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## EXPLANATORY NOTE

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

These Regulations impose prohibitions and requirements in relation to safety on railways and other guided transport systems.

Part 2 and regulation 20 of the Regulations implement, insofar as they apply to the mainline railway, in relation to Great Britain, Directive [2004/49/EC](#) (O.J. No. L164, 30.04.04 p.44) of the European Parliament and the Council on safety on the Community's railways and amending Council Directive [95/18/EC](#) on the licensing of transport undertakings and Directive [2001/14/EC](#) on the allocation of infrastructure capacity and the levying of charges for use of infrastructure and safety certification ("the Rail Safety Directive"), except in relation to access to training facilities, placing in service of in-use rolling stock and accident and incident investigation.

Part 1 contains the interpretation provisions. Part 2 contains prohibitions in relation to the operation of trains or vehicles on railways and other guided transport systems and the management and use of infrastructure unless a person has established and is maintaining a safety management system and in specified cases has a safety certificate in relation to the operation of vehicles or a safety authorisation in relation to the management and use of infrastructure. Part 2 also makes provision in relation to the requirements for a safety management system and the issuing, amendment and revocation of safety certificates and authorisations by, and for the giving of notices to, the Office of Rail Regulation.

Part 3 provides for general duties on transport operators subject to the duties in Part 2 to carry out risk assessment, co-operate with each other and certain other persons and to prepare an annual safety report to the Office of Rail Regulation. It makes provision in relation to annual reports to the European Railway Agency and for the issuing, keeping and public inspection of documents.

Part 4 makes provision in relation to the carrying out of safety critical work on guided transport systems. It imposes obligations on those controlling the carrying out of such work to ensure that it is only carried out by fit and competent persons, and that safety critical workers do not carry out such work when fatigued, and it imposes related co-operation requirements.

Part 5 makes provision for appeals in relation to decisions relating to safety certificates and authorisations, for transitional provisions and savings in relation to compliance with the provisions of Parts 2 and 4, for the granting of exemptions and for a defence in relation to the safety verification requirements in regulations 5 and 6. Regulation 32 amends the Railways and Other Transport Systems (Approval of Works, Plant and Equipment) Regulations (ROTS) (S.I. [1994/157](#)). Regulation 33 makes consequential amendments and regulation 34 revokes ROTS, the Railways (Safety Critical Work) Regulations 1994 (S.I. [1994/299](#)), the Railways (Safety Case) Regulations 2000 (S.I. [2000/2688](#)), regulations 2 to 16 of the the Railway Safety (Miscellaneous Amendments) Regulations 2001 (S.I. [2001/3291](#)), the Railways (Safety Case) (Amendment) Regulations 2003 (S.I. [2003/579](#)) and regulation 31 of the Cableways Installations Regulations 2004 (S.I. [2004/129](#)).

Technical Specifications for Interoperability are published in the Official Journal of the European Communities. Common Safety Methods and Common Safety Targets are to be developed pursuant to the Rail Safety Directive and will be published in the Official Journal of the European Communities.

A copy of the regulatory impact assessment and of the transposition note for Directive [2004/49/EC](#) prepared in respect of these Regulations can be obtained from the Office of Rail Regulation, One Kemble Street, London WC2B 4AN. A copy of each has been placed in the library of each House of Parliament.