STATUTORY INSTRUMENTS

2011 No. 3066

The Railways (Interoperability) Regulations 2011

PART 2

Subsystems

Authorisation decision

7.—(1) The Safety Authority must determine an application by—

  (a) authorising the placing in service of the structural subsystem; or

  (b) refusing the application for authorisation.

(2) The Safety Authority must, and may only, issue an authorisation for the placing in service of a structural subsystem, where it is satisfied that—

  (a) the [F1UK declaration of verification], if required, has been drawn up in accordance with [F2Schedule 5];

  (b) the project subsystem is technically compatible with the rail system into which it is being integrated; F3...

  (c) the project subsystem has been so designed, constructed and installed as to meet the essential requirements relating to that subsystem when placed in service; [F4and,

  (d) the project entity has satisfactorily completed any tests required by regulations 5(4), and 6(4) and 6(5).]

(3) The Safety Authority may include conditions in an authorisation.

(4) In this regulation "conditions" means—

  (a) restrictions or limitations on the use of the structural subsystem; or

  (b) requirements that must be met by a time specified in the authorisation.

(5) The Safety Authority must consider an application under regulation [F56(1)] as soon as possible and make the decision as to whether to issue an authorisation on or before—

  (a) in the case of a vehicle with a TSI conform authorisation from [F6an EU Member State], the later of—

    (i) the date falling two months after the Safety Authority receives the technical file; and

    (ii) if the applicant receives a notice under regulation 6(4) before the date referred to in (i), the date falling one month after the provision of all the information, risk analysis and results of the checks required by the notice; and

  (b) in the case of a vehicle with an authorisation from [F7an EU Member State] which is not a TSI conform authorisation, the later of—

    (i) the date falling four months after the Safety Authority receives the technical file; and

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Changes to legislation: There are currently no known outstanding effects for the The
Railways (Interoperability) Regulations 2011, Section 7. (See end of Document for details)

    (ii) if the applicant receives a notice under regulation 6(5) before the date referred to in (i), the date falling two months after the provision of all the information, risk analysis and results of the checks required by the notice.

(6) Where paragraph (5) applies and the Safety Authority fails to make a decision by the date required, the vehicle is deemed to be authorised with effect from the beginning of the day which is three months after that date.

Textual Amendments

F1   Words in reg. 7(2)(a) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(11)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F2   Words in reg. 7(2)(a) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(11)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

F3   Word in reg. 7(2)(b) omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(11)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

F4   Reg. 7(2)(d) and word inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(11)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

F5   Word in reg. 7(5) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(11)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F6   Words in reg. 7(5)(a) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(11)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

F7   Words in reg. 7(5)(b) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(11)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)