
STATUTORY INSTRUMENTS

2006 No. 599

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

PART 3

GENERAL DUTIES

Risk assessment

19.—(1) A transport operator shall—

- (a) make a suitable and sufficient assessment of the risks to the safety of any persons for the purpose of identifying the measures he needs to take to ensure safe operation of the transport system in question insofar as this is affected by his operation; and
- (b) implement the measures referred to in sub-paragraph (a).

(2) When carrying out an assessment or a review under paragraph (1) or (3), a transport operator shall apply the CSMs to the extent that the operation is carried out on the mainline railway.

(3) Any assessment under paragraph (1) shall be reviewed by the transport operator who made it if—

- (a) there is a reason to suspect that it is no longer valid; or
- (b) there has been a significant change in the matters to which it relates and where as a result of any such review changes to an assessment are required,

the transport operator concerned shall make them, and implement any changes to the measures identified pursuant to paragraph (1) as a result of the review.

(4) The transport operator shall record in relation to any assessment or review under this regulation—

- (a) the assessment process undertaken, the methods of any calculation used and any assumptions made; and
- (b) the significant findings of the risk assessment including the measures in place and any further measures the transport operator intends to take to ensure safe operation of the transport system in relation to his operation.

(5) Every transport operator shall make and give effect to such arrangements as are appropriate, having regard to the nature of his activities and the extent of the undertaking, for the effective planning, organisation, control, monitoring and review of the measures identified pursuant to paragraph (1) or (3) and shall record such arrangements.

Annual safety reports

20.—(1) Subject to paragraph (2), any transport operator who is subject to the prohibition in regulations 3(1)(b), 3(2)(b), 4(1)(b) or 4(2)(b) shall send to the Office of Rail Regulation an annual safety report relating to the previous calendar year which shall contain—

- (a) information on how the transport operator's safety targets, referred to in paragraph 2(b) of Schedule 1, are met;
- (b) the results achieved through putting the transport operator's safety plans, referred to in paragraph 2(b) of Schedule 1, into effect;
- (c) statistics for the common safety indicators listed in Schedule 3 insofar as they are relevant to the operation in question except, to the extent the operation is carried out on a transport system other than the mainline railway, no statistics are required in relation to the indicators in paragraphs 1(1)(a)(vii), 1(1)(b)(v) and 3 of that Schedule;
- (d) the findings of safety auditing carried out pursuant to the procedures referred to in paragraph 2(k) of Schedule 1; and
- (e) comments on any deficiencies or malfunctions relating to the running of vehicles or the management of infrastructure relating to the operation in question that may be relevant to the safety of that transport system,

and where an operation is carried out in part on the mainline railway and in part on another transport system the report shall clearly indicate the information which relates to the part carried out on the mainline railway.

(2) The first annual report required under paragraph (1) shall be sent by 30th June 2007 and subsequent reports by 30th June in each subsequent calendar year.

(3) Subject to paragraph (4), the Office of Rail Regulation shall publish and send to the European Railway Agency an annual report relating to the previous calendar year which shall contain information on the following in relation to the mainline railway—

- (a) the development of railway safety including an aggregation of all the statistics reported to the Office of Rail Regulation for the relevant calendar year pursuant to paragraph (1)(c) which relate to an operation or part of an operation which is carried out on the mainline railway;
- (b) any important changes in relation to the regulation of railway safety;
- (c) the development of the system for safety certification and authorisation; and
- (d) the results of and experience relating to the supervision of transport operators,

in Great Britain.

(4) The first annual report required under paragraph (3) shall be sent to the European Railway Agency by 30th September 2007 and subsequent reports by 30th September in each subsequent calendar year.

(5) Where the Office of Rail Regulation discovers, after sending an annual report, that there were errors or omissions in it then it shall send a corrected report for that year to the European Railway Agency at the first convenient opportunity and in any event by no later than the time the next annual report is due to be sent.

Sending, issuing, and keeping of documents and making them available for public inspection

21.—(1) Any application, notice, report or any other information sent to the Office of Rail Regulation or records made pursuant to these Regulations shall be in writing and in English.

(2) Any certificate, authorisation, notice, direction, request for information, statement or report issued by the Office of Rail Regulation pursuant to these Regulations shall be in writing and in English.

(3) An applicant who makes an application in respect of a safety certificate or a safety authorisation pursuant to regulations 7, 9, 10 or 12 shall when sending the application, notify the Office of Rail Regulation of an address in Great Britain for the purposes of this regulation (“notified address”).

(4) Subject to paragraphs (5) and (6), a transport operator shall keep at the notified address in relation to the operation in question—

- (a) the safety certificate or safety authorisation issued in response to his application for such certificate or authorisation and the documentation referenced in that safety certificate or safety authorisation;
- (b) any notice of amendment issued pursuant to Part 2 of these Regulations or any revision made pursuant to paragraph 8 of Schedule 5 in relation to his safety certificate or safety authorisation;
- (c) any records he is required to make pursuant to regulation 19(4) and (5);
- (d) any annual safety report sent to the Office of Rail Regulation under regulation 20(1);
- (e) any notification of changes or of a revision notified to the Office of Rail Regulation under regulation 13 or paragraph 9 of Schedule 5; and
- (f) a record of any findings of internal safety auditing carried out pursuant to the procedures referred to in paragraph 2(k) of Schedule 1 and of any action taken in consequence of such auditing,

or a hard or electronic copy of such documents.

(5) The documents referred to in paragraph (4) shall be kept as long as they—

- (a) are or are a copy of the current safety certificate or safety authorisation or a notice of amendment thereof;
- (b) are or are a copy of a notification of a major change or a revision which is relevant to the current operation of the transport undertaking;
- (c) relate to the information on the basis of which the Office of Rail Regulation's acceptance referred to in regulation 7(4) or 10(3), as the case may be, was made in relation to a current safety certificate or safety authorisation; or
- (d) relate to a risk assessment, as reviewed from time to time, carried out pursuant to regulation 19.

(6) The documents kept pursuant to paragraph (4)(d) or (4)(f) shall be kept for 5 years and the documents kept pursuant to sub-paragraphs (a), (b), (d) and (e) of paragraph (4) shall, subject to paragraph (7), be made available for public inspection at the notified address at reasonable times and on reasonable notice.

(7) Nothing in paragraph (6) shall require the disclosure of any information—

- (a) relating to a named individual;
- (b) which is commercially confidential; or
- (c) which is detrimental to national security or to the security of the transport system in question.

(8) A person who has a notified address may subsequently notify the Office of Rail Regulation of a different address in Great Britain and in this case references in this regulation to the notified address shall be construed as a reference to the last address notified under this paragraph.

Co-operation

22.—(1) Every person to whom this paragraph applies shall co-operate as far as is necessary with a transport operator to enable him to comply with the provisions of these Regulations.

(2) Paragraph (1) applies to—

- (a) any transport operator whose operations may affect or may be affected by operations carried out by the duty holder; and

- (b) an employer of persons or a self-employed person carrying out work on or in relation to premises or plant owned or controlled by the duty holder.
- (3) Every transport operator shall co-operate, insofar as is reasonable, with any other transport operator who operates on the same transport system where that other transport operator is taking action to achieve the safe operation of that transport system.
- (4) In paragraph (2) “duty holder” means a transport operator referred to in paragraph (1).