

**2020 No. 277**

**EXITING THE EUROPEAN UNION**

**TRANSPORT**

**The Railways (Amendment) (EU Exit) Regulations (Northern Ireland) 2020**

*Made* - - - - *20th November 2020*

*Coming into operation in accordance with regulation 1*

The Department for Infrastructure<sup>(a)</sup>, being a Department designated<sup>(b)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(c)</sup> in relation to measures relating to railways and railway transport, in exercise of the powers conferred by that section and in exercise of the powers conferred by section 11 of, and paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018<sup>(d)</sup>, makes the following Regulations:

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Railways (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 and come into operation as provided for by paragraphs (2) and (3).

(2) This regulation and regulation 3 come into operation on 31st December 2020.

(3) Regulation 2 comes into operation immediately before IP completion day.

(4) The Interpretation Act (Northern Ireland) 1954<sup>(e)</sup> applies to these Regulations as it applies to an Act of the Assembly.

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

**2.**—(1) The Rail Safety (Amendment etc.) (EU Exit) Regulations 2019<sup>(d)</sup> are amended as follows.

(2) Omit regulation 10.

**Amendment to The Railways (Safety Management) Regulations (Northern Ireland) 2006**

**3.**—(1) The Railways (Safety Management) Regulations (Northern Ireland) 2006<sup>(e)</sup> are amended as follows.

(2) Regulation 2 (Interpretation) for the definition of “safety authority” substitute-

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(a) S.I. 1999/283

(b) S.I. 1996/266

(c) 1972 c. 68

(d) S.I. 2019 No. 837, amended by S.I. 2019 No. 1310

(e) S.R. 2006 No. 237, amended by S.I. 2011 No. 1043, S.R. 2013 No. 237, S.R. 2016 No. 267, S.I. 2019 No. 825 and S.I. 2019 No. 1310.

““safety authority” means—

- (a) as regards a member State of the European Union, the national safety authority established in that State in accordance with article 16 of Directive EU 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety(a) ;
- (b) as regards Great Britain, the Office of Rail and Road;
- (c) as regards Northern Ireland, the Department;”.

(3) Regulation 4 (Safety management system for railways) is amended as follows:

- (a) in regulation 4(5) omit “regulation 4(1)(a) of”
- (b) after regulation 4(7) insert—

“(8) Paragraph (5) does not apply in respect of an authorisation deemed to be given under the Interoperability Regulations by operation of regulation 44 of those Regulations.”

Sealed with the Official Seal of the Department for Infrastructure on  
2020

20th November



*Bernie Rooney*  
A senior officer of the  
Department for Infrastructure

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(a) O.J. No.L138 of 26.5.2016, p.102

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

These Regulations are made in exercise of the powers conferred by section 2(2) of the European Communities Act to make consequential amendments and under section 11 of, and paragraph 1(1) of Schedule 2 and paragraphs 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) (“the Act”) in order to address a failure of retained EU law to operate effectively and arising from the withdrawal of the United Kingdom from the European Union.

Regulation 2 amends The Rail Safety (Amendment etc.) (EU Exit) Regulations 2019 to omit regulation 10, thus enabling the Department for Infrastructure to implement the requirements of Regulation (EC) 2018/763 which has become applicable in the UK during the transition period.

Regulation 3 amends The Railways (Safety Management) Regulations (Northern Ireland) 2006 to amend a definition as a consequence of Directive EU 2016/798 and to apply consequential amendments in consequence of the Railways (Interoperability) Regulations 2011.

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£4.90

NI202011231001 11/2020 19585

<http://www.legislation.gov.uk/id/nisr/2020/277>

ISBN 978-0-33-801429-0



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