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STATUTORY INSTRUMENTS

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**1994 No. 157**

**The Railways and Other Transport Systems (Approval of Works, Plant and Equipment) Regulations 1994**

**Use of type approved plant or equipment**

7.—(1) Where the operator proposes to bring into use, otherwise than by incorporation into works or alterations, any plant or equipment which conforms with a prototype in respect of which a manufacturer has obtained approval under regulation 6, the operator may apply to the Secretary of State for approval in accordance with paragraph (2).

(2) Application for approval under this paragraph shall be made in writing and if it is accompanied by a certificate given by the manufacturer in accordance with this regulation that the plant or equipment which is the subject of the application conforms with the approved prototype, the Secretary of State may dispense with the requirements of paragraphs (1) and (3) of regulation 5.

(3) Where—

- (a) the operator incorporates into any works or alterations plant or equipment which conforms with a prototype in respect of which a manufacturer has obtained approval under regulation 6; and
- (b) in relation to an application under paragraph (1) of regulation 5 for approval of those works the operator produces to the Secretary of State a certificate given by the manufacturer in accordance with this regulation that the plant or equipment conforms with the approved prototype,

the Secretary of State may dispense with the requirements of paragraphs (2) and (3) of regulation 5 to the extent that they relate to that plant or equipment.

(4) In this regulation “conform” means conform in all the respects which materially affect the safe operation of a relevant transport system.

(5) A certificate given for the purposes of paragraph (2) or (3) shall—

- (a) be in the form set out in Schedule 3 (or in a form substantially to the like effect), duly completed;
- (b) set out the relevant operational limitations (if any) on the use for which the prototype was approved; and
- (c) be signed on behalf of the manufacturer by a director, manager, secretary or other similar officer of the manufacturer.