

2015 No. 1917

HEALTH AND SAFETY

**The Railways and Other Guided Transport Systems (Safety)
(Amendment) Regulations 2015**

<i>Made</i> - - - -	<i>16th November 2015</i>
<i>Laid before Parliament</i>	<i>18th November 2015</i>
<i>Coming into force</i> - -	<i>11th December 2015</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 15(1) and (2) and paragraph 15(1) of Schedule 3 to the Health and Safety at Work etc. Act 1974(a).

Citation and commencement

1. These Regulations may be cited as the Railways and Other Guided Transport Systems (Safety) (Amendment) Regulations 2015 and come into force on 11th December 2015.

Amendments to the Railways and Other Guided Transport Systems (Safety) Regulations 2006

2.—(1) The Railways and Other Guided Transport Systems (Safety) Regulations 2006(b) are amended as follows.

(2) In regulation 2 (interpretation and application), in paragraph (1) for the definition of “the Directive” substitute—

““the Directive” means Directive 2004/49/EC of the European Parliament and of the Council on safety on the Community’s railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification(c) as amended by—

- (a) the Interoperability Directive(d);
- (b) Directive 2008/110/EC of the European Parliament and of the Council amending Directive 2004/49/EC on safety on the Community’s railways(e);

(a) 1974 c.37; section 15(1) was substituted by the Employment Protection Act 1975 (c.71), Schedule 15, paragraph 6 and further amended by S.I. 2002/794, article 5(2) and Schedule 2; section 15(2) was amended by the Energy Act 2013 (c.32), Schedule 12, Part 1, paragraphs 1, 5(1) and (3); the general purposes of Part I referred to in section 15(1) were extended by section 117 of the Railways Act 1993 c.43.

(b) S.I. 2006/599 as amended by S.I. 2011/1860, S.I. 2013/950 and S.I. 2015/1682 (in these footnotes “the 2006 Regulations”); there are other amending instruments but none is relevant.

(c) O.J. No. L164 of 30.4.2004, p.44.

(d) The Interoperability Directive is defined in regulation 2(1) of the 2006 Regulations as Directive 2008/57/EC of the European Parliament and of the Council of 17th June 2008 on the interoperability of the rail system within the Community (Recast) (See O.J. No. L191, 18.7.2008, p1).

(e) O.J. No. L345 of 23.12.2008, p62.

- (c) Commission Directive 2009/149/EC amending Directive 2004/49/EC of the European Parliament and of the Council as regards Common Safety Indicators and common methods to calculate accident costs**(a)**; and
- (d) Commission Directive 2014/88/EU amending Directive 2004/49/EC of the European Parliament and of the Council as regards common safety indicators and common methods of calculating accident costs**(b)**;

(3) In regulation 20(1)(c) for “Schedule 3” substitute “Annex I (common safety indicators) of the Directive**(c)**,”.

(4) Omit Schedule 3 (common safety indicators).

Signed by authority of the Secretary of State for Transport

Claire Perry
Parliamentary Under Secretary of State
Department for Transport

16th November 2015

(a) O.J. No. L313 of 28.11.2009, p65.

(b) O.J. No. L201 of 10.7.2014, p.9.

(c) Annex I was substituted by Directive 2014/88/EU amending Directive 2004/49/EC of the European Parliament and of the Council as regards common safety indicators and common methods of calculating accident costs.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Railways and Other Guided Transport Systems (Safety) Regulations 2006 (“the 2006 Regulations”) (S.I. 2006/599) in order to implement Commission Directive 2014/88/EU amending Directive 2004/49/EC of the European Parliament and of the Council as regards common safety indicators and common methods of calculating accident costs (O.J. No. L201 of 10.7.2014, p.9) (“the 2014 Directive”). Directive 2004/49/EC of the European Parliament and of the Council on safety on the Community’s railways (O.J. No. L164, 30.4.2004, p44) sets out (in Annex I to that Directive) a number of common safety indicators (“CSIs”) which are harmonised measures used by all Member States to provide an overview of safety performance and monitor the development of safety in different Member States. Transport operators who carry out operations on the mainline railway are required to report on statistics for these safety indicators under regulation 20 of the 2006 Regulations.

The 2014 Directive makes minor and technical amendments to the definition of some of the CSIs and to the related methodology to calculate the economic costs of accidents.

Regulation 2(2) substitutes the definition of “the Directive” in regulation 2(1) of the 2006 Regulations. This definition now includes in the definition of “the Directive” a reference to the 2014 Directive.

Regulation 2(3) amends regulation 20(1)(c) of the 2006 Regulations by substituting for the reference to Schedule 3 of the 2006 Regulations a reference to Annex I to Directive 2004/49/EC (as amended by the 2014 Directive). Consolidated texts of EU legislation which show changes made by successive amendments to the original EU legislation can be found at <http://eur-lex.europa.eu/collection/eu-law/consleg.html>. A consolidated text of Directive 2004/49/EC (as amended by the 2014 Directive showing the new Annex I) can be found at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02004L0049-20140730&qid=1446642002683&from=EN>

Regulation 2(4) revokes schedule 3 to the 2006 Regulations.

An impact assessment has not been produced for this instrument as no impact on the costs of business, the public sector, third sector organisations, regulators or consumers is foreseen. An Explanatory Memorandum is available alongside the instrument at www.legislation.gov.uk

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