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STATUTORY INSTRUMENTS

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**2006 No. 397**

**The Railways (Interoperability) Regulations 2006**

PROSPECTIVE

**PART 6**

*Enforcement*

**Enforcement in Great Britain**

**34.**—(1) It shall be the duty of the Office of Rail Regulation to make adequate arrangements for the enforcement of these Regulations in Great Britain and accordingly a reference to the enforcing authority in the provisions applied for those purposes by paragraph (3) shall be construed as a reference to the Office of Rail Regulation.

(2) Subject to paragraph (4), the provisions of the 1974 Act<sup>(1)</sup> specified in paragraph (3) shall apply for the purposes of the enforcement in Great Britain of these Regulations as if they were Health and Safety Regulations for the purposes of that Act.

(3) The provisions of the 1974 Act referred to in paragraph (2) are—

- (a) sections 19 to 22 (enforcement);
- (b) sections 23 (provisions supplementary to sections 21 and 22) and 24 (appeal against improvement or prohibition notice);
- (c) section 26 (power to indemnify inspectors); and
- (d) sections 33 to 42 (provision as to offences).

(4) A failure to discharge a duty placed on the—

- (a) Office of Rail Regulation; or
- (b) Safety Authority,

by these Regulations shall not be an offence under section 33(1)(c) of the 1974 Act.

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(1) 1974 c. 37. Section 20(7) was amended by the Civil Partnership Act 2004 (c. 33), s. 261(1), Schedule 27, paragraph 49. Section 22(1) and (2) was amended by the Consumer Protection Act 1987 (c. 43), section 3, Schedule 3. Section 22(4) was substituted by the Consumer Protection Act 1987, section 3, Schedule 3. Section 24 was amended by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), section 1(2)(a). Words omitted in 33(1)(c) were repealed by the Employment Protection Act 1975 (c. 71), subsection 116, 125(3), Schedule 15, paragraph 11, Schedule 18. Section 33(1)(h) was amended by the Consumer Protection Act 1987, section 36, Schedule 3. Words omitted in section 33(1)(m) were repealed by the Forgery and Counterfeiting Act 1981 (c. 45), section 30, Schedule, Part 1. Section 33(1A) and (2A) was inserted by the Offshore Safety Act 1992 (c. 15), section 4(2), (3) and (6). Section 33(2) was amended by the Criminal Law Act 1977 (c. 45), section 31, Schedule 6. Section 33(3) was amended by the Offshore Safety Act 1992, section 4(4), (6) and the Magistrates' Court Act 1980 (c. 43), section 32(2). Section 33(5) was repealed by the Offshore Safety Act 1992, sections 4(5), (6), 7(2), Schedule 2. Section 33(6) was repealed by the Forgery and Counterfeiting Act 1981, section 30, Schedule, Part 1. Section 33(6) was amended by the Gas Act 1986 (c. 44), section 67(1), Schedule 7, paragraph 18. So far as relevant to these Regulations, section 34 was amended by the Criminal Procedure (Scotland) Act 1975, section 461(1), Schedule 9, paragraph 51.

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**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](#)

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### Commencement Information

**II** Reg. 34 in force at 2.4.2006, see [reg. 1\(3\)](#)

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**Changes and effects yet to be applied to :**

- Regulations revoked by [S.I. 2011/3066 reg. 47\(1\)](#)
- reg. 34 coming into force by [S.I. 2006/397 reg. 1\(3\)](#)

**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\(9\)](#)