
STATUTORY INSTRUMENTS

2010 No. 724

The Train Driving Licences and Certificates Regulations 2010

PART 1

GENERAL

Citation and commencement

1.—(1) These Regulations may be cited as the Train Driving Licences and Certificates Regulations 2010.

(2) Subject to regulation 39 (transitional provisions), these Regulations come into force on 6th April 2010.

Interpretation

2. In these Regulations—

“the 1974 Act” means the Health and Safety at Work etc Act 1974(1);

“the Agency” means the European Railway Agency established by Regulation (EC) No 881/2004 of the European Parliament and of the Council establishing a European Railway Agency(2);

“the Department for Regional Development” means the Department for Regional Development established by article 3(1) of the Departments (Northern Ireland) Order 1999(3);

“the Directive” means Directive 2007/59/EC of the European Parliament and of the Council on the certification of train drivers operating locomotives and trains on the railway system in the Community(4);

“employed” means engaged to do something whether under a contract of employment, or as an independent contractor or as a volunteer and related expressions must be construed accordingly;

“infrastructure manager” means the holder of a safety authorisation issued by—

- (a) the ORR in accordance with regulation 10 or 12 of ROGS; or
- (b) the Intergovernmental Commission pursuant to the requirements of article 27 of the Regulation set out in the Schedule to the Channel Tunnel (Safety) Order 2007(5);

“Intergovernmental Commission” means the Commission established under article 10 of the Treaty of Canterbury of 12th February 1986(6) to supervise, in the name and on behalf of the

(1) 1974 c.37.

(2) O.J. No. L 220, 21.6.2004, p.3.

(3) S.I. 1999/283 (N.I. 1), to which there are amendments not relevant to these Regulations.

(4) O.J. No. L 315, 3.12.2007, p. 51.

(5) S.I. 2007/3531.

(6) Presented to Parliament by the Secretary of State for Foreign and Commonwealth Affairs by Command of Her Majesty February 1986. Published as Treaty Series No. 15 (1992), Command Paper 1827. (Out of print but copies may be obtained from the British Library.)

Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic, all matters concerning the construction and operation of the Channel Tunnel;

“mainline railway” has the same meaning as in regulation 2(1) of ROGS but includes the “tunnel system” within the meaning of section 1(7) of the Channel Tunnel Act 1987(7);

“ORR” means the Office of Rail Regulation;

“railway undertaking” means the holder of—

- (a) a safety certificate issued by the ORR in accordance with regulation 7 or 9 of ROGS; or
- (b) a Part B certificate issued by the Intergovernmental Commission pursuant to the requirements of article 39(ii) of the Regulation set out in the Schedule to the Channel Tunnel (Safety) Order 2007;

“recognised doctor” means a registered medical practitioner whose name appears in a register of doctors that the ORR has published, or caused to be published, under regulation 23(1);

“recognised examiner” means a person whose name appears in a register of examiners that the ORR has published, or caused to be published, under regulation 23(1);

“recognised psychologist” means a person who holds the qualification of the British Psychological Society Certificate in Occupational Testing (Level A) and whose name appears in a register of psychologists that the ORR has published, or caused to be published, under regulation 23(1);

“recognised trainer” means a person whose name appears in a register of trainers that the ORR has published, or caused to be published, under regulation 23(1);

“ROGS” means the Railways and Other Guided Transport Systems (Safety) Regulations 2006(8);

“safety authority” means an authority established in an EEA State, other than in the United Kingdom and other than the Intergovernmental Commission, in accordance with article 16(1) of Directive 2004/49/EC of the European Parliament and of the Council on safety on the Community’s railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification(9);

“safety management system” in relation to a railway undertaking or infrastructure manager means the organisation and arrangements established by it, under regulation 5 of ROGS or articles 22 to 25 of the Channel Tunnel (Safety) Order 2007, to ensure the safe management of its operation;

“train” includes a locomotive, a shunting locomotive, a work train and a maintenance railway vehicle;

“train driving certificate” means a certificate, required by article 4(1)(b) of the Directive, indicating the rolling stock which the holder is authorised to drive and the infrastructure on which the holder is authorised to drive it;

“train driving licence” means a licence, required by article 4(1)(a) of the Directive, indicating the holder satisfies medical, educational and professional skills requirements for train driving.

Application and extent

3.—(1) Subject to paragraphs (2) and (3), these Regulations apply in relation to the driving of trains on the mainline railway.

(7) 1987 c.53.

(8) S.I. 2006/599.

(9) O.J. No. L 220, 21.6.2004, p. 16.

(2) These Regulations do not apply in relation to the driving of trains on track which is temporarily closed to normal traffic for the purpose of maintaining, renewing or upgrading railway infrastructure.

(3) These Regulations do not extend to Northern Ireland.