
STATUTORY INSTRUMENTS

2011 No. 3066

The Railways (Interoperability) Regulations 2011

PART 1

Interpretation and Application

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Railways (Interoperability) Regulations 2011.
- (2) These Regulations come into force on 16th January 2012.

Interpretation

- 2.—(1) In these Regulations—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974 ^{M1};

[^{F1}“the 2016 Directive” means Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union;

“approved body” has the meaning set out in regulation 30;

“authorised representative” means—

- (a) a person who—
 - (i) immediately before IP completion day was established in an EEA state and appointed to act by a manufacturer or contracting entity to perform specified tasks for that manufacturer or contracting entity in relation to the Directive, and
 - (ii) on or after IP completion day continues to be so established and appointed by the manufacturer or contracting entity to perform those tasks; or
- (b) a person who on or after IP completion day is appointed in accordance with regulation 3A;]

[^{F2}“certificate of verification” means an EC certificate of verification or a UK certificate of verification;]

“the Channel Tunnel system” has the meaning given by section 1(7) of the Channel Tunnel Act 1987 ^{M2} to the words “the tunnel system”;

^{F3}
...

“Competent Authority” means—

- (a) in Great Britain, the Secretary of State; and
- (b) in Northern Ireland, the [^{F4}DFI];

“contracting entity” means the person who contracts or intends to contract with another person for that other person to design, construct, renew or upgrade a subsystem;

“Conventional Directive” means Directive [2001/16/EC](#) of the European Parliament and the Council of 19th March 2001 on the interoperability of the trans-European conventional rail system ^{M3};

[^{F5}“the Directive” means Directive [2008/57/EC](#) of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (Recast), as amended by—

- (a) Commission Directive [2009/131/EC](#) of 16 October 2009 amending Annex VII to Directive [2008/57/EC](#) of the European Parliament and of the Council on the interoperability of the rail system within the Community,
- (b) Commission Directive [2011/18/EU](#) of 1 March 2011 amending Annexes II, V and VI to Directive [2008/57/EC](#) of the European Parliament and of the Council on the interoperability of the rail system within the Community, ^{F6}...
- (c) Commission Directive [2013/9/EU](#) of 11 March 2013 amending Annex III to Directive [2008/57/EC](#) of the European Parliament and of the Council on the interoperability of the rail system within the Community;]^{F7}[^{F8}...
- (d) Commission Directive [2014/38/EU](#) of 10th March 2014 amending Annex III to Directive [2008/57/EC](#) of the European Parliament and of the Council as far as noise pollution is concerned.][^{F9} and
- (e) Commission Directive [2014/106/EU](#) of 5 December 2014 amending Annexes V and VI to Directive [2008/57/EC](#) of the European Parliament and of the Council on the interoperability of the rail system within the Community;]

“designated body” means a person appointed under regulation 31 as a designated body;

“determination of type” means a determination made by the Safety Authority pursuant to regulation 8;

[^{F10}“DFI” means the Department for Infrastructure as established by section 1(6) of the Departments Act (Northern Ireland) 2016;]

[^{F11}“EC certificate of verification” means a certificate drawn up by an EU notified body as part of the EC verification assessment procedure for a structural subsystem;]

“EC declaration of conformity or suitability for use” is a declaration drawn up in accordance with [^{F12}Article 13 and Annex IV of the Directive or in accordance with Articles 9 and 10 of the 2016 Directive];

[^{F13}“EC declaration of verification” means a declaration drawn up by a project entity in relation to a structural subsystem in accordance with Article 18 of and Annex V to the Directive;

“EC verification assessment procedure” means the procedure set out in Annex VI to the Directive or Annex IV to the 2016 Directive;]

“essential requirements” means all the conditions set out in [^{F14}Schedule 2] that must be met by the rail system, subsystems and interoperability constituents, including interfaces;

[^{F15}“European Commission” means the Commission of the European Union;]

^{F16} ...

^{F17} ...

[^{F18}“European Union Agency for Railways” means the Agency established by Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004;]

“European vehicle number” has the meaning given in regulation 36;

[^{F19}“EU notified body” means a body which either—

- (a) has been appointed by an EU Member State and notified by the EU Member State concerned to the European Commission and the other EU Member States pursuant to Article 20(1) of the Conventional Directive, Article 20(1) of the High-Speed Directive or Article 28(1) of the Directive; or
- (b) has been notified to the European Commission in accordance with Chapter VI of the 2016 Directive;

unless its appointment has been terminated or its notification has been withdrawn;]

“functional subsystem” means a functional subsystem as specified in section 1(b) of [^{F20}Schedule 3];

[^{F21} ...

“High-Speed Directive” means Council Directive [96/48/EC](#) of 23rd July 1996 on the interoperability of the trans-European high-speed rail system ^{M4};

“infrastructure register” means a register kept in accordance with regulation 35;

“Intergovernmental Commission” has the same meaning as in the Channel Tunnel Act 1987;

[^{F22}“interoperability” means the ability of the rail system to allow the safe and uninterrupted movement of trains which accomplish the required levels of performance for those lines;]

“interoperability constituent” means any elementary component, group of components, sub-assembly or complete assembly of equipment that is incorporated or intended to be incorporated into a subsystem upon which the interoperability of the rail system depends directly or indirectly; and the concept of a “constituent” covers both tangible objects and intangible objects such as software;

[^{F23}“ISV” means an intermediate statement of verification issued by any one of the following—

- (a) an approved body in relation to the design stage or the production stage of a subsystem in accordance with section 2 of Schedule 4;
- (b) an EU notified body in relation to the design stage or the production stage of a subsystem in accordance with section 2 of Annex VI to the Directive or in accordance with section 2 of Annex IV to the 2016 Directive;
- (c) a designated body at an intermediate stage of the UK verification assessment procedure referred to in section 3 of Schedule 4;
- (d) a designated body at an intermediate stage of the EC verification assessment procedure referred to in section 3 of Annex VI to the Directive;

“NTRs” means National Technical Rules setting out standards, technical specifications and technical rules in relation to the rail system, as amended or varied from time to time, a list of which is published by the Secretary of State in accordance with regulation 3C;

“NTSN” means a National Technical Specification Notice published by the Secretary of State pursuant to regulation 3B setting out the standards, technical specifications and technical rules in use in the United Kingdom as amended or varied from time to time;]

“National Vehicle Register” has the meaning given in regulation 36;

“network” means the lines, stations, terminals, and all kinds of fixed equipment needed to ensure safe and continuous operation of the rail system;

[^{F24} ...

“notified national technical rules” means the standards, technical specifications and technical rules in use in the United Kingdom which [^{F25}were notified by the Secretary of State to the European Commission before IP completion day] pursuant to article 17(3) of the Directive

or Article 16(3) of the High-Speed Directive or Article 16(3) of the Conventional Directive, including any variations from time to time notified;

F26
...

“operator”, in relation to the use of an interoperability constituent or a project subsystem, means the infrastructure manager or railway undertaking having the management of that interoperability constituent or project subsystem for the time being;

“owner”, in relation to a structural subsystem, means any person who has an estate or interest in, or right over that subsystem, and whose agreement is needed before another may use it;

“placing in service” means all the operations by which a subsystem is put into its design operating state; and cognate expressions shall be construed accordingly;

“place on the market” means making an interoperability constituent available for purchase with a view to its use on the rail system; and cognate expressions shall be construed accordingly;

“project” means a scheme for the construction or upgrading or renewal of the whole or part of any subsystem of the rail system, and where it is intended to carry out that construction, upgrading or renewal in parts, each of which are to be placed in service on a permanent basis independently of the other parts, it means any such part;

“project entity” means, in relation to a project, a contracting entity or manufacturer or the authorised representative ^{F27}... of a contracting entity or manufacturer;

“project subsystem” means—

- (a) the whole of a structural subsystem which is subject to the requirement for authorisation under these Regulations, other than when the structural subsystem is subject to the requirement because part of it is being upgraded or renewed,
- (b) in the case of a structural subsystem which is subject to the requirement for authorisation under these Regulations because part of it is being upgraded or renewed, that part of the subsystem, or
- (c) a structural subsystem in respect of which a person has voluntarily made an application for authorisation under these Regulations;

“put into use” has the meaning given in regulation 4(2);

“rail system” has the same meaning as in the Directive ^{M5};

[^{F28}“rail system” means the structure composed of lines and fixed installations of the existing rail system in the United Kingdom plus the vehicles of all categories and origin travelling on that infrastructure;]

“registration entity” means the person designated under regulation 36(11);

“renewal” means any major substitution work on a subsystem or part subsystem which does not change the overall performance of the subsystem; and cognate words shall be construed accordingly;

[^{F29}“safety assessment report” means a report provided in accordance with Article 15 of Commission Implementing Regulation (EU) 402/2013 of 30 April 2013 on the common safety method for risk evaluation and assessment;]

“Safety Authority” means the [^{F30}Office of Rail Regulation][^{F30}Office of Rail and Road]^{M6} except—

- (a) in relation to Northern Ireland, where it means the [^{F31}DFI], and
- (b) in relation to the Channel Tunnel system, where it means the Intergovernmental Commission;

“structural subsystem” means a structural subsystem as specified in section 1(a) of [^{F32}Schedule 3];

“subsystem” means the whole, or, as the context requires, part of a subdivision of the rail system as specified in sections 1(a) and 1(b) of [^{F33}Schedule 3], namely structural subsystems and functional subsystems and includes a structural or functional subsystem that is intended to become the whole or part of a subdivision of the rail system;

“trans-European rail system” means the trans-European conventional and high-speed rail systems as set out in sections 1 and 2 of Annex I to the Directive, ^{F34} ...;

[^{F35}“TSI” means technical specifications for interoperability adopted from time to time by the European Commission pursuant to the Directive, or the Conventional Directive, or the High Speed Directive or the 2016 Directive, as those TSIs have effect in EU law, and as they are amended from time to time;]

“TSI conform authorisation” means an authorisation given for a vehicle which was in conformity with all applicable TSIs when it was placed in service [^{F36}or placed on the market] and where those TSIs covered a significant part of the essential requirements and included a TSI on rolling stock;

“upgrading” means any major modification work on a subsystem or part of a subsystem which improves the overall performance of the subsystem; and cognate words shall be construed accordingly;

[^{F37}“UK certificate of verification” means a certificate drawn up by an approved body or designated body as part of the UK verification assessment procedure for a structural subsystem;

“UK declaration of conformity or suitability for use” means a declaration drawn up in accordance with regulation 25 and Schedule 7;

“UK declaration of verification” means a declaration of verification drawn up by a project entity in relation to a structural subsystem pursuant to regulation 16(3) and Schedule 5;

“UK specific case” means a special provision in relation to the technical specifications for a subsystem or an interoperability constituent to allow for its compatibility with the rail system, which is set out in an NTSN or an NTR and described in that NTSN or that NTR as a “UK specific case”;

“UK specific rules” means all UK specific cases and NTRs, including any dispensation granted against NTRs under regulation 46(1);

“UK verification assessment procedure” means the procedure referred to in regulation 17 and Schedule 4]

“vehicle” means a railway vehicle that runs on its own wheels on railway lines with or without traction and is composed of one or more structural and functional subsystems or parts of such subsystems;

^{F38} ...

^{F39} ...

“writing” includes any text transmitted using electronic communications that is received, or accessible by the person to whom it is sent, in legible form.

^{F40}(2)

(3) ^{F41}... A reference to the EU includes a reference to the European Economic Area, and a reference to a Member State includes a reference to an EEA state.

Textual Amendments

- F1** Words in reg. 2 inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(a)**; 2020 c. 1, **Sch. 5 para. 1(1)** (as amended by The Railways (Interoperability) (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2020 (S.I. 2020/318), regs. 1(2)(b), **5(2)(a)**, and The Railways (Miscellaneous Amendments, Revocations and Transitional Provisions) (EU Exit) Regulations 2020 (S.I. 2020/786), regs. 1(2)(b)(i), **4(2)(a)**)
- F2** Words in reg. 2 substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in reg. 2 omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Word in reg. 2 substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in reg. 2(1) substituted (1.1.2014) by The Railways (Interoperability) (Amendment) Regulations 2013 (S.I. 2013/3023), regs. 1, **2(2)**
- F6** Word in reg. 2(1) omitted (1.1.2015) by virtue of The Railways (Interoperability) (Amendment) Regulations 2014 (S.I. 2014/3217), regs. 1, **2(2)(a)**
- F7** Word in reg. 2(1) omitted (8.1.2016) by virtue of The Railways (Interoperability) (Amendment) Regulations 2015 (S.I. 2015/2022), regs. 1, **2(2)(a)(i)**
- F8** Words in reg. 2(1) inserted (1.1.2015) by The Railways (Interoperability) (Amendment) Regulations 2014 (S.I. 2014/3217), regs. 1, **2(2)(b)**
- F9** Words in reg. 2(1) inserted (8.1.2016) by The Railways (Interoperability) (Amendment) Regulations 2015 (S.I. 2015/2022), regs. 1, **2(2)(a)(ii)**
- F10** Words in reg. 2 substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in reg. 2 inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(f)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in reg. 2 substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(g)**; 2020 c. 1, Sch. 5 para. 1(1) (as amended by The Railways (Interoperability) (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2020 (S.I. 2020/318), regs. 1(2)(b), **5(2)(b)**)
- F13** Words in reg. 2 inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(h)**; 2020 c. 1, Sch. 5 para. 1(1) (as amended by The Railways (Interoperability) (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2020 (S.I. 2020/318), regs. 1(2)(b), **5(2)(c)**)
- F14** Words in reg. 2 substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in reg. 2 inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(j)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in reg. 2 omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(k)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in reg. 2 omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(l)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in reg. 2 inserted (31.12.2020) by S.I. 2019/345, reg. 2(2)(ka) (as inserted by The Railways (Interoperability) (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2020 (S.I. 2020/318), regs. 1(2)(b), **5(2)(d)**)
- F19** Words in reg. 2 inserted (31.12.2020) by S.I. 2019/345, reg. 2(2)(m) (as substituted by The Railways (Interoperability) (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2020 (S.I. 2020/318), regs. 1(2)(b), **5(2)(e)**)
- F20** Words in reg. 2 substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(n)**; 2020 c. 1, Sch. 5 para. 1(1)

- F21** Words in reg. 2 omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(o)**; 2020 c. 1, Sch. 5 para. 1(1)
- F22** Words in reg. 2 substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(p)**; 2020 c. 1, Sch. 5 para. 1(1)
- F23** Words in reg. 2 inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(q)**; 2020 c. 1, Sch. 5 para. 1(1)(as amended by The Railways (Interoperability) (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2020 (S.I. 2020/318), regs. 1(2)(b), **5(2)(f)(i)**, **5(2)(f)(ii)**)
- F24** Words in reg. 2 omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(r)**; 2020 c. 1, Sch. 5 para. 1(1)
- F25** Words in reg. 2 substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(s)** (as amended by The Railways (Miscellaneous Amendments, Revocations and Transitional Provisions) (EU Exit) Regulations 2020 (S.I. 2020/786), regs. 1(2)(b)(i), **4(2)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**)
- F26** Words in reg. 2 omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(t)**; 2020 c. 1, Sch. 5 para. 1(1)
- F27** Words in reg. 2 omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(u)**; 2020 c. 1, Sch. 5 para. 1(1)
- F28** Words in reg. 2 substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(v)**; 2020 c. 1, Sch. 5 para. 1(1)
- F29** Words in reg. 2(1) substituted (8.1.2016) by The Railways (Interoperability) (Amendment) Regulations 2015 (S.I. 2015/2022), regs. 1, **2(2)(b)**)
- F30** Words in reg. 2(1) substituted (E.W.S.) (16.10.2015) by The Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), reg. 1(2), **Sch. para. 9(a)**)
- F31** Word in reg. 2 substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(w)**; 2020 c. 1, Sch. 5 para. 1(1)
- F32** Words in reg. 2 substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(x)**; 2020 c. 1, Sch. 5 para. 1(1)
- F33** Words in reg. 2 substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(y)**; 2020 c. 1, Sch. 5 para. 1(1)
- F34** Words in reg. 2 omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(z)**; 2020 c. 1, Sch. 5 para. 1(1)
- F35** Words in reg. 2 substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(aa)**; 2020 c. 1, Sch. 5 para. 1(1) (as amended by The Railways (Interoperability) (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2020 (S.I. 2020/318), regs. 1(2)(b), **5(2)(g)**)
- F36** Words in reg. 2 inserted (31.12.2020) by S.I. 2019/345, reg. 2(2)(ab) (as inserted by The Railways (Interoperability) (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2020 (S.I. 2020/318), regs. 1(2)(b), **5(2)(h)**)
- F37** Words in reg. 2 inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F38** Words in reg. 2 omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(cc)**; 2020 c. 1, Sch. 5 para. 1(1)
- F39** Words in reg. 2 omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(dd)**; 2020 c. 1, Sch. 5 para. 1(1)
- F40** Reg. 2(2) omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(ee)**; 2020 c. 1, Sch. 5 para. 1(1)
- F41** Words in reg. 2(3) omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(2)(ff)**; 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M1** 1974 c.37.
M2 1987 c.53.

- M3** O.J. No. L 110, 20.4.2001, p1. This Directive was repealed with effect from 19th July 2010 by the Directive.
- M4** O.J. No. L 235 17.9.1996, p6. This Directive was repealed with effect from 19th July 2010 by the Directive.
- M5** The term includes the trans-European rail system.
- M6** Established under section 15 of the [Railways and Transport Safety Act 2003 \(c.20\)](#).

Application

3.—(1) Subject to paragraphs (2) and (5), these Regulations apply to—

- [^{F42}(a) the rail system;]
- (b) subsystems located, operated or intended to be operated in the United Kingdom; and
- (c) interoperability constituents.

(2) These Regulations do not apply to any part of the rail system that the Secretary of State determines falls within one or more of these categories—

- (a) metros, trams and other light rail systems;
- (b) networks that are functionally separate from the rest of the rail system and intended only for the operation of local, urban or suburban passenger services, as well as railway undertakings operating solely on these networks;
- (c) infrastructure and vehicles reserved for a strictly local, historical or touristic use.

(3) A person may make an application to the Secretary of State for a determination under paragraph (2) and the Secretary of State must consider any such application.

(4) The Secretary of State must publish and keep up to date a list of the parts of the rail system that are excluded from the scope of these Regulations by virtue of determinations made under paragraph (2).

(5) These Regulations do not apply to—

- (a) privately owned railway infrastructure and vehicles exclusively used on such infrastructure that exist solely for use by the owner for its freight operations; or
- (b) railways the lines of which have a gauge of less than 350 millimetres and vehicles running on such lines.

(6) Paragraphs (2) and (5)(a) are subject to the voluntary arrangements provided for in regulation 5(1)(b) and (c).

(7) References in this regulation to the Secretary of State shall in their application to Northern Ireland have effect as references to [^{F43}DFI].

Textual Amendments

- F42** Reg. 3(1)(a) substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F43** Word in reg. 3(7) substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

[^{F44}Appointment and obligations of an authorised representative

3A.—(1) A manufacturer or contracting entity may, in writing, appoint a person established in the United Kingdom as its authorised representative to perform certain tasks pursuant to these Regulations.

(2) A manufacturer or contracting entity who has appointed an authorised representative to perform, on behalf of that manufacturer or contracting entity, a task under these Regulations remains responsible for the proper performance of that task.

(3) An authorised representative must comply with all the duties imposed on the manufacturer or contracting entity in relation to each obligation under these Regulations that the representative is appointed to perform, and will be subject to the same penalties as a manufacturer or contracting entity for failure to comply with those duties.]

Textual Amendments

F44 Reg. 3A inserted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(5)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Railways (Interoperability) Regulations 2011, PART 1.