
STATUTORY INSTRUMENTS

2010 No. 724

The Train Driving Licences and Certificates Regulations 2010

PART 6

SUSPENSION AND WITHDRAWAL OF LICENCES AND CERTIFICATES

Suspension or withdrawal of licences issued by the ORR

18.—(1) Without prejudice to regulation 21, if the ORR considers that the holder of a train driving licence issued by the ORR no longer satisfies a condition required for the holding of it, or decides to suspend or withdraw the licence pursuant to paragraph (3), the ORR must—

- (a) suspend or withdraw the licence; and
- (b) inform the holder and his employer of—
 - (i) the suspension or withdrawal;
 - (ii) the reason for it;
 - (iii) the availability of the appeal procedure under regulation 35; and
 - (iv) any procedure to be followed to seek reinstatement of the licence.

(2) If the ORR suspends or withdraws a train driving licence the holder must surrender it to the ORR.

(3) If a safety authority, the Department for Regional Development or the Intergovernmental Commission—

- (a) informs the ORR that it considers the holder of a train driving licence issued by the ORR no longer satisfies a condition required for the holding of it, and
- (b) gives the ORR a reasoned request for a review of the holder's eligibility to hold the licence, or for the licence to be suspended or withdrawn,

the ORR must consider that request and, within four weeks, notify the safety authority, the Department for Regional Development or the Intergovernmental Commission, as the case may be, of its decision whether to suspend or withdraw the licence or take any other action.

Suspension or withdrawal of other train driving licences and driver prohibition

19.—(1) Without prejudice to regulation 21, if the ORR considers that the holder of a train driving licence issued by another safety authority, or by the Department for Regional Development, no longer satisfies a condition required for the holding of it the ORR must—

- (a) inform the safety authority or the Department for Regional Development, as the case may be, of this view;
- (b) give that authority or Department, as the case may be, a reasoned request for a review of the holder's eligibility to hold the licence, or for the licence to be suspended or withdrawn; and
- (c) notify the Commission, the other safety authorities, the Department for Regional Development and the Intergovernmental Commission of the request.

(2) Pending any suspension or withdrawal of the licence, or other conclusion on the request, the ORR may prohibit the holder from driving a train in Great Britain.

Suspension or withdrawal of certificates and driver prohibition

20.—(1) Without prejudice to regulation 21, if the ORR considers that the holder of a train driving certificate no longer satisfies a condition required for the holding of it the ORR must—

- (a) inform the railway undertaking or infrastructure manager which issued it of this view; and
- (b) give that body a reasoned request for a review of the holder's eligibility to hold the certificate, or for the certificate to be suspended or withdrawn.

(2) Upon receipt of such a request the railway undertaking or infrastructure manager must consider it and, within four weeks, notify the ORR of its decision whether to suspend or withdraw the certificate or take any other action.

(3) Where the railway undertaking or infrastructure manager concludes that the holder no longer satisfies a condition required for the holding of the train driving certificate, it must take appropriate measures which may include—

- (a) requiring the holder to undergo the relevant tests or examinations referred to in regulation 15; or
- (b) suspending or withdrawing the holder's train driving certificate.

(4) Pending any suspension or withdrawal of the train driving certificate, or other conclusion on the request, the ORR may prohibit the holder from driving a train in Great Britain.

(5) If the ORR exercises the power in paragraph (4) it must inform the Commission, the other safety authorities, the Department for Regional Development and the Intergovernmental Commission.

Serious threat to the safety of the railway

21.—(1) If the ORR considers that a train driver is a serious threat to the safety of the railways it must immediately take any necessary action.

(2) For the purpose of paragraph (1) any necessary action may include—

- (a) requesting the railway undertaking or infrastructure manager to stop any train being driven by the driver;
- (b) suspending or withdrawing the driver's train driving licence, if issued by the ORR; or
- (c) prohibiting the driver from driving a train in Great Britain.

(3) If the ORR takes any action under this regulation it must inform the Commission, the other safety authorities, the Department for Regional Development and the Intergovernmental Commission.

Appeal to the Commission

22.—(1) If the ORR considers that a decision of a safety authority on a request made to it by the ORR under regulation 19 does not comply with the relevant criteria it must refer the matter to the Commission in pursuance of article 29(5) of the Directive.

(2) For the purposes of paragraph (1), "the relevant criteria" means any criteria set out in the Directive which are relevant to the decision.

(3) If the ORR has referred a matter to the Commission under paragraph (1), any prohibition imposed by the ORR under regulation 19 may be maintained in force until the matter is concluded.