
STATUTORY INSTRUMENTS

1994 No. 237

The Railways (Safety Case) Regulations 1994

Acceptance of safety cases by the Secretary of State

10.—(1) Where an infrastructure controller refuses to accept a safety case or revision thereof submitted to him by a person pursuant to these Regulations he shall notify that person of the reasons for that decision.

(2) A failure by an infrastructure controller to accept within a reasonable time a safety case submitted to him for acceptance pursuant to these Regulations or a revision submitted to him pursuant to regulation 6(2), shall, subject to paragraph (3), be treated as a refusal to accept it for the purposes of the following provisions of this regulation.

(3) Where an infrastructure controller has notified a person under regulation 6(2)(b) that a revision does not affect and is not likely to affect the performance of his health and safety duties, the refusal or failure to accept that revision shall not be treated as a refusal or failure for the purposes of this regulation.

(4) The person the acceptance of whose safety case or revision has been refused by an infrastructure controller may submit it for acceptance to the Secretary of State within 28 days of receiving the notification referred to in paragraph (1) or after the expiry of the time referred in paragraph (2), as appropriate, and where he does so submit it he shall—

- (a) send a copy of any such notification to the Secretary of State and to the Executive;
- (b) notify the infrastructure controller and the Executive that he has submitted the safety case or revision to the Secretary of State, and
- (c) send a copy of the safety case or revision to the Executive.

(5) On receiving the notification referred to in paragraph (4)(b) the infrastructure controller shall provide the Secretary of State with a copy of every safety case or revision thereof he has prepared or accepted pursuant to these Regulations and which it is necessary for the Secretary of State to see to come to a view on the matters referred to in paragraph (8)(a).

(6) Where a safety case or revision is submitted for acceptance pursuant to paragraphs (2) and (4), the Secretary of State may decline to deal with it if he considers that the infrastructure controller has not had reasonable time to scrutinise the safety case or revision, as appropriate.

(7) In performing his functions under this regulation the Secretary of State shall take account of any advice given to him with respect thereto by or on behalf of the Health and Safety Commission.

(8) The Secretary of State shall notify his decision in writing to the person who submitted the safety case or revision to him, the infrastructure controller and the Executive; if he decides to accept it—

- (a) the notification shall state that he is satisfied that the procedures and arrangements described in the safety case or revision which affect or are likely to affect the performance of the health and safety duties of the infrastructure controller will, when properly implemented with those described in any other safety case or revision thereof the infrastructure controller has prepared or accepted pursuant to these Regulations, be capable of ensuring compliance by that controller with his health and safety duties in relation to the operation to which the first mentioned safety case or revision relates;

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(b) these regulations shall have effect as if—

- (i) the safety case or revision had been accepted by the infrastructure controller, and
- (ii) the references in regulations 4 and 5 to “at least 28 days” did not apply and regulation 6(2)(c) did not apply.

(9) Where the Secretary of State decides not to accept a revision to a safety case because he is satisfied that the revision does not affect and is not likely to affect the health and safety duties of the infrastructure controller, the notification referred to in paragraph (8) shall state that fact and these Regulations shall have effect as if—

- (a) the infrastructure controller had sent to the person who prepared the safety case a notification pursuant to regulation 6(2)(b), and
- (b) regulation 6(2)(c) did not apply.