribed modes of guided transport

3. The modes of guided transport described in Schedule 1 are hereby prescribed for the purposes of section 41 of the Act.

Requirement for approval

4.—(1) Subject to the following provisions of these Regulations, the approval of the Secretary of State shall be obtained before—

- (a) any new works; plant or equipment; or
- (b) any altered works, plant or equipment,

which are capable of materially affecting the safe operation of a relevant transport system, are first brought into use for the purposes of that system.

(2) Approval shall not be required in relation to any vehicle to the extent that the vehicle is required to comply—

- (a) with the provisions of section 24 of the Channel Tunnel Act 1987(1) (approval of trains); or
- (b) when it is not operating in one of the modes prescribed by regulation 3 or because it is a vehicle operating on a trolley vehicle system, with the provisions of the Road Traffic Act 1988(2) with respect to the design, construction, equipment and use of vehicles and vehicle parts.

(3) Subject to paragraph (4), new works, plant and equipment or altered works, plant and equipment shall be treated as first brought into use at the time when they are first used for the purposes of the provision of a transport service.

(4) In ascertaining the time when any new works, plant or equipment or altered works, plant or equipment are first brought into use, subject to any requirement of the Secretary of State under regulation 11(1), no regard shall be had to any period during which such new works, plant or equipment or such altered works, plant or equipment are—

- (a) necessarily used in order to avoid interruption to the operation of existing transport services before sufficient information is available for a decision to be made on an application for approval; or

(1) 1987 c. 53.

(2) 1988 c. 52.

- (b) with the prior written consent of the Secretary of State used for the purposes of—
 - (i) any testing or trials, provided that the testing or trials are conducted in accordance with the terms of such consent; or
 - (ii) obtaining information to prove their satisfactory performance in connection with an application for approval.

Procedure for obtaining approval

5.—(1) Subject to the following provisions of these Regulations, application for approval shall be made in writing to the Secretary of State by the operator and shall be accompanied by such of the documents listed in Schedule 2 as are appropriate to the new works, plant or equipment or altered works, plant or equipment which are the subject of the application.

(2) The application shall state whether any, and if so what, relevant operational limitations are intended to be imposed on the use of the new works, plant or equipment or altered works, plant or equipment which are the subject of the application.

(3) The applicant shall—

- (a) provide to the Secretary of State such further information as he may require to enable him to make a decision on the application for approval; and
- (b) afford to the Secretary of State such facilities as he may require for inspecting, testing and proving the works, plant or equipment or altered works, plant or equipment which are the subject of the application.

(4) Without prejudice to the generality of paragraph (3)(a), the applicant shall provide to the Secretary of State such evidence as he may require to satisfy himself that the works, plant or equipment or the alterations which are the subject of the application comply with any technical requirements imposed by any relevant provision contained in an enactment authorising the construction or operation of the relevant transport system concerned.

Type approval of plant and equipment

6.—(1) Application may be made to the Secretary of State by or on behalf of a manufacturer of plant or equipment which is intended for use on a relevant transport system for approval of a prototype of such plant or equipment.

(2) An application under paragraph (1) shall be made in writing and shall be accompanied by such of the documents listed in Schedule 2 as are appropriate to the plant or equipment which is the subject of the application.

(3) Paragraphs (2) and (3) of regulation 5 shall so far as appropriate apply to an application for approval made under paragraph (1).

(4) Approval under this regulation of a prototype of any plant or equipment may be refused by the Secretary of State unless he is satisfied that at the date of application for such approval there is an operator who proposes to bring into use plant or equipment conforming with that prototype.

Use of type approved plant or equipment

7.—(1) Where the operator proposes to bring into use, otherwise than by incorporation into works or alterations, any plant or equipment which conforms with a prototype in respect of which a manufacturer has obtained approval under regulation 6, the operator may apply to the Secretary of State for approval in accordance with paragraph (2).

(2) Application for approval under this paragraph shall be made in writing and if it is accompanied by a certificate given by the manufacturer in accordance with this regulation that the plant or

equipment which is the subject of the application conforms with the approved prototype, the Secretary of State may dispense with the requirements of paragraphs (1) and (3) of regulation 5.

(3) Where—

- (a) the operator incorporates into any works or alterations plant or equipment which conforms with a prototype in respect of which a manufacturer has obtained approval under regulation 6; and
- (b) in relation to an application under paragraph (1) of regulation 5 for approval of those works the operator produces to the Secretary of State a certificate given by the manufacturer in accordance with this regulation that the plant or equipment conforms with the approved prototype,

the Secretary of State may dispense with the requirements of paragraphs (2) and (3) of regulation 5 to the extent that they relate to that plant or equipment.

(4) In this regulation “conform” means conform in all the respects which materially affect the safe operation of a relevant transport system.

(5) A certificate given for the purposes of paragraph (2) or (3) shall—

- (a) be in the form set out in Schedule 3 (or in a form substantially to the like effect), duly completed;
- (b) set out the relevant operational limitations (if any) on the use for which the prototype was approved; and
- (c) be signed on behalf of the manufacturer by a director, manager, secretary or other similar officer of the manufacturer.

Compliance with external standards, etc.

8.—(1) The Secretary of State shall not refuse to grant approval under regulation 5 for any works, plant or equipment or under regulation 6 for any prototype of plant or equipment on the ground that the works, plant or equipment or prototype does not comply with a specified standard if the works, plant or equipment or the prototype complies with—

- (a) a relevant standard or code of practice of a national standards body or equivalent body of any member State;
- (b) any relevant international standard recognised for use in any member State;
- (c) any relevant technical specification acknowledged for use as a standard by a public authority of any member State;
- (d) traditional procedures of manufacture of a member State where these are the subject of a written technical description sufficiently detailed to permit assessment of the articles or materials for the use specified; or
- (e) a specification sufficiently detailed to permit assessment for articles or materials of an innovative nature (or subject to innovative processes of manufacture such that they cannot comply with a recognised standard or specification) and which fulfil the purpose provided by the specified standard:

provided that the proposed standard, code of practice, technical specification or procedure of manufacture provides, in use, equivalent levels of safety, suitability and fitness for purpose.

(2) In considering whether to grant approval under regulation 5 for any works, plant or equipment or under regulation 6 for any prototype of plant or equipment, the Secretary of State shall take into consideration the results of any checks or tests carried out by a laboratory or similar body in another member State, including those checks and tests which conform with EN 45000, where such results provide a level of accuracy, fitness and suitability for purpose equivalent to the results of checks and

tests carried out in the United Kingdom and where such laboratory or other body offers suitable and satisfactory guarantees of technical and professional competence and independence.

Relevant operational limitations

9. An application for approval which—
- (a) states any relevant operational limitation which is intended to be imposed on the use of the new works, plant or equipment or the altered works, plant or equipment which are the subject of the application; or
 - (b) is accompanied by a certificate under regulation 7 that the plant or equipment or, as the case may be, any plant or equipment incorporated into the works or alterations, which are the subject of the application, conforms with a prototype which has been approved to be used subject to any relevant operational limitation,

shall be construed as an application for approval for the new works, plant or equipment or the altered works, plant or equipment to be brought into use subject to that relevant operational limitation.

Dispensations

- 10.—(1) The Secretary of State may—
- (a) by notice in writing to the operator in the case of any particular new works, plant or equipment or altered works, plant or equipment; or
 - (b) by general notice in the case of works, plant or equipment or altered works, plant or equipment of such descriptions as he may by such notice determine,

dispense with compliance with such of the requirements of these Regulations as may be specified in the notice subject to such conditions, if any, as may be so specified.

- (2) A general notice for the purposes of paragraph (1)(b) shall—
- (a) contain a statement of the time when it is to come into effect; and
 - (b) be published by the Secretary of State in such manner as he thinks fit.

Compliance with provisions not otherwise applicable

- 11.—(1) The Secretary of State may—
- (a) by notice in writing to the operator in the case of any particular new works, plant or equipment or altered works, plant or equipment;
 - (b) by general notice in the case of works, plant or equipment or altered works of such descriptions as he may by such notice determine,

require compliance with such provisions of these Regulations that would not otherwise apply as are specified in the notice.

- (2) A general notice for the purposes of paragraph (1)(b) shall—
- (a) contain a statement of the time when it is to come into effect; and
 - (b) be published by the Secretary of State in such manner as he thinks fit.

Information

12. No person shall, in connection with any application for approval, give to the Secretary of State information which is false in any material particular.

Offences

13.—(1) In this regulation “an offence” means an offence under section 41 of the Act.

(2) An operator who without reasonable cause—

- (a) brings into use any new works, plant or equipment or any altered works, plant or equipment without approval; or
- (b) uses any new works, plant or equipment or any altered works, plant or equipment in contravention of a relevant operational limitation which applies to them; or
- (c) contravenes the provisions of regulation 12.

shall be guilty of an offence.

(3) Any manufacturer who, in giving a certificate for the purposes of paragraph (2) or (3) of regulation 7, without reasonable cause contravenes the provisions of regulation 12 shall be guilty of an offence.

Signed by authority of the Secretary of State for Transport

31st January 1994

Roger Freeman
Minister of State,
Department of Transport