
STATUTORY INSTRUMENTS

2006 No. 599

The Railways and Other Guided Transport Systems (Safety) Regulations 2006

PART 2

SAFETY MANAGEMENT, CERTIFICATION AND AUTHORISATION

Use of infrastructure on the mainline railway

3.—(1) After 30th September 2006 no person shall operate a train in relation to any infrastructure on the mainline railway unless—

- (a) he has established and is maintaining a safety management system which meets the requirements set out in regulation [^{F1}5(1) to (3)]; and
- (b) he holds a current safety certificate in relation to the operation in question,

except to the extent that he is doing so within an engineering possession.

(2) After 30th September 2006 no person who is responsible for developing and maintaining infrastructure other than a station or who is responsible for managing and operating a station on the mainline railway shall manage and use it, or permit it to be used, for the operation of trains unless—

- (a) he has established and is maintaining a safety management system which meets the requirements referred to in regulation 5(7);
- (b) he holds a current safety authorisation in relation to the infrastructure in question; and
- (c) where he is using it or permitting such use, the person who is to use the infrastructure has complied with paragraph (1)(b).

Textual Amendments

- F1** Words in [reg. 3\(1\)\(a\)](#) substituted (21.5.2013) by [The Railways and Other Guided Transport Systems \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/950\)](#), regs. 1, **3(4)**

Use of infrastructure on other transport systems

4.—(1) After 30th September 2006 no person shall operate a vehicle in relation to any infrastructure on a transport system other than the mainline railway unless—

- (a) he has established and is maintaining a safety management system which meets the requirements set out in regulation 6; and
- (b) subject to paragraph (3), he holds a current safety certificate in relation to the operation in question,

except to the extent that he is doing so within an engineering possession.

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(2) After 30th September 2006 no person who is responsible for developing and maintaining infrastructure, other than a station, or who is responsible for managing and operating a station on a transport system other than the mainline railway shall manage and use it, or permit it to be used, for the operation of a vehicle unless—

- (a) he has established and is maintaining a safety management system which meets the requirements set out in regulation 6; and
- (b) subject to paragraph (3)—
 - (i) he holds a current safety authorisation in relation to the infrastructure in question; and
 - (ii) where he is using it or permitting such use, the person who is to use the infrastructure has complied with paragraph (1)(b).

(3) Paragraphs (1)(b) and (2)(b) shall not apply to the extent that the operation in question is only carried out—

- (a) on a tramway; or
- (b) on a transport system on no part of which there is a permitted maximum speed exceeding 40 kilometres per hour.

(4) Where the operation in question falls within paragraph (3)(a) or (b), the requirement in paragraphs (1)(a) and (2)(a) shall be read as if the date was, in each case, after 31st March 2007.

Safety management system for the mainline railway

5.—(1) The requirements for a safety management system referred to in regulation 3(1)(a) are that—

- (a) subject to paragraph (2), it is established to ensure that the mainline railway system—
 - (i) can achieve the CSTs; and
 - (ii) is in conformity with relevant national safety rules and relevant safety requirements laid down in [F2NTSNs]
- (b) it applies the relevant parts of CSMs;
- (c) it meets the requirements and contains the elements set out in Schedule 1, adapted to the character, extent and other characteristics of the operation in question;
- (d) subject to paragraph (2), it ensures the control of all categories of risk including new or existing risks associated with the operation in question which, without prejudice to the generality of the foregoing, shall include such risks relating to the—
 - (i) supply of maintenance and material; [F3and]
 - (ii) use of contractors; F4 ...
 - F5(iii)
- (e) it takes into account, where appropriate and reasonable, the risks arising as a result of activities carried on by other persons; and
- (f) all parts of it are documented.

(2) The requirements in paragraphs (1)(a) and (d) shall be met where the safety management system of a transport operator or of an applicant for a safety certificate or a safety authorisation (“the first operator”) taken with that of any relevant transport operator is capable of meeting the requirements of the paragraph in question.

(3) In paragraph (2), “relevant transport operator” means another transport operator whose operation is capable of materially affecting the safety of the operation carried on by the first operator.

^{F6}(4)

^{F7}(5)

^{F8}(6)

^{F9}(6)

(7) The requirements for a safety management system referred to in regulation 3(2)(a) are the requirements in paragraphs [^{F10}(1) to (3)]^{F11}... and that—

^{F12}(a)

- (b) it takes into account the effects of operations of transport undertakings; and
- (c) it contains provisions to ensure that the way in which the infrastructure manager carries out his operation makes it possible for any transport undertaking to operate in accordance with—
 - (i) relevant [^{F13}NTSNs] and national safety rules; and
 - (ii) the means adopted by the transport undertaking to meet the requirements referred to in regulation 7(4), of which the [^{F14}Office of Rail and Road] accepted that there was sufficient evidence upon issue or amendment of its safety certificate pursuant to these Regulations; and
- (d) it aims to co-ordinate the emergency procedures of the infrastructure manager or of the applicant for a safety authorisation with those of transport undertakings,

and in each case the requirements in [^{F15}sub-paragraphs (b) to (d)] shall only apply in relation to transport undertakings that operate or will operate a train in relation to the infrastructure of the infrastructure manager or of the applicant for a safety authorisation in question.

Textual Amendments

- F2** Word in reg. 5(1)(a)(ii) substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), reg. 1(2), **Sch. 8 para. 3(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Word in reg. 5(1)(d)(i) inserted (21.5.2013) by [The Railways and Other Guided Transport Systems \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/950\)](#), regs. 1, **3(5)(a)(i)**
- F4** Word in reg. 5(1)(d)(ii) omitted (21.5.2013) by virtue of [The Railways and Other Guided Transport Systems \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/950\)](#), regs. 1, **3(5)(a)(ii)**
- F5** Reg. 5(1)(d)(iii) omitted (21.5.2013) by virtue of [The Railways and Other Guided Transport Systems \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/950\)](#), regs. 1, **3(5)(a)(iii)**
- F6** Reg. 5(4) omitted (21.5.2013) by virtue of [The Railways and Other Guided Transport Systems \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/950\)](#), regs. 1, **3(5)(b)**
- F7** Reg. 5(5) omitted (21.5.2013) by virtue of [The Railways and Other Guided Transport Systems \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/950\)](#), regs. 1, **3(5)(b)**
- F8** Reg. 5(6) omitted (21.5.2013) by virtue of [The Railways and Other Guided Transport Systems \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/950\)](#), regs. 1, **3(5)(b)**
- F9** Reg. 5(6) omitted (26.8.2011) by virtue of [The Railways and Other Guided Transport Systems \(Safety\) \(Amendment\) Regulations 2011 \(S.I. 2011/1860\)](#), regs. 1, **2(3)**
- F10** Words in reg. 5(7) substituted (21.5.2013) by [The Railways and Other Guided Transport Systems \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/950\)](#), regs. 1, **3(5)(c)(i)**
- F11** Words in reg. 5(7) omitted (21.5.2013) by virtue of [The Railways and Other Guided Transport Systems \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/950\)](#), regs. 1, **3(5)(c)(ii)**
- F12** Reg. 5(7)(a) omitted (21.5.2013) by virtue of [The Railways and Other Guided Transport Systems \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/950\)](#), regs. 1, **3(5)(c)(iii)**
- F13** Word in reg. 5(7)(c)(i) substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), reg. 1(2), **Sch. 8 para. 3(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F14** Words in reg. 5(7) substituted (16.10.2015) by The Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), reg. 1(2), **Sch. para. 6(c)**
- F15** Words in reg. 5(7) substituted (21.5.2013) by The Railways and Other Guided Transport Systems (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/950), regs. 1, **3(5)(c)(iv)**

Safety management system for other transport systems

6.—(1) The requirements for a safety management system referred to in regulation 4(1)(a) and 4(2)(a) are that—

- (a) it is adequate to ensure that the relevant statutory provisions which make provision in relation to safety will be complied with in relation to the operation in question;
- (b) subject to paragraph (7), it meets the requirements and contains the elements set out in Schedule 1, adapted to the character, extent and other characteristics of the operation in question;
- (c) subject to paragraph (2), it ensures the control of all categories of risk associated with the operation in question which, without prejudice to the generality of the foregoing, shall include such risks relating to the—
 - (i) supply of maintenance and material;
 - (ii) use of contractors; and
 - (iii) placing in service of new or altered vehicles or infrastructure the design or construction of which incorporates significant changes compared to any vehicles or infrastructure already in use on the transport system and which changes would be capable of significantly increasing an existing risk or creating a significant safety risk;
- (d) it takes into account, where appropriate and reasonable, the risks arising as a result of activities carried on by other persons; and
- (e) all parts of it are documented.

(2) The requirement in paragraph (1)(c) shall be met where the safety management system of a transport operator or an applicant for a safety certificate or a safety authorisation (“the first operator”) taken with that of any relevant transport operator is capable of meeting the requirements of the paragraph in question.

(3) In paragraph (2), “relevant transport operator” means another transport operator whose operation is capable of materially affecting the safety of the operation carried on by the first operator.

(4) In paragraph (1)(c)(iii) where such new or altered vehicles or infrastructure are intended to be placed in service, then before that placing in service the transport operator shall ensure that he—

- (a) has an established written safety verification scheme which meets the requirements and contains the elements set out in Schedule 4; and
- (b) has appointed a competent person to undertake that safety verification and the competent person has undertaken that safety verification in relation to the new or altered vehicle or infrastructure.

^{F16}(5)

(6) In this regulation the requirements of paragraph (4) shall apply in the absence of a transport operator to a responsible person as they would apply to a transport operator.

(7) Paragraph 2(c) of Schedule 1 shall apply in relation to transport systems other than the mainline railway as if it read as follows—

“(c) procedures—

- (i) to meet relevant technical specifications; and
 - (ii) relating to operations or maintenance,
- insofar as they relate to the safety of persons, and procedures for ensuring that the procedures in sub-paragraphs (i) and (ii) are followed throughout the life-cycle of any relevant equipment or operation;”.

Textual Amendments

F16 Reg. 6(5) omitted (26.8.2011) by virtue of *The Railways and Other Guided Transport Systems (Safety) (Amendment) Regulations 2011* (S.I. 2011/1860), regs. 1, 2(4)

Safety certificate

- 7.—(1) An application for a first safety certificate in respect of an operation shall—
- (a) be made to the [F17Office of Rail and Road];
 - (b) subject to regulation 17(1) and (2), include the information set out in—
 - (i) Part 1 of Schedule 2 in respect of a mainline application; and
 - (ii) Part 2 of Schedule 2 in respect of a non-mainline application; and
 - (c) if it is a mainline application, clearly indicate in respect of which part of the safety certificate any information is provided.
- (2) [F18Subject to paragraph 2A,] where—
- (a) an applicant sends to the [F17Office of Rail and Road] in relation to a mainline application the matters specified in paragraphs 1(a) and 1(b)(i) of Schedule 2; and
 - (b) the [F17Office of Rail and Road] is satisfied that the certificate in question is for an equivalent operation to that in respect of which the application is made,

then that certificate shall be deemed to be Part A of the safety certificate for the operation in respect of which the application is made.

[F19(2A) Where in accordance with paragraphs (1) and (2) of this regulation, the applicant has at any time before, on or after exit day submitted a copy of the certificate referred to in paragraph 1(b)(i)(bb) of Schedule 2, that certificate shall cease to be deemed to be Part A of the safety certificate after the second anniversary of exit day and no such certificate submitted after that anniversary shall be deemed to be Part A of the safety certificate.]

(3) Subject to regulation 17(7), within four months of the date of receipt of the application, the [F17Office of Rail and Road] shall—

- (a) issue a safety certificate for the operation in question; or
- (b) notify the applicant that it has refused the application,

and in either case shall give reasons for its decision.

- (4) A safety certificate shall—
- (a) specify the type and extent of the operation in respect of which it is issued; and
 - (b) certify acceptance by the [F17Office of Rail and Road] that the applicant has provided sufficient evidence—
 - (i) subject to paragraph (2), to demonstrate that the safety management system of the applicant meets the requirements set out in regulations 5(1) to (4) in respect of a mainline application or regulation 6 in respect of a non-mainline application; and

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- (ii) of the provisions adopted by the applicant to meet the requirements that are necessary to ensure safe operation on the transport system in question, and reference the information on which such acceptance is based; and
 - (c) be valid for no longer than five years from the date of issue and the period of validity shall be indicated in the safety certificate and where Part A of the certificate is deemed to be such a Part A in accordance with regulation 7(2) that period shall expire on or before the date of expiry of the certificate which is deemed to be the Part A.
- (5) In paragraph (4)(b)(ii) “requirements” means in relation to—
- (a) a mainline application, the [F20]NTSNs], national safety rules and other safety requirements referred to in paragraph 2(a) of Schedule 2; and
 - (b) a non-mainline application, the relevant statutory provisions, technical specifications and procedures referred to in paragraph 5 of Schedule 2.

Textual Amendments

- F17** Words in reg. 7 substituted (16.10.2015) by The Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), reg. 1(2), **Sch. para. 6(d)**
- F18** Words in reg. 7(2) inserted (31.12.2020) by S.I. 2019/837, **reg. 3(2A)(i)** (as amended by The Railways (Safety, Access, Management and Interoperability) (Miscellaneous Amendments and Transitional Provision) (EU Exit) Regulations 2019 (S.I. 2019/1310), regs. 1(2)(c), **7(2)(a)**; 2020 c. 1, **Sch. 5 para. 1(1)**)
- F19** Reg. 7(2A) inserted by S.I. 2019/837, **reg. 3(2A)(ii)** (as inserted by The Railways (Safety, Access, Management and Interoperability) (Miscellaneous Amendments and Transitional Provision) (EU Exit) Regulations 2019 (S.I. 2019/1310), regs. 1(2)(c), **7(2)(a)**; 2020 c. 1, **Sch. 5 para. 1(1)**)
- F20** Word in reg. 7(5)(a) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), reg. 1(2), **Sch. 8 para. 3(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Amended safety certificate

8.—(1) Where it is proposed that the type or extent of an operation in respect of which a safety certificate has been issued is to be substantially changed then the holder of the safety certificate shall apply to the [F21]Office of Rail and Road] for the safety certificate to be amended accordingly and the substantial change shall not be made until the safety certificate is so amended.

- (2) An application for an amended safety certificate under this regulation shall—
- (a) provide details of the change proposed;
 - (b) provide details of any consequential changes to any information sent to the [F21]Office of Rail and Road] in respect of the operation in question which remains relevant to that operation; and
 - (c) if it is a mainline application, clearly indicate in respect of which part of the safety certificate any information is provided.
- (3) Where Part A of a safety certificate in respect of which an application is made is deemed to be such a Part A in accordance with regulation 7(2) then the [F21]Office of Rail and Road] shall—
- (a) consider whether the Part A in question would still be for an equivalent operation if the change were made; and
 - (b) if it considers that it would not be equivalent, notify the applicant in accordance with paragraph (4) that it has refused the application and that he should apply for a new safety certificate under regulation 7 if he wants to make the proposed change,

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except that, in relation to Part B of the safety certificate, he only need provide the details set out in paragraph (2) above.

(4) Subject to regulation 17(7), within four months of the date of receipt of the application the [^{F21}Office of Rail and Road] shall—

- (a) issue a notice making any necessary amendments to the matters set out in the safety certificate; or
- (b) notify the applicant that it has refused the application,

and in either case shall give reasons for its decision.

Textual Amendments

F21 Words in [reg. 8](#) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), [reg. 1\(2\)](#), [Sch. para. 6\(e\)](#)

Further safety certificate

9.—(1) Before the expiry of a safety certificate the holder of that safety certificate may apply to the [^{F22}Office of Rail and Road] for a further safety certificate to be issued for the operation in question.

(2) An application for a further safety certificate shall set out particulars of any changes to any information sent to the [^{F22}Office of Rail and Road] in respect of the operation in question which remains relevant to that operation.

(3) Regulations 7(1)(c) and 7(2) to (4) shall apply to an application for and the issuing of a further safety certificate as they apply to an application for and the issuing of a first safety certificate under regulation 7.

Textual Amendments

F22 Words in [reg. 9](#) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), [reg. 1\(2\)](#), [Sch. para. 6\(f\)](#)

[^{F23}Format for safety certificates and applications

9A. Schedule 8 has effect.]

Textual Amendments

F23 [Reg. 9A](#) inserted (31.12.2020) by [The Rail Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/837\)](#), [regs. 1, 3\(3\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Safety authorisation

10.—(1) An application for a first safety authorisation in respect of infrastructure shall—

- (a) be made to the [^{F24}Office of Rail and Road];
- (b) subject to regulation 17(1) and (2), set out particulars of—
 - (i) the infrastructure in question;

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- (ii) how the safety management system of the applicant meets the requirements in regulation 5(7) in relation to a mainline application or in regulation 6 in relation to a non-mainline application; and
- (iii) how the provisions adopted by the applicant meet any requirements which are necessary for the safe design, maintenance and operation of the infrastructure in question.

(2) Subject to regulation 17(7), within four months of the date of receipt of the application the [F24Office of Rail and Road] shall—

- (a) issue a safety authorisation in relation to the infrastructure in question; or
 - (b) notify the applicant that it has refused the application; and
 - (c) in either case shall give reasons for its decision.
- (3) A safety authorisation shall—
- (a) specify the infrastructure in respect of which the authorisation is issued;
 - (b) accept that the applicant has provided sufficient evidence to demonstrate that the safety management system of the applicant meets the requirements—
 - (i) referred to in regulation 5(7) in relation to a mainline application; or
 - (ii) in regulation 6 in relation to a non-mainline application;
 - (c) accept that the applicant has provided sufficient evidence of the provisions adopted by the applicant to meet any requirements that are necessary for the safe design, maintenance and operation of the infrastructure in question;
 - (d) reference the information on which the acceptance referred to in sub-paragraphs (b) and (c) is based; and
 - (e) be valid for no longer than five years from the date of issue and the period of validity shall be indicated in the safety authorisation.

Textual Amendments

F24 Words in [reg. 10](#) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), [reg. 1\(2\)](#), [Sch. para. 6\(g\)](#)

Amended safety authorisation

11.—(1) Where it is proposed that a substantial change is to be made to—

- (a) the infrastructure in respect of which a safety authorisation has been issued;
- (b) any energy supply, not falling within sub-paragraph (a), which is used in connection with the infrastructure in question; or
- (c) the principles of operation and maintenance of such infrastructure or energy supply,

then the holder of the safety authorisation shall apply to the [F25Office of Rail and Road] for the safety authorisation to be amended accordingly and the substantial change shall not be made until the safety authorisation is so amended.

(2) An application for an amended safety authorisation under this regulation shall provide details of—

- (a) the substantial changes proposed; and
- (b) any consequential changes to any information sent to the [F25Office of Rail and Road] in respect of the operation in question which remains relevant to that operation.

(3) Subject to regulation 17(7), within four months of the date of receipt of the application the [^{F25}Office of Rail and Road] shall—

- (a) issue a notice making any necessary amendments to the matters set out in the safety authorisation; or
- (b) notify the applicant that it has refused the application,

and in either case shall give reasons for its decision.

Textual Amendments

F25 Words in reg. 11 substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 6(h)**

Further safety authorisation

12.—(1) Before the expiry of a safety authorisation the holder of that safety authorisation may apply to the [^{F26}Office of Rail and Road] for a further safety authorisation to be issued for the infrastructure in question.

(2) An application for a further safety authorisation shall set out particulars of any changes to any information sent to the [^{F26}Office of Rail and Road] in respect of the operation in question which remains relevant to that operation.

(3) Regulations 10(2) and 10(3) shall apply to an application for and the issuing of a further safety authorisation as they apply to an application for and the issuing of a first safety authorisation under regulation 10.

Textual Amendments

F26 Words in reg. 12 substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 6(i)**

Notice of changes by holder of a safety certificate or a safety authorisation

13. The holder of a safety certificate or a safety authorisation shall, without delay, notify the [^{F27}Office of Rail and Road]—

- (a) of any major changes—
 - (i) to the means by which he meets the requirements relating to the safety management system as set out in—
 - (aa) regulation 5(1) to (4) in relation to an operation of a transport undertaking on the mainline railway;
 - (bb) regulation 5(7) in relation to an operation of an infrastructure manager on the mainline railway; or
 - (cc) regulation 6 in relation to an operation which is not carried out on the mainline railway;
 - (ii) in the case of a transport undertaking, to the provisions adopted by him to meet any requirements necessary to ensure safe operation on the transport system in relation to the operation in question; or

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- (iii) in the case of an infrastructure manager, to the provisions adopted by him to meet any requirements that are necessary for the safe design, maintenance and operation of the infrastructure in question;
- (b) when persons first commence work directly relating to the operation which is of a type which has not previously been carried out in relation to that operation; or
- (c) when types of vehicle which are new to the operation in question are first introduced.

Textual Amendments

F27 Words in [reg. 13](#) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), [reg. 1\(2\)](#), [Sch. para. 6\(j\)](#)

Direction to apply for an amended safety certificate or safety authorisation

14.—(1) Where there is a substantial change to any of the relevant statutory provisions which make provision in relation to the safety of the transport system in question, then the [^{F28}Office of Rail and Road] may direct the holder of a safety certificate or a safety authorisation to apply to the [^{F28}Office of Rail and Road] for an amendment to its safety certificate or safety authorisation.

(2) A direction issued under paragraph (1) shall—

- (a) state the reasons why the [^{F28}Office of Rail and Road] considers that it is necessary for the transport operator to apply for an amended safety certificate or safety authorisation;
- (b) identify the information—
 - (i) on the basis of which the [^{F28}Office of Rail and Road]'s acceptance referred to in regulation 7(4) or 10(3) was made upon issue or amendment of the safety certificate or safety authorisation; or
 - (ii) notified to the [^{F28}Office of Rail and Road] under regulation 13, which it considers will have to be changed; and

(c) specify the period, being not less than 28 days from the date of issue of the direction, within which the application shall be sent to the [^{F28}Office of Rail and Road].

(3) An application for an amended safety certificate or safety authorisation pursuant to this regulation shall provide details of any changes to any information—

- (a) sent to the [^{F28}Office of Rail and Road] in respect of the operation in question which remains relevant to that operation; and
- (b) which is consequential upon the relevant change to the relevant statutory provisions.

(4) Regulations 8(2)(c) and 8(4) shall apply to an application for and the issuing of a notice of amendment to a safety certificate under this regulation as they apply to an application for and issuing of an amendment to a safety certificate under regulation 8.

(5) Regulation 11(3) shall apply to an application for and the issuing of a notice of amendment to a safety authorisation under this regulation as it applies to an application for and issuing of an amendment to a safety authorisation under regulation 11.

Textual Amendments

F28 Words in [reg. 14](#) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), [reg. 1\(2\)](#), [Sch. para. 6\(k\)](#)

Revocation of safety certificate

15.—(1) The [^{F29}Office of Rail and Road] shall revoke—

- (a) either Part A or Part B of a safety certificate if it is satisfied that the holder is no longer satisfying the conditions of that part of the safety certificate and that there is a significant risk arising as a result;
- (b) a safety certificate if it is satisfied that the holder—
 - (i) is no longer satisfying the conditions of that safety certificate and that there is a significant risk arising as a result; or
 - (ii) is not operating a vehicle in relation to any infrastructure on a transport system as intended pursuant to that safety certificate and has not done so throughout the period of one year commencing with the date of issue of the safety certificate by the [^{F29}Office of Rail and Road],

except that this paragraph shall not apply in relation to Part A of a safety certificate where it is deemed to be such a Part A in accordance with regulation 7(2).

(2) In this regulation, “conditions” means in relation to—

- (a) Part A of a safety certificate, any part of the requirements relating to the safety management system set out in—
 - (i) regulation 5(1) to (4) in relation to an operation carried out on the mainline railway; or
 - (ii) regulation 6 in relation to an operation carried out on a transport system other than the mainline railway;
- (b) Part B of a safety certificate, that the provisions adopted by the applicant are sufficient to meet any requirements that are necessary to ensure safe operation on the transport system in question in relation to the operation in question; or
- (c) a safety certificate, the matters referred to in sub-paragraphs (a) and (b).

(3) Before revoking any safety certificate or Part A or B of it, the [^{F29}Office of Rail and Road] shall—

- (a) notify the holder that—
 - (i) it is considering revoking that safety certificate or Part A or B of it and the reasons why;
 - (ii) within a period specified in the notice, which shall be not less than 28 days, the holder may make representations in writing to the [^{F29}Office of Rail and Road] or, if the holder so requests, may make oral representations to the [^{F29}Office of Rail and Road]; and
- (b) consider any representations which are duly made and not withdrawn.

(4) Where the [^{F29}Office of Rail and Road] revokes a safety certificate or Part A or B of it, it shall send to the holder with the notice of revocation a statement of the reasons why.

(5) Where—

- (a) the [^{F29}Office of Rail and Road] revokes Part B of a safety certificate; and
- (b) Part A of that safety certificate is deemed to be Part A of a safety certificate pursuant to regulation 7(2) and was issued by the safety authority ^{F30}... in Northern Ireland,

then the [^{F29}Office of Rail and Road] shall notify that safety authority as soon as reasonably possible of that revocation.

[^{F31}(6) Where—

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- (a) the Office of Rail and Road revokes Part B of a safety certificate; and
- (b) Part A of that safety certificate is deemed to be Part A of a safety certificate pursuant to regulation 7(2) and was issued by an authority carrying out railway safety functions in a member State or the European Union Agency for Railways,

the Office of Rail and Road must notify that authority or the European Union Agency for Railways.

(7) For the purposes of paragraph (6), “authority carrying out railway safety functions” means an authority established in a member State in accordance with article 16.1 of the Directive or Article 16.1 of the Recast Safety Directive.]

Textual Amendments

- F29** Words in [reg. 15](#) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), [reg. 1\(2\)](#), [Sch. para. 6\(l\)](#)
- F30** Words in [reg. 15\(5\)\(b\)](#) omitted (31.12.2020) by virtue of [The Rail Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/837\)](#), [regs. 1, 3\(4\)\(a\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F31** [Reg. 15\(6\)\(7\)](#) inserted (31.12.2020) by [S.I. 2019/837](#), [regs. 1, 3\(4\)\(b\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#) (as amended by [The Railways \(Miscellaneous Amendments, Revocations and Transitional Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/786\)](#), [regs. 1\(2\)\(b\)\(i\), 7\(3\)\(a\)\(i\)\(ii\)\(b\)](#))

Revocation of safety authorisation

16.—(1) The [F32Office of Rail and Road] shall revoke a safety authorisation if it is satisfied that the holder is no longer satisfying the conditions of that safety authorisation and there is a significant risk arising as a result.

(2) In this regulation, “conditions” means—

- (a) any part of the requirements relating to the safety management system—
 - (i) referred to in [regulation 5\(7\)](#) in relation to an operation carried out on the mainline railway; or
 - (ii) in [regulation 6](#) in relation to an operation carried out on a transport system other than the mainline railway; or
- (b) that the provisions adopted by the applicant are sufficient to meet any requirements that are necessary for the safe design, maintenance and operation of the infrastructure in question.

(3) Before revoking any safety authorisation, the [F32Office of Rail and Road] shall—

- (a) notify the holder that—
 - (i) it is considering revoking that safety authorisation and the reasons why;
 - (ii) within a period specified in the notice, which shall be not less than 28 days, the holder may make representations in writing to the [F32Office of Rail and Road] or, if the holder so requests, may make oral representations to the [F32Office of Rail and Road]; and
- (b) consider any representations which are duly made and not withdrawn.

(4) Where the [F32Office of Rail and Road] revokes a safety authorisation, it shall send to the holder with the notice of revocation a statement of the reasons why.

Textual Amendments

- F32** Words in [reg. 16](#) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), [reg. 1\(2\)](#), [Sch. para. 6\(m\)](#)

General provisions relating to safety certificates and safety authorisations

17.—(1) Where an application is made under these Regulations for a safety certificate or safety authorisation or for an amended safety certificate or safety authorisation which relates to an operation on the mainline railway and on a transport system other than the mainline railway then—

- (a) one application may be made for that operation but it shall be split into separate parts for the mainline railway and the other transport system; and
- (b) these Regulations shall apply to those parts as if they were a mainline application and a non-mainline application,

except that where the same information is required it need not be stated twice.

(2) A transport operator may make one application for an operation in relation to which he requires both a safety certificate and a safety authorisation or an amended safety certificate and an amended safety authorisation but—

- (a) such application shall be split into separate parts relating to the safety authorisation and the safety certificate; and
- (b) these Regulations shall apply to those parts as if they were an application for a safety authorisation and a safety certificate or an amended safety authorisation and an amended safety certificate,

except that where the same information is required it need not be stated twice.

(3) Where—

- (a) an applicant sends—
 - (i) an application for a safety certificate or safety authorisation, an amended safety certificate or safety authorisation; or
 - (ii) further information to the [^{F33}Office of Rail and Road] pursuant to paragraph (5); or
- (b) the holder of a safety certificate or a safety authorisation sends a notice pursuant to regulation 13 ^{F34} ...,

then he shall at the same time either copy it to any affected party or notify any affected party without delay that the application or further information has been sent and of the address of the website where those documents may be accessed and how they may be accessed and, in either case, shall notify such a party, where the document in question is an application, of the time for making representations to the [^{F33}Office of Rail and Road] pursuant to paragraph (6).

(4) Where the [^{F33}Office of Rail and Road] issues a—

- (a) safety certificate or safety authorisation, other than to an operator of last resort;
- (b) notice amending a safety certificate or safety authorisation;
- (c) notice refusing an application for a safety certificate or a safety authorisation or an amended safety certificate or safety authorisation;
- (d) direction to apply for an amended ^{F33} safety certificate or safety authorisation;
- (e) notice that it is considering revoking a safety certificate or a safety authorisation; or
- (f) notice revoking a safety certificate or a safety authorisation,

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then the [F33Office of Rail and Road] shall at the same time either copy it and the reasons given for the [F33Office of Rail and Road]'s decision to any affected party or notify any affected party that the relevant document has been issued and of the address of the website where those documents and the reasons given for the decision may be accessed and how they may be accessed and, in either case, shall notify such a party, where the document in question is a notice that it is considering revocation as mentioned in sub-paragraph (e), of the time for making representations to the [F33Office of Rail and Road] pursuant to paragraph (6).

- (5) The [F33Office of Rail and Road] may upon receipt of—
 - (a) an application for a safety certificate or safety authorisation;
 - (b) an application for an amended safety certificate or safety authorisation;
 - (c) any further information requested under this paragraph,

request as soon as reasonably possible such further information as it may reasonably require and the applicant shall provide such information as soon as reasonably possible F35....

(6) Where an affected party receives a copy of an application or a notice relating to revocation pursuant to paragraph (3)(a) or (4)(e) then—

- (a) he may make any representations in writing to the [F33Office of Rail and Road], which are relevant to the application or notice, within 28 days of the date of issue of the application or notice in question; and
- (b) the [F33Office of Rail and Road] shall consider any such representations in making its decision.

[F36(7) If a request for information is made under paragraph (5), the period of 4 months for the [F33Office of Rail and Road] to make a decision referred to in regulations 7(3), 8(4), 10(2) and 11(3) shall not start to run until the date of receipt of the last information requested.]

F37(8)

(9) An employer who makes an application for a safety certificate or safety authorisation, an amended safety certificate or safety authorisation or sends a notice to the [F33Office of Rail and Road] under regulation 13 F38... shall, in relation to its preparation, consult—

- (a) safety representatives within the meaning of regulation 2(1) of the Safety Representatives and Safety Committees Regulations 1977 M1; and
- (b) such other employees as he is required to consult by virtue of regulation 3 of the Health and Safety (Consultation with Employees) Regulations 1996 M2.

(10) In this regulation, “affected party” means for a document sent or issued in relation to—

- (a) a safety certificate or an application for a safety certificate—
 - (i) any relevant infrastructure manager;
 - (ii) a trade union which is a recognised trade union within the meaning of regulation 2(1) of the Safety Representatives and Safety Committees Regulations 1977 in relation to employees of the operator or applicant employed in relation to the operation in question; and
 - (iii) the [F39Passengers’ Council] and the London Transport Users' Committee where, in each case, it represents passengers' interests in relation to the operation in question; and
- (b) a safety authorisation or an application for a safety authorisation—
 - (i) any transport undertaking who is or will be operating on the infrastructure of the applicant or infrastructure manager in question;

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- (ii) any infrastructure manager who manages infrastructure which interfaces or will interface with the infrastructure of the infrastructure manager in question; and
- (iii) any person falling within paragraph (10)(a)(ii) or (iii).

Textual Amendments

- F33** Words in reg. 17 substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 6(n)**
- F34** Words in reg. 17(3)(b) omitted (21.5.2013) by virtue of [The Railways and Other Guided Transport Systems \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/950\)](#), regs. 1, **3(6)(a)**
- F35** Words in reg. 17(5) omitted (21.5.2013) by virtue of [The Railways and Other Guided Transport Systems \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/950\)](#), regs. 1, **3(6)(b)**
- F36** Reg. 17(7) substituted (21.5.2013) by [The Railways and Other Guided Transport Systems \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/950\)](#), regs. 1, **3(6)(c)**
- F37** Reg. 17(8) omitted (21.5.2013) by virtue of [The Railways and Other Guided Transport Systems \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/950\)](#), regs. 1, **3(6)(d)**
- F38** Words in reg. 17(9) omitted (21.5.2013) by virtue of [The Railways and Other Guided Transport Systems \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/950\)](#), regs. 1, **3(6)(e)**
- F39** Words in reg. 17(10)(a)(iii) substituted (25.2.2010) by [The Passengers' Council \(Non-Railway Functions\) Order 2010 \(S.I. 2010/439\)](#), art. 1, **Sch. para. 14**

Marginal Citations

- M1** [S.I. 1977/500](#) as amended by [S.I. 1996/1513](#) and 1999/860 and to which there are other amendments not relevant to these Regulations.
- M2** [S.I. 1996/1513](#) as amended by [S.I. 1997/1840](#) and 1999/3242.

Notification to the European Railway Agency regarding safety certificates and safety authorisations relating to the mainline railway

^{F40}18.

Textual Amendments

- F40** Reg. 18 omitted (31.12.2020) by virtue of [The Rail Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/837\)](#), regs. 1, **3(5)**; 2020 c. 1, Sch. 5 para. 1(1)

[^{F41}Maintenance of vehicles on the mainline railway

18A.—[^{F42}(1) No person may place in service or use a vehicle on the mainline railway unless that vehicle has an entity in charge of maintenance assigned to it, and that entity in charge of maintenance—

- (a) is registered in relation to that vehicle in the National Vehicle Register; and
- [^{F43}(b) where the vehicle is a freight wagon, holds—
 - (i) a UK-issued ECM certificate;
 - (ii) a cross-border UK-issued ECM certificate; or
 - (iii) if that person is compliant with the requirements set out in paragraphs (1ZA) or (1ZB), an EU ECM certificate;]]

[

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^{F44}(1ZA) Before 1st November 2023, a person is compliant with the requirements referred to in paragraph (1)(b)(iii) if that person—

- (a) places in service or uses a vehicle in circulation on railway lines across the territory of two states;
- (b) has an EU ECM certificate that was issued by a certification body accredited by the UK national accreditation body; or
- (c) has made an application to a certification body for a UK-issued ECM certificate and the certification body has not yet taken a decision on the application.

(1ZB) On or after 1st November 2023, a person is compliant with the requirements referred to in paragraph (1)(b)(iii) if that person—

- (a) places in service or uses a vehicle in circulation on railway lines across the territory of two states; or
- (b) has an EU ECM certificate that was issued by a certification body accredited by the UK national accreditation body.]

[
^{F45}(1A) No person may use a vehicle to operate a cross-border service unless that vehicle has an entity in charge of maintenance assigned to it, and that entity in charge of maintenance—

- (a) is registered in relation to that vehicle in the National Vehicle Register; and
- (b) holds either an EU ECM certificate valid on the terms of its original issue or a cross-border UK-issued ECM certificate, where it is required to do so in accordance with the retained 2019 EU ECM Regulation.]

(2) Each entity in charge of maintenance must ensure, by means of a system of maintenance, that a vehicle for which it is in charge of maintenance is in a safe state of running.

(3) The requirement for a system of maintenance referred to in paragraph (2) is that a vehicle must be maintained in accordance with—

- (a) the maintenance file for the vehicle;
- (b) applicable maintenance rules; and
- (c) applicable [^{F46}NTSNTS].

[
^{F47}(4) Schedule 9 (applications for UK-issued ECM certificates by entities in charge of maintenance) and Schedule 10 (system of certification of entities in charge of maintenance in respect of Great Britain) have effect.]

[
^{F48}(5) In this regulation, “UK national accreditation body” means the body which was appointed by the Secretary of State in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93, as it had effect in EU law before IP completion day.]]

Textual Amendments

- F41** Reg. 18A inserted (26.8.2011) by [The Railways and Other Guided Transport Systems \(Safety\) \(Amendment\) Regulations 2011 \(S.I. 2011/1860\)](#), regs. 1, **2(5)**
- F42** Reg. 18A(1) substituted (21.5.2013) by [The Railways and Other Guided Transport Systems \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/950\)](#), regs. 1, **3(7)**

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- F43** Reg. 18A(1)(b) substituted (30.6.2023) by The Railways and Other Guided Transport Systems (Safety) (Amendment) Regulations 2023 (S.I. 2023/540), regs. 1, **3(3)(a)**
- F44** Reg. 18A(1ZA)(1ZB) inserted (30.6.2023) by The Railways and Other Guided Transport Systems (Safety) (Amendment) Regulations 2023 (S.I. 2023/540), regs. 1, **3(3)(b)**
- F45** Reg. 18A(1A) inserted by S.I. 2019/837, **reg. 3(6)(aa)** (as inserted by The Railways (Miscellaneous Amendments, Revocations and Transitional Provisions) (EU Exit) Regulations 2020 (S.I. 2020/786), regs. 1(2)(b)(i), **7(4)**)
- F46** Word in reg. 18A(3)(c) substituted (31.12.2020 immediately before IP completion day) by The Railways (Miscellaneous Amendments, Revocations and Transitional Provisions) (EU Exit) Regulations 2020 (S.I. 2020/786), regs. 1(2)(b)(i), **2(3)**
- F47** Reg. 18A(4) inserted (31.12.2020) by The Rail Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/837), regs. 1, **3(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F48** Reg. 18A(5) inserted (30.6.2023) by The Railways and Other Guided Transport Systems (Safety) (Amendment) Regulations 2023 (S.I. 2023/540), regs. 1, **3(3)(c)**

[^{F49}Common safety targets

18B. The Office of Rail and Road must assess the achievement of common safety targets in accordance with Schedule 11 (common safety targets), which has effect.]

Textual Amendments

- F49** Reg. 18B inserted (31.12.2020) by The Rail Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/837), regs. 1, **3(7)**; 2020 c. 1, Sch. 5 para. 1(1)

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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):

- Sch. 2 para. 1(b)(i)(bb) words inserted in earlier amending provision S.I. 2019/837, reg. 3(11) by [S.I. 2019/1310 reg. 7\(2\)\(a\)](#)
- Sch. 2(1)(b)(i)(bb) omitted by [S.I. 2024/127 reg. 3\(4\)](#)