

*This Statutory Instrument has been made to correct errors in SI 2007/1520 and is being issued free of charge to all known recipients of that Statutory Instrument.*

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STATUTORY INSTRUMENTS

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**2009 No. 64**

**HIGHWAYS**

**TUNNELS**

**The Road Tunnel Safety (Amendment) Regulations 2009**

<i>Made</i>	- - - -	<i>18th January 2009</i>
<i>Laid before Parliament</i>		<i>22nd January 2009</i>
<i>Coming into force</i>	- -	<i>20th February 2009</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a), makes the following Regulations.

The Secretary of State has been designated(b) for the purposes of section 2(2) in relation to measures relating to road tunnel safety and the safety of roads accessing road tunnels.

**Citation and commencement**

1. These Regulations may be cited as the Road Tunnel Safety (Amendment) Regulations 2009 and shall come into force on 20th February 2009.

**Amendments to the Road Tunnel Safety Regulations 2007**

2. The Road Tunnel Safety Regulations 2007(c) are amended in accordance with these Regulations.

**Interpretation etc.**

3. In regulation 2(2), omit “is set out”.

**Duties of administrative authority**

4. In regulation 5, omit paragraph (2)(c).

**Duties of the Tunnel Manager**

5. In regulation 9, for paragraph 9(3)(b) substitute—

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(a) 1972 c. 68.  
(b) S.I. 2005/1971  
(c) S.I. 2007/1520

“(3) (b) send the incident report to the administrative authority, the safety officer and such of the emergency services as are appropriate.”

#### **Appointment of inspection entity**

6. In regulation 12, omit paragraph (3).

#### **Duties of inspection entity**

7. In regulation 13, for paragraphs (1) to (3) substitute—

“(1) In order to verify whether the road tunnel for which it is the inspection entity complies with the provisions of these Regulations, the inspection entity shall carry out in relation to the road tunnel the following inspections, examinations and tests—

- (a) a thorough visual inspection of the fabric of the road tunnel;
  - (b) a thorough visual inspection of the mechanical and electrical equipment of the road tunnel;
  - (c) a detailed examination of all the accessible parts of the road tunnel; and
  - (d) a detailed examination and test of the mechanical and electrical equipment of the road tunnel.
- (2) The inspections, examinations and tests referred to in paragraph (1) shall be carried out at the following intervals—
- (a) an inspection under paragraph (1)(a), within two years of these Regulations coming into force, or within two years of the road tunnel coming into operation, whichever is the later, and thereafter every two years;
  - (b) an inspection under paragraph (1)(b) annually;
  - (c) an examination under paragraph (1)(c), within six years of these Regulations coming into force, or within six years of the road tunnel coming into operation, whichever is the later and thereafter every six years and;
  - (d) an examination and test under paragraph (1)(d) within three years of these Regulations coming into force, or within three years of the road tunnel coming into operation, whichever is the later, and thereafter every three years.
- (3) The inspection entity shall compile a report containing details of all inspections and examinations and tests carried out under this regulation and shall forward that report to the administrative authority, tunnel manager and safety officer.”

#### **Road Tunnels already in operation**

8. In regulation 15(7) for “1st October 2006” substitute “1st October 2010”.

#### **Application of Regulations where the same person undertakes functions of different authorities**

9. In regulation 20, for paragraph (1) substitute—

“20.—(1) Where these Regulations impose on one of the authorities specified in paragraph (2) any obligation to send information or documentation to another such authority, and the same person acts as both authorities, that person shall instead ensure that a complete set of records is maintained in relation to each role.”

#### **Signing for tunnels**

10.—(1) In the Schedule, for the second column of paragraph 2.3.4 substitute—

“Lane signal

The signs shown in diagrams 5001.1, 5001.2, 5003, 5003.1, 5005 and 5005.1 in Schedule 10 to the TSRGD shall be used for lane signals.”

Signed by the authority of the Secretary of State for Transport

18th January 2009

*Paul Clark*  
Parliamentary Under Secretary of State  
Department for Transport

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Road Tunnel Safety Regulations 2007 (“the 2007 Regulations”) to correct a number of errors.

Regulation 5(2)(c) of the 2007 Regulations, which imposes a duty to ensure operational and organisational schemes are in place, has been omitted. The obligation is retained but is expressed in greater detail in regulation 5(3) of the 2007 Regulations (*regulation 3*).

Regulation 9(3)(b) of the 2007 Regulations has been amended to provide that an incident report must be sent to the administrative authority and the safety officer in addition to the emergency services (*regulation 4*).

Regulation 12(3) of the 2007 Regulations is omitted, for an administrative authority to undertake the role of inspection entity (*regulation 5*).

Regulation 13 of the 2007 Regulations has been amended to ensure consistency in the use of the words “examination” and “inspection” (*regulation 6*).

Regulation 15(7) of the 2007 Regulations has been amended to require administrative authorities to submit their first report on compliance with the Regulations to the Secretary of State by 1st October 2010 (*regulation 7*).

Regulation 20 of the 2007 Regulations applies where the same person acts as more than one type of authority specified in paragraph (1). Paragraph (2) has been amended to require a complete set of records to be maintained in relation to each role (*regulation 8*).

Paragraph 2.3.4 of the Schedule to the 2007 Regulations is amended to correct the list of diagrams appearing in the Traffic Signs Regulations and General Directions 2002 which are referred to in the Schedule (*regulation 9*).

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the cost of business.

A copy of the Explanatory Memorandum is available from the Department for Transport, RLTSF3, Zone 3/19, Great Minster House, 76 Marsham Street, London SW1P 4DR and on the OPSI website.

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