

2013 No. 3023

TRANSPORT

RAILWAYS

The Railways (Interoperability) (Amendment) Regulations 2013

<i>Made</i>	- - - -	<i>2nd December 2013</i>
<i>Laid before Parliament</i>		<i>9th December 2013</i>
<i>Coming into force</i>	- -	<i>1st January 2014</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 247 of the Transport Act 2000(a).

Citation and commencement

1. These Regulations may be cited as the Railways (Interoperability) (Amendment) Regulations 2013 and come into force on 1st January 2014.

Amendment of Regulations

2.—(1) The Railways (Interoperability) Regulations 2011(b) are amended as follows.

(2) In regulation 2(1), for the definition of “the Directive”, substitute—

““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)(c), 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(d),
- (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(e), and
- (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(f);”.

(3) In regulation 12(2)(b), for “and technical compatibility” substitute “, technical compatibility and accessibility”.

(a) 2000 c.38.
(b) S.I. 2011/3066.
(c) O.J. No. L 191, 18.7.2008, p1.
(d) O.J. No. L 273, 17.10.2009, p12.
(e) O.J. No. L 57, 2.3.2011, p21.
(f) O.J. No. L 68, 12.3.2013, p55.

Signed by authority of the Secretary of State

2nd December 2013

Baroness Kramer
Minister of State
Department of Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Railways (Interoperability) Regulations 2011 (“the 2011 Regulations”) in order to implement 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 (O.J. No. L 68, 12.3.2013, p55). This Directive amends Annex III to Directive 2008/57/EC (O.J. No. L 191, 18.7.2008, p1) by adding “Accessibility” to the Essential Requirements set out under that Annex.

Regulation 2(a) amends the definition of “the Directive” in regulation 2(1) of the 2011 Regulations. The term “the Directive” in the 2011 Regulations was defined as meaning Directive 2008/57/EC which, by virtue of section 20A of the Interpretation Act 1978 (c. 30) (as inserted by the Legislative and Regulatory Reform Act 2006 (c.51), section 25(1)) also included references to earlier amendments to that Directive. This amendment includes in that definition the further amendments (additions to Annex III) made by Commission Directive 2013/9/EU.

Regulation 2(b) amends regulation 12(2)(b) of the 2011 Regulations to include accessibility in the factors which the Competent Authority must take into account when deciding whether a project or type of project is for the renewal or upgrading of structural subsystems within the context of the interoperability regime. Regulation 12(1) of the 2011 Regulations provides that the Competent Authority may from time to time publish a list describing such projects or types of projects.

An impact assessment has not been produced for this instrument as no impact on the costs of business, the public sector, third sector organisations, regulators or consumers is foreseen. An Explanatory Memorandum is available alongside the instrument on the website www.legislation.gov.org.

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