

**2001 No. 3291**

**HEALTH AND SAFETY**

**The Railway Safety (Miscellaneous Amendments)  
Regulations 2001**

*Made - - - - - 28th September 2001*

*Laid before Parliament 3rd October 2001*

*Coming into force - - 24th October 2001*

The Secretary of State, in exercise of the powers conferred on him by section 15(1), (2), (4)(a), 5(b), 6(b), 43(2) and 82(3)(a) of and paragraphs 1(1)(a), 1(1)(c), 8(1), 9, 15(1), and 16 of Schedule 3 to, the Health and Safety at Work etc Act 1974<sup>(a)</sup> (“the 1974 Act”) and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Railway Safety (Miscellaneous Amendments) Regulations 2001 and shall come into force on 24th October 2001.

**Amendment to the Railways (Safety Case) Regulations 2000**

2. The Railways (Safety Case) Regulations 2000<sup>(b)</sup> shall be amended in accordance with regulations 3 to 11 of these Regulations and any reference in those provisions to any specified provision shall, unless the context requires otherwise, be taken to be a reference to the provision so specified of the Railways (Safety Case) Regulations 2000.

3. In regulation 2(1)—

(a) in the definition of “audit report”, for the words “paragraph 5(b)” there shall be substituted the words “paragraph 5(d)”;

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<sup>(a)</sup> 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 I referred to in section 15(1) were extended by section 117 of the Railways Act 1993 (c. 43).

<sup>(b)</sup> S.I. 2000/2688.

- (b) in the definition of “railway”, at paragraph (b), for the words “construction work” there shall be substituted the words “a building operation or work of engineering construction”.
4. In regulation 5(3)(b)(ii), after the words “with those described in any other safety case” there shall be inserted the words “or revision thereof”.
5. In regulation 5(7)(c), for the words “paragraph (3)(a)” there shall be substituted the words “paragraph (4)(a)”.
6. In regulation 7(3), after the words “Executive and” there shall be inserted the words “at the same time”.
7. In regulation 7(7)(a)(iii), for the words “paragraph (2)” there shall be substituted the words “paragraph (3)”.
8. In regulation 8(2), for the word “made” there shall be substituted the word “proposed”.
9. In regulation 9(1)—
- (a) after the word “intervals”, for the word “or” there shall be substituted the word “of”;
  - (b) in sub-paragraph (a), the words “and stations” shall be deleted and after the words “railway infrastructure” there shall be inserted the words “and the operation of trains or stations”.
10. In regulation 16(3)(b), after the words “infrastructure controller and” there shall be inserted the words “at the same time”.
11. In Schedule 1—
- (a) for paragraph 11 there shall be substituted—
 

**“11.** Particulars of the arrangements the duty holder has established (with a view to ensuring the health and safety of persons) for managing work carried out by persons who are not his employees on or in relation to premises or plant which he owns or controls”;
  - (b) in paragraph 15—
    - (i) the word “and” shall be deleted from the end of sub-paragraph (b);
    - (ii) in sub-paragraph (c), for the word “holder.” there shall be substituted the words “holder; and”; and
    - (iii) at the end of sub-paragraph (c) there shall be inserted the following sub-paragraph—
 

“d) for the provision of equipment and arrangements for the escape of persons in an emergency from trains operated by the duty holder”;
  - (c) in paragraph 17(a), after the words “paragraph 5”, the word “(d)” shall be omitted.

### **Transitional provisions**

**12.—(1)** Where a railway operator who operates trains has had a safety case accepted by the Executive under regulation 5(1)(b) of the Railways (Safety Case) Regulations 2000 which does not include particulars of the arrangements specified in paragraph 15(d) of Schedule 1 to those Regulations, that operator shall—

- (a) prepare a revision to that safety case which shall include particulars of those arrangements; and
- (b) submit the revision to the Executive and at the same time, unless he is the relevant infrastructure controller, to the relevant infrastructure controller not later than 3 months after the coming into force of these Regulations.

(2) Subject to paragraph (3), where a railway operator who operates trains has submitted a safety case to the Executive pursuant to regulation 5(2) of the Railways (Safety Case) Regulations 2000, and that safety case has not been accepted under regulation 5(1)(b) of those Regulations, before these Regulations come into force, and that safety case does not include particulars of the arrangements specified in paragraph 15(d) of Schedule 1 to those Regulations, the Executive may nonetheless accept the safety case under the said regulation 5(1)(b).

(3) Where a safety case has been accepted as described in paragraph (2), the railway operator shall—

- (a) prepare a revision to that safety case which shall include particulars of the arrangements specified in paragraph 15(d) of Schedule 1 to the Railways (Safety Case) Regulations 2000; and
- (b) submit the revision to the Executive and at the same time, unless he is the relevant infrastructure controller, to the relevant infrastructure controller not later than 3 months after the date of acceptance.

(4) Where a railway operator who operates trains has submitted a revision to a safety case pursuant to regulation 16(2)(b) or regulation 16(3)(b) of the Railways (Safety Case) Regulations 2000 which does not include particulars of the arrangements specified in paragraph 15(d) of Schedule 1 to those Regulations, that operator shall—

- (a) prepare a further revision to that safety case which shall include particulars of those arrangements; and
- (b) submit the further revision to the Executive and at the same time, unless he is the relevant infrastructure controller, to the relevant infrastructure controller not later than 3 months after the coming into force of these Regulations.

(5) Where a railway operator who operates trains is required to submit a revision to a safety case pursuant to regulation 16(2)(b) or regulation 16(3)(b) of the Railways (Safety Case) Regulations 2000, he shall submit that part of the revision which includes particulars of the arrangements specified in paragraph 15(d) of Schedule 1 to those Regulations by the later of either—

- (a) the date by which the revision is required; or
- (b) within 3 months of the coming into force of these Regulations.

(6) In this regulation, “the Executive”, “railway operator”, “the relevant infrastructure controller” and “safety case” have the meanings assigned to them by regulation 2(1) of the Railways (Safety Case) Regulations 2000.

#### **Amendment to the Railways Regulations 1998**

**13.** The Railways Regulations 1998(a) shall be amended in accordance with regulations 14 to 16 of these Regulations and any reference in those provisions to any specified provision shall, unless the context otherwise requires, be taken to be a reference to the provision so specified of the Railways Regulations 1998.

**14.** For regulation 13(2)(a)(i), there shall be substituted the following—

- “(i) the railway undertaking or international grouping has prepared a safety case under regulation 4 of the Railways (Safety Case) Regulations 1994, or under regulation 5 of the Railways (Safety Case) Regulations 2000, in respect of the operation of trains under the agreement;”.

**15.** At the end of regulation 13(2)(a)(ii), there shall be inserted the words “or by the Health and Safety Executive”.

**16.** In regulation 13(2)(b), after the words “regulation 4” there shall be inserted the words “or the said regulation 5”.

#### **Amendment to the Railway Safety Regulations 1999**

**17.** The Railway Safety Regulations 1999(b) shall be amended by the substitution of the words “40 kilometres per hour” for the words “25 miles per hour” in paragraph 1(e) of the Schedule to those Regulations.

28th September 2001

*Stephen Byers*  
Secretary of State for  
Transport, Local Government and the Regions

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(a) S.I. 1998/1340, amended by S.I. 2000/2688.  
(b) S.I. 1999/2244.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations amend the Railways (Safety Case) Regulations 2000 (S.I. 2000/2688) (“the 2000 Regulations”), the Railways Regulations 1998 (S.I. 1998/1340) and the Railway Safety Regulations 1999 (S.I. 1999/2244). The principal amendments made by these Regulations are as follows.

2. Regulations 6 and 10 bring regulations 7(3) and 16(3)(b) of the 2000 Regulations in line with regulation 5(2) of those Regulations, by requiring a revision to a safety case to be submitted to the relevant infrastructure controller at the same time that it is submitted to the Health and Safety Executive (“the Executive”).

3. Regulation 9(b) amends regulation 9 of the 2000 Regulations to extend the duty on infrastructure controllers to procure 12 monthly audits by an assessment body to cover, additionally, their train operations.

4. Regulation 11(b) amends paragraph 15 of Schedule 1 to the 2000 Regulations by including a requirement on railway operators who operate trains to include in their railway safety case particulars of the arrangements which they have established for the provision of equipment and arrangements for escape of persons in an emergency from trains operated by them. Detailed transitional arrangements covering safety cases or revisions to safety cases which do not already include particulars of such arrangements are included at regulation 12.

5. Regulations 14-16 amend regulation 13(2)(a)(i) of the Railways Regulations 1998 to reflect the fact that a railway undertaking or international grouping may have prepared a safety case under either the Railways (Safety Case) Regulations 1994 or the 2000 Regulations and that a safety case may have been accepted either by a relevant infrastructure controller or by the Executive.

6. Regulation 17 changes the reference to line speed in the Railway Safety Regulations 1999 from imperial to the equivalent metric unit of measurement.

7. A copy of the regulatory impact assessment prepared in respect of these Regulations can be obtained from the Railways Directorate, Department of Transport, Local Government 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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