

*These notes refer to the Railway Safety Act (Northern Ireland)
2002 (c.8) which received Royal Assent on 13 August 2002*

Railway Safety Act (Northern Ireland) 2002

EXPLANATORY NOTES

BACKGROUND AND POLICY OBJECTIVES

3. Legislation governing the operations of railways in Northern Ireland goes back to the 1840s and much of the regulation still in force was in place by 1871. Although there have been additions, amendments and repeals, the basic legislation remains Victorian in drafting and concept. The initial focus of the legislation was operational, i.e. based around licensing and empowering of rail operations.
4. Whilst it has long been recognised that rail legislation in NI is outdated, its replacement was not considered a sufficiently high priority to attract resources. Because the railways have been operating within the public sector with limited risk of safety principles being eroded by the profit motive, new legislation was not regarded as being essential. However following three minor accidents in NI in 1998, Northern Ireland Railways, commissioned a report on rail safety – the A D Little Review. A key recommendation of this report was that the legislation be updated. Major rail traffic accidents in England also heightened public awareness of rail safety issues.
5. Furthermore effective rail safety legislation would have to be in place before a Public Private Partnership, which would involve the private sector operating trains in Northern Ireland could be introduced. We could not risk the profit motive tempting the private sector to cut corners on safety measures.
6. The decision was therefore taken to bring forward new safety-focused legislation in Northern Ireland. The principal policy objective of the Act is to provide a legislative basis for modern, safe, travel by railway. It will do so by introducing a system based on safety case legislation, following the GB model. A safety case will be a formal written document that will include information about the operator's activities, organisation, safety management systems and safety measures. The development of a safety case is heavily dependent on risk assessment. This will identify areas of concern and importance and allow provision of detailed information on the extent of identified risks, their quantification and how the risks will be dealt with. Risk assessment will also form the basis for any exemptions that may be granted, for example to heritage operators, on the basis of a clear statement of their risks they face and how they will deal with them. Much of the information will already be in place or be readily available.

7. Safety cases serve two main purposes:
 - a) to give confidence that the operator has the ability, commitment and resources to properly assess and effectively control risks to the health and safety of staff and the general public; and
 - b) to provide comprehensive working documents to provide evidence that the accepted risk control measures and safety management systems have been properly put into place and continue to operate in the way they were intended.
8. The objective of the Act is to provide powers under which subordinate legislation can be made to improve railway safety in Northern Ireland. These powers will also enable less rigorous regulatory regimes to be applied to smaller heritage operators, where lower levels of risk make this appropriate.