
STATUTORY INSTRUMENTS

2000 No. 2688

The Railways (Safety Case) Regulations 2000

PART V

MISCELLANEOUS

Appeals

15.—(1) A person who is aggrieved by—

- (a) a refusal of the Executive to accept a safety case or a revision of a safety case submitted by him under these Regulations; or
- (b) a direction of the Executive to prepare a revision of his safety case pursuant to regulation 8(1),

may appeal to the Secretary of State.

(2) For the purposes of paragraph (1), a failure of the Executive to accept within a reasonable time a safety case or revision submitted to it pursuant to these Regulations shall be treated as a refusal to accept it.

(3) Sub-sections (2) to (6) of section 44 of the 1974 Act shall apply for the purposes of paragraph (1) as they apply to an appeal under section 44(1) of that Act.

(4) The Health and Safety Licensing Appeals (Hearing Procedure) Rules 1974(1), as respects England and Wales, and the Health and Safety Licensing Appeals (Hearing Procedure) (Scotland) Rules 1974(2), as respects Scotland, shall apply to an appeal under paragraph (1) as they apply to an appeal under sub-section (1) of the said section 44, but with the modification that references to a licensing authority are to be read as references to the Executive.

Transitional provisions

16.—(1) A safety case accepted pursuant to the 1994 Regulations and which is current immediately before the coming into force of these Regulations shall, subject to the requirements imposed by paragraph (3), be treated as if it had been accepted pursuant to these Regulations.

(2) In relation to a safety case referred to in paragraph (1) an infrastructure controller shall—

- (a) prepare a revision to that safety case for the purposes of including such matters as are required to be included in the safety case by these Regulations and which were not required by the 1994 Regulations; and
- (b) submit the revision to the Executive within 6 months of the coming into force of these Regulations.

(3) In relation to a safety case referred to in paragraph (1) a railway operator (other than an infrastructure controller) shall—

(1) S.I. 1974/2040.
(2) S.I. 1974/2068.

- (a) prepare a revision to that safety case for the purposes of including such matters as are required to be included in the safety case by these Regulations and which were not required by the 1994 Regulations; and
 - (b) submit the revision to the relevant infrastructure controller and to the Executive by the date by which the periodic review would have been required by virtue of regulation 6(3) of the 1994 Regulations, save that—
 - (i) where the date of that review would fall within the period of 6 months from the coming into force of these Regulations, the revision shall be submitted not later than 6 months after the coming into force of these Regulations; and
 - (ii) where the date of that review would fall outside the period of 2 years from the coming into force of these Regulations, the revision shall be submitted not later than 2 years after the coming into force of these Regulations.
- (4) The provisions of these Regulations shall apply to a revision submitted under paragraphs (2) or (3) as they apply to a revision submitted under regulation 7(3).
- (5) Until 31st December 2003, regulation 6 shall apply to a safety case accepted pursuant to the 1994 Regulations and which is still current immediately before the coming into force of these Regulations as if the reference to 3 years were a reference to 3 years from the date of the last review undertaken pursuant to regulation 6(3) of the 1994 Regulations.
- (6) Any exemption granted by the Executive under regulation 11 of the 1994 Regulations and which has not been revoked shall, notwithstanding the revocation of the 1994 Regulations, continue in force and shall have effect as if it had been granted pursuant to regulation 17 of these Regulations.

Exemptions

17.—(1) Subject to paragraph (2) and to any Community obligation of the United Kingdom the Executive may, by a certificate in writing, exempt any person or class of persons from any requirement or prohibition imposed by these Regulations and any such exemption may be granted subject to conditions and with or without limit of time and may be revoked by a certificate in writing at any time.

(2) The Executive shall not grant any such exemption unless, having regard to the circumstances of the case, and in particular to—

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

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

(3) Subject to any Community obligation of the United Kingdom, the Secretary of State for Defence may, in the interests of national security, by a certificate in writing exempt any person or class of persons from the requirements of these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by the said Secretary of State by a further certificate in writing at any time.

Amendment and revocation

18.—(1) The enactments referred to in Schedule 3 shall be amended in accordance with the provisions of that Schedule.

- (2) The Railways (Safety Case) Regulations 1994(3) are hereby revoked.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
