
STATUTORY INSTRUMENTS

2011 No. 3066

The Railways (Interoperability) Regulations 2011

PART 3

Interoperability Constituents

Prohibition on placing interoperability constituents on the market

[^{F1}23.—(1) No person may place an interoperability constituent on the market for which there is an applicable NTSN with a view to its use on the rail system, unless—

- (a) the interoperability constituent meets the essential requirements that are relevant to an interoperability constituent of that type;
- (b) the appropriate procedure for assessing the conformity or suitability for use of the interoperability constituent has been carried out; and
- (c) subject to paragraph (2), a UK declaration of conformity or suitability for use in relation to that interoperability constituent has been drawn up.

(2) A person may place an interoperability constituent on the market in reliance on an EC declaration of conformity or suitability for use drawn up in relation to that interoperability constituent where one of the following conditions applies—

- (a) an EC declaration of conformity or suitability for use was drawn up before, on or before or after IP completion day, and there is no UK specific case applicable to the interoperability constituent; or
- (b) all of the following apply—
 - (i) an EC declaration of conformity or suitability for use was drawn up before IP completion day,
 - (ii) there is a UK specific case applicable to the interoperability constituent,
 - (iii) there is no material difference between the technical specifications of the applicable UK specific case and a pre-exit specific case against which the interoperability constituent was previously assessed, and
 - (iv) there are no other applicable UK specific cases.

(3) In this regulation, “a pre-exit specific case” means special provision in relation to the technical specifications for subsystems and interoperability constituents to allow for their compatibility with the rail system, which was applicable to the interoperability constituent and was set out and described in a TSI or notified national technical rule before IP completion day.

(4) In this regulation, a “material difference” in relation to technical specifications does not include the replacement of the standards contained in TSIs or notified national technical rules by the standards set by the Secretary of State in accordance with regulations 3B and 3C, and contained (on or after IP completion day) in NTSNs or NTRs.]

Changes to legislation: There are currently no known outstanding effects for the The Railways (Interoperability) Regulations 2011, Section 23. (See end of Document for details)

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Textual Amendments

- F1** Reg. 23 substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(27)** (as amended by [The Railways \(Miscellaneous Amendments, Revocations and Transitional Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/786\)](#), regs. 1(2)(b)(i), **4(5)(a)(i)**, 4(5)(a)(ii), 4(5)(b), 4(5)(c)); 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 23.