
STATUTORY INSTRUMENTS

2006 No. 397

The Railways (Interoperability) Regulations 2006

PROSPECTIVE

PART 4

Notified Bodies

Appointment of notified bodies by the Secretary of State

25.—(1) The Secretary of State may from time to time appoint such persons as he thinks fit to be notified bodies for the purposes of these Regulations.

(2) The Secretary of State shall not appoint any person as a notified body in accordance with paragraph (1) unless he is satisfied that the person is capable of meeting the criteria specified in Schedule 10.

(3) An appointment—

- (a) shall relate to such descriptions of structural subsystems and interoperability constituents of the trans-European high-speed rail system or trans-European conventional rail system as the Secretary of State may specify; and
- (b) shall be made subject to such conditions as the Secretary of State may specify, including such conditions as are to apply upon or following termination of the appointment.

(4) Subject to paragraphs (5)(b) and (c) and (6), an appointment under this regulation shall be for such period as may be specified in the appointment.

(5) An appointment shall terminate—

- (a) upon the expiry of any period specified in the appointment pursuant to paragraph (4);
- (b) upon the expiry of 90 days notice in writing given by the notified body to the Secretary of State; or
- (c) on any date specified for the termination of the appointment in accordance with paragraph (6),

whichever is the earliest.

(6) If at any time it appears to the Secretary of State in relation to a notified body appointed by him or the Strategic Rail Authority that—

- (a) any of the conditions of the appointment of that notified body are not being complied with; or
- (b) the notified body is not meeting the criteria specified in Schedule 10,

the Secretary of State may, by notice in writing to that notified body, specify a date on which the appointment of that person as a notified body shall terminate.

(7) Where the Secretary of State is minded to terminate the appointment of a person as a notified body pursuant to the grounds specified in paragraph (6) he shall—

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Railways (Interoperability) Regulations 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) give notice in writing to the notified body of the reasons why he is minded to do so;
- (b) give the notified body the opportunity to make representations within a period of 14 days beginning with the day on which such notice is given; and
- (c) consider any representations made within that period by the notified body before making his decision.

(8) When the appointment of a notified body is terminated in accordance with paragraph (5) the Secretary of State may—

- (a) give such directions as the Secretary of State considers appropriate, either to that notified body or to another notified body, for the purpose of making such arrangements as may be necessary or expedient for the determination of any matters which would, apart from the termination, have fallen to be determined by the notified body whose appointment has terminated; and
- (b) without prejudice to the generality of sub-paragraph (a), authorise another notified body, to take over the functions of the notified body whose appointment has terminated, in respect of such matters as the Secretary of State may specify.

(9) The Secretary of State shall notify in writing the Commission and other Member States of the appointment or termination of appointment, as the case may be, of a notified body.

(10) Where it appears to the Secretary of State that a notified body appointed by another Member State fails to meet the criteria set out in Schedule 10, he shall notify the Article 21 Committee of that fact forthwith.

Commencement Information

II Reg. 25 in force at 20.3.2006, see [reg. 1\(2\)](#)

Status:

This version of this provision is prospective.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Railways (Interoperability) Regulations 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2011/3066 reg. 47\(1\)](#)
- reg. 25 coming into force by [S.I. 2006/397 reg. 1\(2\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 4(9A) inserted by [S.I. 2008/1746 reg. 4\(4\)\(c\)](#)
- reg. 4A4B inserted by [S.I. 2008/1746 reg. 4\(5\)](#)
- reg. 11(7) inserted by [S.I. 2008/1746 reg. 4\(7\)](#)
- reg. 12(3)-(6) inserted by [S.I. 2008/1746 reg. 4\(8\)\(b\)](#)
- reg. 33(1A) inserted by [S.I. 2008/1746 reg. 4\(9\)](#)