

2015 No. 1798

TRANSPORT

**The Train Driving Licences and Certificates (Amendment)
Regulations 2015**

Made - - - - - *15th October 2015*

Laid before Parliament *21st October 2015*

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a).

The Secretary of State is a Minister designated(b) for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to railways and railway transport.

Citation commencement and interpretation

1.—(1) These Regulations may be cited as the Train Driving Licences and Certificates (Amendment) Regulations 2015.

(2) Subject to paragraph (3), these Regulations come into force on 12th November 2015.

(3) Regulations 2(3), 2(4) 2(5) and 3 come into force on 1st January 2016.

(4) In these Regulations, the “principal Regulations” means the Train Driving Licences and Certificates Regulations 2010(c).

Amendments to the Train Driving Licences and Certificates Regulations 2010

2.—(1) The principal Regulations are amended as follows.

(2) In regulation 2, in the definition of “the Directive” at the end insert “as amended by Commission Directive 2014/82/EU amending Directive 2007/59/EC of the European Parliament and of the Council of 23rd October 2007 as regards general professional knowledge and medical licence requirements(d)”.

(3) In Schedule 1, in paragraph 1(2)(g) omit “; not required in a case where a person loses binocular vision after starting job as train driver when that person has adequate adaptation and sufficient compensation experience.”.

(4) For Schedule 3 (general professional knowledge and requirements regarding the train driving licence) substitute the Schedule set out in the Schedule to these Regulations.

(a) 1972 c.68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a); also amended by the European Union (Amendment) Act 2008 (c. 7), Schedule, Part 1.

(b) S.I. 1996/266 to which there are amendments not relevant to these Regulations.

(c) S.I. 2010/724 to which there are amendments not relevant to these Regulations.

(d) O.J. No. L184, 25.6.2014, p. 11.

(5) In Schedule 4, for paragraph 8 (language tests) substitute—

“8. LANGUAGE TESTS

The language requirements are as follows—

(1) Drivers who have to communicate with the infrastructure manager on critical safety issues must have language skills in the language indicated by the infrastructure manager concerned. Their language skills must be such that they can communicate actively and effectively in routine, adverse and emergency situations.

(2) They must be able to use the messages and communication method specified in the Annex to Commission Decision 2012/757/EU concerning the technical specification for interoperability relating to the “operation and traffic management” subsystem of the rail system in the European Union and amending Decision 2007/756/EC(a).

(3) Drivers must be able to understand (both listening and reading) and to communicate (both speaking and writing) according to level B1 of the Common European Framework of Reference for Languages (CEFR) established by the Council of Europe(b).”

Transitional provisions

3. The holder of a train driving licence who has obtained a train driving licence before 1st January 2016 must be considered to comply with requirements of the principal Regulations which are amended by these Regulations—

- (a) in relation to that licence until such date on or after 1st January 2016 when the holder of the licence is next required to take a periodic medical and psychological examination in accordance with the provisions of regulation 13; and
- (b) in relation to any train driving certificate which the licence holder holds until such date on or after 1st January 2016 when the licence holder is next required to take a periodic language test under regulation 15.

Signed by authority of the Secretary of State

15th October 2015

Claire Perry
Parliamentary Under Secretary of State
Department for Transport

(a) O.J No. L345, 15.12.2012, p.1. See in particular section 4.6.2 of the Annex to the Decision. There are amendments to this Decision but they are not relevant for the purposes of these Regulations.

(b) Common European Framework of Reference for Languages: Learning, Teaching, Assessment, 2001 (Cambridge University Press for the English version ISBN 0-521-00531-0). Also available on the Cedefop website: <http://europass.cedefop.europa.eu/en/resources/european-language-levels-cefr>

SCHEDULE

Regulation 2(4)

New Schedule to be substituted for Schedule 3 to the Train Driving Licences and Certificate Regulations 2010

“SCHEDULE 3

Regulations 8 and 29

GENERAL PROFESSIONAL KNOWLEDGE AND REQUIREMENTS REGARDING THE LICENCE

(This Schedule substantially reproduces the provisions of Annex IV to the Directive)

1. The objective of the general training is to provide general competence on all aspects that are relevant to the train driver's profession. The general training must focus on basic knowledge and principles that are applicable independently of the type and nature of rolling stock or infrastructure. Requirements for training for specific rolling stock or infrastructure are specified in Schedules 4 and 5 of these Regulations.

2. In relation to a driver's work, the work environment, the driver's role and responsibility in the process of rail operation, the professional and personal demands of the driver's duties the driver must—

- (a) have acquired knowledge of the general thrust of legislation and rules applicable to rail operation and safety (requirements and procedures regarding the certification of train drivers, dangerous goods, environmental protection, fire protection, etc.);
- (b) understand the specific requirements and professional and personal demands (working mainly on one's own, shift work over 24 hour cycle, individual protection and security, reading and updating documents, etc.);
- (c) understand behaviours which are compatible with safety-critical responsibilities (medication, alcohol, drugs and other psychoactive substances, illness, stress, fatigue, etc.);
- (d) be able to identify the reference and operating documents (e.g. rule book, route book, driver's manual, etc.);
- (e) be able to identify the responsibilities and functions of persons involved;
- (f) understand the importance of being precise in carrying out duties and in working methods;
- (g) understand occupational health and safety (e.g. code of behaviour on and near tracks, code of behaviour for getting on and off the traction unit safely, ergonomics, staff safety rules, personal protective equipment, etc.);
- (h) have acquired knowledge of behavioural skills and principles (stress management, extreme situations, etc.); and
- (i) have acquired knowledge of the principles of environmental protection (sustainable driving, etc.).

3. In relation to railway technologies, including safety principles behind operational regulations the driver must—

- (a) have acquired knowledge of the principles, regulations and provisions regarding safety in rail operation; and
- (b) be able to identify the responsibilities and functions of persons involved.

4. In relation to the basic principles of railway infrastructure the driver must have acquired knowledge of —

- (a) systematic and structural principles and parameters;
- (b) the general characteristics of tracks, stations, marshalling yards;
- (c) railway structures (bridges, tunnels, points, etc.);
- (d) operating modes (single track, double track operation, etc.);
- (e) signalling and train control systems;
- (f) safety installations (hot-axle box detectors, smoke detectors in tunnels, etc.) and
- (g) traction power supply (catenary, third rail, etc.).

5. In relation to the basic principles of operational communication the train driver must—

- (a) have acquired knowledge of the significance of communication and the means and procedures for communicating;
- (b) be able to identify persons the driver needs to contact and their role and responsibility (staff of the infrastructure manager, working duties of other train staff, etc.);
- (c) be able to identify situations/causes that require communication to be initiated; and
- (d) understand communication methods.

6. In relation to trains, their composition and the technical requirements for traction units, wagons, coaches and other rolling stock the driver must—

- (a) have acquired knowledge of the generic types of traction (electric, diesel, steam, etc.);
- (b) be able to describe the layout of a vehicle (bogies, bodies, driving cab, protection systems, etc.);
- (c) have acquired knowledge of the content and systems of labelling;
- (d) have acquired knowledge of the documentation on train composition;
- (e) understand braking systems and performance calculation;
- (f) be able to identify train speed;
- (g) be able to identify maximum load and forces at the coupler; and
- (h) have acquired knowledge of the operation and purpose of the train management system.

7. In relation to hazards involved in railway operations in general the driver must—

- (a) understand the principles governing traffic safety;
- (b) have acquired knowledge of the risks related to railway operation and the various means to be used to mitigate them;
- (c) have acquired knowledge of safety-relevant incidents and understand the required behaviour/reaction; and
- (d) have acquired knowledge of the procedures applicable to accidents involving persons (e.g. evacuation).

8. In relation to the basic principles of physics the driver must—

- (a) understand forces at the wheel;
- (b) be able to identify factors influencing accelerating and braking performance (weather conditions, braking equipment, reduced adhesion, sanding, etc.); and
- (c) understand principles of electricity (circuits, measuring voltage, etc.).”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Train Driving Licences and Certificates Regulations 2010 (“the 2010 Regulations”) in order to implement Commission Directive 2014/82/EU of 24th June 2014 amending Directive 2007/59/EC of the European Parliament and of the Council as regards general professional knowledge and medical and licence requirements (O.J No. L184, 25.6.14, p.11).

The 2010 Regulations establish a regime for the licensing and certification of train drivers who drive trains on the mainline railway network. The licence is recognised by other European Member States and indicates satisfaction of medical checks and possession of general professional competence. The certificate indicates the infrastructure on which the holder is authorised to drive and the rolling stock which the holder is authorised to drive.

Regulation 2(3) amends Schedule 1 to the 2010 Regulations so as to remove the option which permitted drivers who had lost binocular vision after starting work as a train driver to continue to drive trains providing suitable adaptations could be made.

Regulation 2(4) replaces Schedule 3 to the 2010 Regulations on general professional knowledge with revised and more detailed provisions on the requirement for general professional knowledge.

Regulation 2(5) replaces paragraph 8 of Schedule 4 to the 2010 Regulations to introduce a new standard for language tests where drivers have to communicate on safety critical issues. The new standard will therefore require drivers for the train operating company providing cross border services to have additional written language training.

Under the 2010 Regulations the Office of Rail and Road (“the ORR”) must suspend or withdraw a train driving licence where it is no longer satisfied that the conditions required for holding it are satisfied. Where the ORR considers that the holder of a train driving certificate no longer satisfies the conditions required for holding a train driving certificate it must ask the body that issued the certificate to review the holder’s eligibility to hold the certificate or for the certificate to be suspended or withdrawn. Pending any suspension or withdrawal of the train driving certificate the ORR may prohibit the holder from driving a train in Great Britain.

Regulation 3 provides transitional provisions for drivers who have obtained a train driving licence before 1st January 2016.

An impact assessment has not been produced for this instrument as this measure qualifies as “low-cost” as its gross cost to business in any year is under £1m. The costs of implementing this measure will fall on Train Operating Companies as they will need to apply the changes. No impact on the costs of 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.uk

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£4.25

UK201510165 10/2015 19585

<http://www.legislation.gov.uk/id/uksi/2015/1798>

ISBN 978-0-11-114000-0



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