

1999 No. 2244

HEALTH AND SAFETY

The Railway Safety Regulations 1999

<i>Made</i> - - - - -	<i>30th July 1999</i>
<i>Laid before Parliament</i>	<i>10th August 1999</i>
<i>Coming into force</i>	
<i>All regulations except for regulations 4, 5 and 7</i>	<i>30th January 2000</i>
<i>regulation 4</i>	<i>1st January 2003</i>
<i>regulation 5</i>	<i>1st January 2005</i>
<i>regulation 7</i>	<i>1st April 2000</i>

Whereas the Health and Safety Commission has submitted to the Secretary of State, under section 11(2)(d) of the Health and Safety at Work etc. Act 1974^(a) (“the 1974 Act”), proposals for the purpose of making regulations after the carrying out by the said Commission of consultations in accordance with section 50(3) of the 1974 Act;

And whereas the Secretary of State has made modifications to the said proposals under section 50(1) of the 1974 Act and has consulted the Commission thereon in accordance with section 50(2) of that Act;

Now therefore, the Secretary of State, in exercise of the powers conferred on him by sections 15(1), (2), (4)(a), (5)(b), (6)(b) and 82(3)(a) of, and paragraph 1(1) (a) and (c) of Schedule 3 to, the 1974 Act and of all other powers enabling him in that behalf, and for the purpose of giving effect to the said proposals of the said Commission with modifications as aforesaid, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Railway Safety Regulations 1999 and shall come into force on 30th January 2000, except regulation 4 which shall come into force on 1st January 2003, regulation 5 which shall come into force on 1st January 2005, and regulation 7 which shall come into force on 1st April 2000.

Interpretation

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

“approved” means approved for the time being in writing;

“buffer stop” means a buffer stop at the end of a passenger platform;

“emergency crossover” means a connection between two railway tracks to enable trains to change tracks and which is used—

(a) in an emergency, or

(b) to enable engineering work to be carried out,

^(a) 1974 c. 37; sections 15 and 50 were amended by the Employment Protection Act 1975 (c. 71) Schedule 15, paragraphs 6 and 16 respectively; the general purposes of Part 1 referred to in section 15(1) were extended by section 117 of the Railways Act 1993 (c. 43).

in accordance with special procedures established by the infrastructure controller;

“excessive speed” in relation to–

- (a) an approach to a stop signal or buffer stop, means such speed as would prevent the train from stopping at that signal or buffer stop,
- (b) an approach to part of the railway where there is a speed restriction, means such speed as would prevent the restriction from being complied with when the train enters that part, and for the purposes of this sub-paragraph a speed restriction shall be treated as being complied with if the speed of the train does not exceed the total of the permitted speed and such additional speed as may be approved by the Executive for the purpose of this sub-paragraph;

“infrastructure controller” has the meaning assigned to it by regulation 2(1) of the Railways (Safety Case) Regulations 1994**(a)**;

“line speed” means the highest of the permitted speeds on the railway concerned;

“Mark I rolling stock” means rolling stock which has a structural underframe which provides its own longitudinal strength and has a passenger compartment created on the underframe which relies mainly on the underframe for its longitudinal strength;

“permitted speed” means the maximum speed permitted on the part of the railway concerned;

“railway” has the meaning assigned to it by the Schedule to these Regulations;

“relevant approach” means–

- (a) an approach to a stop signal referred to in sub-paragraph (a)(i) of the definition of “train protection system” in this regulation except where a train travelling at the maximum speed it could attain on that approach would be stopped within the distance between the signal and the point where it could collide with another train by reason of the train protection system installed at the stop signal;
- (b) an approach to part of the railway where there is a speed restriction if–
 - (i) the permitted speed on that approach is 60 miles per hour or more; and
 - (ii) in order to comply with the restriction, a train travelling at the permitted speed on that approach would need to have its speed reduced by one third or more;
- (c) an approach to a buffer stop;

“speed restriction” means a permitted speed other than the line speed;

“stop signal” means a signal conveying to the driver of the train an instruction that he should stop the train except that it does not include–

- (a) a signal provided for shunting purposes only;
- (b) a hand signal; or
- (c) a buffer stop;

“temporary speed restriction” means a speed restriction which is in place for no longer than 3 months and used in accordance with special procedures established by the infrastructure controller;

“train” has the same meaning as in section 83(1) of the Railways Act 1993**(b)**;

“train protection system” means equipment which–

- (a) causes the brakes of the train to apply automatically if the train–
 - (i) passes without authority a stop signal such passing of which could cause the train to collide with another train, or
 - (ii) travels at excessive speed on a relevant approach;
- (b) is installed so as to operate at every stop signal referred to in sub-paragraph (a), except a stop signal on the approach to an emergency crossover, and at an appropriate place on every relevant approach;

(a) S.I. 1994/237.

(b) 1993 c. 43.

except that where it is reasonably practicable to install it, it means equipment which automatically controls the speed of the train to ensure, so far as possible, that a stop signal is not passed without authority and that the permitted speed is not exceeded at any time throughout its journey.

(2) Nothing in these Regulations shall require equipment referred to in sub-paragraphs (a) and (b) of the definition of a train protection system to function in relation to a temporary speed restriction, and accordingly any reference in these Regulations to the permitted speed in relation to such equipment is, in a case where a temporary speed restriction is in place, a reference to the permitted speed which normally applies on that part of the line concerned.

(3) Any reference in these Regulations to a person operating a train or rolling stock is a reference to the person operating a train or rolling stock for the time being in the course of a business or other undertaking carried on by him (whether for profit or not), but it does not include a self-employed person by reason only that he himself drives or otherwise controls the movement of a train.

(4) Any reference in these Regulations, except regulation 4, to a train colliding with another train does not include a reference to a train colliding with the rear of another train travelling in the same direction on the same track.

(5) Any reference in these Regulations to—

- (a) a numbered regulation is a reference to the regulation in these Regulations so numbered, and
- (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation in which the reference appears.

Use of a train protection system

3.—(1) No person shall operate, and no infrastructure controller shall permit the operation of, a train on a railway unless a train protection system is in service in relation to that train and railway.

(2) Until 1st January 2004 it shall be sufficient compliance with paragraph (1) if—

- (a) a programme for the installation and bringing into service of a train protection system in relation to that train and railway has been approved by the Executive and is being implemented; and
- (b) each part of the system which has been brought into service under that programme is maintained in service.

(3) It shall be sufficient compliance with paragraph (1) if the train is being operated on a railway—

- (a) which immediately before the coming into force of this regulation was used (exclusively or not) by London Underground Limited, Tyne and Wear Passenger Transport Executive, Strathclyde Passenger Transport Executive, or Serco Metrolink Limited; and
- (b) in relation to which there is in service equipment which causes the brakes of the train to apply automatically if the train passes a stop signal without authority.

(4) In any proceedings against a person for an offence for contravening paragraph (1) it shall be a defence for that person to prove that—

- (a) at the relevant time the train protection system (or, where paragraph (3) is relied on, the equipment referred to therein) or a relevant part had failed, or had been taken out of service, because of a fault;
- (b) in the case where the fault is in equipment on the train, the train had commenced its journey before the discovery of the fault or is being driven without passengers to a place for the purpose of repair;
- (c) it was not reasonably practicable to remedy the fault sooner; and
- (d) suitable measures had been taken after the discovery of the fault to mitigate the risk of trains colliding or derailing.

(5) In any proceedings against a person for an offence of contravening paragraph (1) in so far as that paragraph relates to having in service in relation to a train on a railway the equipment

referred to in the exception in the definition of “train protection system” in regulation 2(1), it shall be a defence for that person to prove that—

- (a) at the relevant time the equipment or a relevant part of it had failed, or had been taken out of service, because of a fault;
- (b) it was not reasonably practicable to remedy the fault sooner; and
- (c) equipment referred to in sub-paragraphs (a) and (b) of that definition was at the relevant time in service in relation to that train and railway.

Prohibition of Mark I rolling stock

4.—(1) No person shall operate, and no infrastructure controller shall permit the operation of, any Mark I rolling stock on a railway.

(2) Paragraph (1) shall not apply to rolling stock which at the relevant time is being exclusively operated other than for the carriage of fare paying passengers or by London Underground Limited, Tyne and Wear Passenger Transport Executive, Strathclyde Passenger Transport Executive or Serco Metrolink Limited.

(3) Until 1st January 2005 paragraph (1) shall not apply to Mark I rolling stock which has been modified so as to ensure that in the event of a collision—

- (a) the underframe of one vehicle will not ride over the underframe of another vehicle so modified (whether or not the other vehicle is part of the same train);
- (b) where sub-paragraph (a) is not practicable, the extent of any such riding over is as small as can practicably be achieved by a modification to the rolling stock.

(4) In this regulation “modified” means modified by the installation of interlocking devices on vehicles and “modification” shall be construed accordingly.

Prohibition of hinged doors

5.—(1) No person shall operate, and no infrastructure controller shall permit the operation of any rolling stock on a railway if the rolling stock has hinged doors for use by passengers for boarding and alighting from the train (other than doors which have a means of centrally locking them in a closed position).

(2) Paragraph (1) shall not apply to rolling stock which at the relevant time is being exclusively operated other than for the carriage of fare paying passengers.

Exemption certificates

6.—(1) The Executive may, by certificate in writing, exempt any person or class of persons, railway, part of a railway or class of railways, train or rolling stock, or class of train or rolling stock from any prohibition imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by a certificate in writing at any time.

(2) Before granting an exemption the Executive shall consult such persons as it considers appropriate.

(3) In deciding whether to grant any such exemption the Executive shall have regard to—

- (a) the conditions, if any which it proposes to attach to the exemption;
- (b) any other requirements imposed by or under any enactment which apply to the case;
- (c) all other circumstances of the case.

Amendments

7. In Part IV of Schedule 2 to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995(a) paragraph 72(1)(b) and (2), and the word “or” in paragraph 72(1)(a) shall be deleted.

30th July 1999

John Prescott
Secretary of State for the Environment,
Transport and the Regions.

(a) S.I. 1995/3163.

MEANING OF RAILWAY

1. "Railway" means a system of transport employing parallel rails which provide support and guidance for vehicles carried on flanged wheels and form a track which either is of a gauge of at least 350 millimetres or crosses a carriageway (whether or not on the same level), except that it does not include—

- (a) a tramway;
- (b) any part which runs along and at the same level as a street or in any other place to which the public has access (including a place to which the public has access only on making a payment);
- (c) any part where the permitted speed is such as to enable the driver to stop the train in the distance he can see ahead in clear weather conditions;
- (d) any part normally used other than for the carriage of fare paying passengers; or
- (e) such a system if on no part of it there is a line speed exceeding 25 miles per hour.

2. In this Schedule—

"carriageway" has the same meaning as in the Highways Act 1980(a) or in Scotland, the Roads (Scotland) Act 1984(b);

"street" means—

- (a) in England and Wales, a street within the meaning of section 48 of the New Roads and Street Works Act 1991(c), together with land on the verge of a street or between two carriageways;
- (b) in Scotland, a road within the meaning of section 107 of the New Roads and Street Works Act 1991, together with land on the verge of a road or between two carriageways;

"tramway" means a system of transport used wholly or mainly for the carriage of passengers and employing parallel rails which—

- (a) provide support and guidance for vehicles carried on flanged wheels;
- (b) are laid wholly or mainly along a street or in any other place to which the public has access (including a place to which the public has access only on making a payment);

"vehicle" includes a mobile traction unit.

(a) 1980 c. 66.
(b) 1984 c. 54.
(c) 1991 c. 22.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations contain provisions with respect to the use of a train protection system, Mark I rolling stock and rolling stock with hinged doors. The Regulations apply to a railway as defined in regulation 2(1) and the Schedule.

The Regulations prohibit the operation of a train on a railway unless a train protection system (as defined in regulation 2(1)) is in service for that train and railway (regulation 3(1)).

The Regulation provides that until 1st January 2004 it is sufficient compliance with the prohibition referred to above if a programme approved by the Health and Safety Executive for the bringing into service of a train protection system is being implemented (regulation 3(2)).

Specified railways are excluded from the prohibition referred to above if there is in service other equipment specified in the regulation (regulation 3(3)).

The Regulations contain specified defences in respect of equipment which has failed or been taken out of service because of a fault (regulation 3(4) and (5)).

The Regulations prohibit the operation of Mark I rolling stock (as defined in regulation 2(1)), except that until 1st January 2005 the prohibition does not apply to any such stock which has been modified in a specified manner (regulation 4(1) and (3)).

Specified railways are excluded from the prohibition of Mark I rolling stock (regulation 4(2)).

The Regulations prohibit the operation of rolling stock with hinged doors for use by passengers, except rolling stock exclusively operated other than for the carriage of fare paying passengers (regulation 5).

The Regulations empower the Health and Safety Executive to grant exemptions from the Regulations (regulation 6).

The Regulations amend the Reporting of Injuries, Disease and Dangerous Occurrences Regulations 1995. The effect of the amendment is to remove an exception from the requirement to notify and report specified incidents of signals passed without authority.

A copy of the regulatory impact assessment prepared in respect of these Regulations can be obtained from the Railways Directorate, Department of the Environment, Transport and the Regions, Zone 3/29 Great Minster House, 76 Marsham Street, London SW1P 4DR. A copy has been placed in the Library of each House of Parliament.

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