
STATUTORY INSTRUMENTS

2011 No. 3066

The Railways (Interoperability) Regulations 2011

PART 2

Subsystems

Authorisation requirements for the renewal or upgrading of subsystems

13.—(1) In relation to a project for the renewal or upgrading of a structural subsystem, the project entity may apply in writing to the Competent Authority for a decision as to whether an authorisation is required.

(2) In order for an application made under paragraph (1) to be valid it must be accompanied by the following information—

- (a) a file setting out details of the project;
- (b) the project entity's assessment of whether there are any new or changed safety risks resulting from the works envisaged and how any such risks will be managed;
- (c) identification of any TSI, or part of a TSI, for which derogations may or will be sought pursuant to regulation 14; and
- (d) an indication of any TSI, or part of a TSI, which it is proposed should not apply if the Competent Authority determines that the subsystem requires authorisation.

(3) The Competent Authority may give notice in writing to the project entity requiring the project entity to provide, by a specified date, additional information that the Competent Authority considers necessary in order to make a decision.

(4) The project entity must provide the Competent Authority with such additional information requested under paragraph (3) as the project entity is reasonably able to supply and the project entity must give an explanation in writing where the information requested is not supplied.

(5) In making a decision as to the requirement for authorisation, factors to be taken into account by the Competent Authority must include—

- (a) the implementation strategy provided in relation to any applicable TSI; and
- (b) the extent of the proposed works.

(6) Except where the Competent Authority and the Safety Authority are the same person, the Competent Authority may only decide authorisation is not required if it has consulted the Safety Authority.

(7) If it appears to the Competent Authority that the proposed works may adversely affect the overall safety of the subsystem the Competent Authority must decide that the subsystem requires authorisation.

(8) Where the Competent Authority determines that the subsystem requires an authorisation the Competent Authority, subject to any derogations under regulation 14, must decide to what extent TSIs must apply to the project subsystem.

(9) The Competent Authority must make the decisions not later than four months after the submission of the information required by paragraph (2).