
STATUTORY INSTRUMENTS

2010 No. 724

The Train Driving Licences and Certificates Regulations 2010

PART 14

TRANSITIONAL PROVISIONS

Transitional provisions

- 39.**—(1) Regulation 4 comes into force—
- (a) on the 29th October 2011 in relation to the driving of trains by a person who—
 - (i) is to drive trains both on the mainline railway and in at least one other Member State, and
 - (ii) has not driven trains both on the mainline railway and in at least one other Member State before that date, (excluding any such driving experience gained as a trainee driver);
 - (b) on the 29th October 2013 in relation to the driving of trains by a person who has not driven trains on the mainline railway before that date, (excluding any such driving experience gained as a trainee driver); and
 - (c) on the 29th October 2018 in so far as it has not already come into force under subparagraph (a) or (b).
- (2) Subject to paragraph (3), regulations 5 to 18, 20, 23, 26 to 32, 35 to 37 and the Schedules come into force on the 6th April 2011.
- (3) For the purposes of appeals against decisions of the ORR referred to in regulation 35(2)(c), regulation 35 comes into force on 6th April 2010.
- (4) Regulations 24 and 25 come into force on the 29th October 2011.
- (5) Where this paragraph applies, in determining a first application for a train driving licence the ORR—
- (a) must take into account any train driving qualifications, experience and competencies acquired by the applicant prior to the application;
 - (b) in exceptional cases may waive, in whole or in part, the requirement in regulation 8(2)(d) if it thinks it appropriate to do so provided that the validity of any train driving licence issued on the basis of such exemption is limited to Great Britain;
 - (c) may waive, in whole or in part, the requirements in regulation 8(2)(e) and (f) if it thinks it appropriate to do so; and
 - (d) may require the applicant to pass other examinations or tests, or undertake further training, if it thinks it appropriate to do so.
- (6) Where this paragraph applies, in determining a first application for a train driving certificate a railway undertaking or infrastructure manager—

- (a) must take into account any train driving qualifications, experience and competencies relevant to the rolling stock or infrastructure in relation to which the certificate is sought, acquired by the applicant prior to the application;
 - (b) may waive, in whole or in part, the requirement in regulation 9(2)(c) if it thinks it appropriate to do so; and
 - (c) may require the applicant to pass other examinations or tests, or undertake further training, if it thinks it appropriate to do so.
- (7) Paragraphs (5) and (6) apply to a first application for a train driving licence, or train driving certificate, made before the 29th October 2018.