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STATUTORY INSTRUMENTS

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**2011 No. 3066**

**The Railways (Interoperability) Regulations 2011**

**PART 2**

**Subsystems**

**Retention of documents**

**19.**—(1) From the time a project subsystem authorised under these Regulations is placed in service until it is permanently withdrawn from service (whether such service is in the United Kingdom or another [<sup>F1</sup>country]), the project entity who made the [<sup>F2</sup>UK declaration of verification] must—

(a) keep the following documents—

(i) the technical file compiled in accordance with regulations 6(3)(b) [<sup>F3</sup>or (c)] or 17(2) (a) or (5) (where there is more than one file the project entity must combine the files and keep them as one);

[<sup>F4</sup>(ii) the relevant UK declaration of verification, and;]

(iii) any declaration made in accordance with regulation 9(2)(a); and

(b) provide a copy of the technical file to [<sup>F5</sup>the national body responsible for railway safety in the country in which the project subsystem is used, in response to a reasonable request from that body.]

(2) The project entity must ensure that—

(a) any alterations made to the project subsystem are documented;

(b) the documentation recording any alterations and any maintenance manuals in relation to the project subsystem are added to and kept as part of the technical file; and

(c) any safety assessment report is added to and kept as part of the technical file.

(3) Where the project entity is not the owner of the project subsystem when it is authorised under these Regulations, the project entity must within 60 days of the date of authorisation transfer the documents referred to in paragraphs (1) and (2) to the owner of the subsystem, and once this is done for the purpose of paragraphs (1) and (2) the owner is to be regarded for the purposes of this regulation as the project entity.

(4) Where an owner of the project subsystem disposes of the owner's interest in it, the owner must within 60 days of the disposal transfer the documents referred to in paragraphs (1) and (2) to the person acquiring that interest, and once this is done for the purpose of paragraphs (1) and (2) and this paragraph, the person acquiring that interest is to be regarded for the purposes of this regulation as the project entity.

(5) The project entity must make the technical file, or the documents kept in accordance with paragraph (7)(b), available to the Safety Authority on demand.

(6) The duties of the project entity, or an owner of a project subsystem, under paragraphs (1), (2) (b) and (c) and (3) to (5) do not apply in respect of an authorisation deemed to be given under these Regulations by the operation of regulation 44.

(7) In respect of a project subsystem authorised under regulation 9 the duties of the project entity under paragraphs (1) and (2) are limited to keeping—

- (a) the declaration made in accordance with regulation 9(2)(a); and
- (b) documentation recording any alterations and any maintenance manuals in relation to the project subsystem.

#### Textual Amendments

- F1** Word in reg. 19(1) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(25)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in reg. 19(1) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(25)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in reg. 19(1)(a)(i) inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(25)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Reg. 19(1)(a)(ii) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(25)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in reg. 19(1)(b) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(25)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

There are currently no known outstanding effects for the The Railways (Interoperability) Regulations 2011, Section 19.