
STATUTORY INSTRUMENTS

2019 No. 837

The Rail Safety (Amendment etc.) (EU Exit) Regulations 2019

PART 5

Amendments to EU retained direct legislation in respect of Northern Ireland

CHAPTER 1

Safety certificates and authorisations

Amendments to [Commission Regulation \(EU\) No 1158/2010](#) on a common safety method for assessing conformity with the requirements for obtaining railway safety certificates

17.—(1) [Commission Regulation \(EU\) No 1158/2010](#) on a common safety method for assessing conformity with the requirements for obtaining railway safety certificates is amended as follows.

(2) Omit Article 1 (subject matter).

(3) In Article 2 (definitions)—

(a) for “definition” substitute “definitions”; and

(b) at the end of the definition of “supervision”, insert—

“;

“national safety authority” has the meaning provided for “safety authority” in regulation 2 of the Railways (Safety Management) Regulations (Northern Ireland) 2006⁽¹⁾;

“Part A safety certificate” and “Part B safety certificate” have the meanings provided in regulation 2 of the Railways (Safety Management) Regulations (Northern Ireland) 2006 for “Part A of a safety certificate” and “Part B of a safety certificate” respectively”.

(4) In Article 3 (procedures for assessing applications)—

(a) for paragraph 1, substitute—

“1. When examining applications for both Part A safety certificates and Part B safety certificates, national safety authorities shall apply the procedure set out in Annex I to this Regulation for assessing their conformity with requirements for safety certificates issued in accordance with regulations 5, 6 and 7 of the Railways (Safety Management) Regulations (Northern Ireland) 2006. National safety authorities shall use the assessment criteria set out in Annex II to this Regulation for Part A safety certificates and those contained in Annex III to this Regulation for Part B safety certificates. These criteria shall also be used in case of renewal of safety certificates in accordance with regulation 7 of the Railways (Safety Management) Regulations (Northern Ireland) 2006.”;

(b) in paragraph 3—

(1) [S.R. 2006 No. 237](#); relevant amending instruments are [S.R. 2011 No. 261](#), [S.I. 2011/343](#), [S.R. 2013 No. 237](#) and [S.R. 2016 No. 420](#).

- (i) for “Union legislation” substitute “legislation in Northern Ireland”;
 - (ii) after the final sentence, insert “Products or services provided by contractors or suppliers to railway undertakings shall be presumed to conform to safety requirements if the contractors, suppliers or products are certified in accordance with relevant certification schemes established under European Union legislation for the provision of such products and services, unless there are reasonable grounds for believing that they do not so conform.”.
- (5) In Article 4 (supervision), after “Part A”, insert “safety certificates”.
- (6) Omit the words following Article 5 (entry into force), up to but not including “Annex I”.
- (7) In Annex I (procedure for assessing conformity with requirements for obtaining safety certificates to be issued in accordance with Article 10(2)(a) and (b) of [Directive 2004/49/EC](#))—
- (a) in the heading, for “Article 10(2)(a) and (b) of [Directive 2004/49/EC](#)” substitute “regulations 5, 6 and 7 of the Railways (Safety Management) Regulations (Northern Ireland) 2006”;
 - (b) in paragraph (2), for “complies with [Commission Regulation \(EC\) No 653/2007](#)” substitute “is in the format specified in Part 4 of Schedule 8 to the Railways (Safety Management) Regulations (Northern Ireland) 2006”;
 - (c) in paragraph 6—
 - (i) after “Part A” in the first place it occurs, insert “safety certificates”;
 - (ii) after “Part A” in the second place it occurs, insert “safety”;
 - (iii) omit “as provided for in Regulation [\(EC\) No 653/2007](#)”;
 - (d) in paragraph 7, for “Article 10(2)(b) of [Directive 2004/49/EC](#)”, substitute “regulation 5(4)(b)(ii) of the Railways (Safety Management) Regulations (Northern Ireland) 2006.”;
 - (e) in paragraph 8—
 - (i) omit “as referred to in Article 10(2)(b) of [Directive 2004/49/EC](#)”;
 - (ii) after “Part A”, insert “safety”;
 - (f) omit paragraph 10.
- (8) In Annex II (criteria for assessing conformity with the requirements for obtaining safety certificates to be issued in accordance with Article 10(2)(a) of [Directive 2004/49/EC](#) related to the railway undertaking’s safety management system as described in Article 9 and Annex III of that Directive)—
- (a) for the heading, substitute “Criteria for assessing conformity with the requirements for obtaining Part A safety certificates”;
 - (b) in point A.4, for “in accordance with Article 4(3) of [Directive 2004/49/EC](#)”, substitute “for the safe operation of the railway”;
 - (c) in point E.3, for “Article 9 and Annex III of [Directive 2004/49/EC](#)”, substitute “regulation 4 of the Railways (Safety Management) Regulations (Northern Ireland) 2006”;
 - (d) in point K.3, for “member state level” substitute “a national level”;
 - (e) in point M.2, for “[Commission Regulation \(EC\) No 352/2009](#)” substitute “Commission Implementing Regulation (EU) No 402/2013 as it has effect in Northern Ireland”;
 - (f) in point Q.2 for “national investigating body”, substitute “Rail Accident Investigation Branch”.
- (9) In Annex III (criteria for assessing conformity with the requirements for obtaining safety certificates to be issued in accordance with Article 10(2)(b) of [Directive 2004/49/EC](#))—

- (a) for the heading, substitute “Criteria for assessing conformity with the requirements for obtaining Part B safety certificates”;
- (b) in the paragraph headed “GENERAL”—
 - (i) after “Part B”, insert “safety”;
 - (ii) for “Article 10(2)(a) of [Directive 2004/49/EC](#)”, substitute “Regulation 5(4) (b)(ii) of the Railways (Safety Management) Regulations (Northern Ireland) 2006”.
- (10) In Annex IV (principles for supervision after the award of a Part A or Part B certificate)—
 - (a) in the heading, for “Part A or Part B”, substitute “Part A safety certificate or Part B safety certificate”;
 - (b) in paragraph 1, omit “as referred to in Article 4(1) and 16(2)(e) of [Directive 2004/49/EC](#)”;
 - (c) in paragraph 7, for “National safety authorities shall be accountable for their decisions in accordance with Article 17(3) of [Directive 2004/49/EC](#)”, substitute “The decisions of national safety authorities shall be subject to judicial review.”.

Amendments to [Commission Regulation \(EU\) No 1169/2010](#) on a common safety method for assessing conformity with the requirements for obtaining a railway safety authorisation

18.—(1) [Commission Regulation \(EU\) No 1169/2010](#) on a common safety method for assessing conformity with the requirements for obtaining a railway safety authorisation is amended as follows.

- (2) Omit Article 1 (subject matter).
- (3) In Article 2 (definition)—
 - (a) in the heading and in the first paragraph, for “definition” substitute “definitions”; and
 - (b) after the definition of “supervision”, insert—

“national safety authority’ has the meaning provided for “safety authority” in the Railways (Safety Management) Regulations (Northern Ireland) 2006.”.
- (4) In Article 3 (procedures for assessing applications)—
 - (a) in paragraph 1, omit “for assessing their conformity with requirements in [Directive 2004/49/EC](#)”;
 - (b) in paragraph 3—
 - (i) for “Union legislation” substitute “legislation in Northern Ireland”;
 - (ii) after the final sentence, insert “Products or services provided by contractors or suppliers to railway undertakings shall be presumed to conform to safety requirements if the contractors, suppliers or products are certified in accordance with relevant certification schemes established under European Union legislation for the provision of such products and services, unless there are reasonable grounds for believing that they do not so conform.”.
- (5) Omit the words following Article 5 (entry into force), up to but not including “Annex I”.
- (6) In Annex I (procedure for assessing conformity with requirements for obtaining safety authorisations), in the heading, for “Article 11(1)(a) and (b) of [Directive 2004/49/EC](#)” substitute “regulations 8, 9 and 10 of the Railways (Safety Management) Regulations (Northern Ireland) 2006”.
- (7) In Annex II (criteria for assessing conformity with the requirements for obtaining safety authorisations)—
 - (a) in the heading, for “Article 11(1)(a) and (b) of [Directive 2004/49/EC](#)” substitute “regulations 8, 9 and 10 of the Railways (Safety Management) Regulations (Northern Ireland) 2006”;

- (b) in point A.4, for “in accordance with Article 4(3) of [Directive 2004/49/EC](#)”, substitute “for the safe operation of the railway”;
 - (c) in point E.3, for “Article 9 and Annex III of [Directive 2004/49/EC](#)” substitute “regulation 4 of the Railways (Safety Management) Regulations (Northern Ireland) 2006”;
 - (d) in point K.3 for “member state level” substitute “a national level”;
 - (e) in point M.2, for “[Commission Regulation \(EC\) No 352/2009](#)” substitute “Commission Implementing Regulation (EU) No 402/2013 as it has effect in Northern Ireland”;
 - (f) in point Q.1, for “national bodies”, substitute “Rail Accident Investigation Branch”.
- (8) In Annex III (principles for supervision after the award of an authorisation)—
- (a) in paragraph 1, omit “as referred to in Article 4(1) and 16(2)(e) of [Directive 2004/49/EC](#)”;
 - (b) in paragraph 7, for “National safety authorities shall be accountable for their decisions in accordance with Article 17(3) of [Directive 2004/49/EC](#)”, substitute “The decisions of national safety authorities shall be subject to judicial review.”;
 - (c) omit paragraph 8.