

2002 CHAPTER 8

Approval of railway works, plant and equipment

2.—(1) For the purpose of securing the safe operation of railways, the Department may make regulations requiring that its approval be obtained before—

- (a) new works, plant or equipment are first brought into use; or
- (b) works, plant or equipment are first brought into use after alterations have been made to them.

(2) Regulations under this section—

- (a) shall prescribe the cases in which approval is required and the procedure for obtaining it;
- (b) may include provision as to the time when works, plant or equipment are to be treated as first brought into use, including provision for disregarding periods of testing and other periods of use before sufficient information is available for a decision to be made on an application for approval;
- (c) may include provision prohibiting the giving of false information to the Department.

(3) Regulations under this section may include provision authorising the Department—

- (a) to dispense (conditionally or unconditionally) with compliance with regulations that would otherwise apply, or
- (b) to require compliance with regulations that would not otherwise apply, either in the case of any particular works, plant, equipment or alterations, or in the case of works, plant, equipment or alterations of such descriptions as it may determine.

(4) Regulations under this section may provide that any person who without reasonable cause contravenes any specified provision of the regulations, or does so in specified circumstances, shall be guilty of an offence under this section.

(5) Where the commission by any person of an offence under this section is due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.

(6) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(7) In this section “equipment” includes vehicles.

(8) Regulations under this section shall be subject to negative resolution.