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STATUTORY INSTRUMENTS

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**2011 No. 3066**

**The Railways (Interoperability) Regulations 2011**

**PART 2**

**Subsystems**

**Continuing duty on operator in relation to standards**

**20.**—(1) This regulation applies where a project subsystem is in use on, or is part of, the rail system with an authorisation under these Regulations.

(2) Subject to paragraph (3), the operator of the project subsystem must ensure that the project subsystem is operated and maintained—

- (a) subject to sub-paragraph (b), in conformity with the TSIs and notified national technical rules against which the subsystem was assessed for that authorisation;
- (b) where a TSI or notified national technical rule referred to in sub-paragraph (a) has been varied or replaced, either in conformity with the varied or replaced TSI or rule or in conformity with the original TSI or rule;
- (c) in conformity with any functional TSI applying to that subsystem; and
- (d) in accordance with any condition in the authorisation to the extent that the condition still applies.

(3) Where—

- (a) a project subsystem—
  - (i) was assessed for authorisation against notified national technical rules that were the Rail Vehicle Accessibility Regulations 1998(1) as in force when the project was assessed, or
  - (ii) is deemed under regulation 44(1)(b) to have been assessed against the requirements referred to in that sub-paragraph, and
- (b) an exemption order made or treated as having been made under section 183 of the Equality Act 2010(2) has effect in relation to that project subsystem,

the duty in paragraph (2)(a) to ensure that the project subsystem is operated and maintained in conformity with those Regulations or requirements is a duty to do so save to the extent the order exempted it from those Regulations or requirements, even though the order may include a provision for the expiry of such exemption.

(4) Paragraph (2) is without prejudice to regulation 45.

(5) In this regulation “project subsystem” includes a vehicle deemed to be authorised under these Regulations by the operation of regulation 44.

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(1) S.I. 1998/2456, amended by S.I. 2000/3215 and S.I. 2008/1746 and revoked by S.I. 2010/432.

(2) 2010 c.15. See article 21(1) and schedule 7 of S.I. 2010/2317 for saving provisions.

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**Status:** *This is the original version (as it was originally made).*

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