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STATUTORY INSTRUMENTS

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**2023 No. 540**

**The Railways and Other Guided Transport  
Systems (Safety) (Amendment) Regulations 2023**

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

**3.—**(1) The Railways and Other Guided Transport Systems (Safety) Regulations 2006<sup>(1)</sup> are amended as follows.

(2) In regulation 2(3)(a), for “18(A1)” substitute “18A(1A)”.

(3) In regulation 18A (maintenance of vehicles on the mainline railway)—

(a) for paragraph 1(b), substitute—

“(b) where the vehicle is a freight wagon, holds—

(i) a UK-issued ECM certificate;

(ii) a cross-border UK-issued ECM certificate; or

(iii) if that person is compliant with the requirements set out in paragraphs (1ZA) or (1ZB), an EU ECM certificate;”;

(b) after paragraph (1), insert—

“(1ZA) Before 1st November 2023, a person is compliant with the requirements referred to in paragraph (1)(b)(iii) if that person—

(a) places in service or uses a vehicle in circulation on railway lines across the territory of two states;

(b) has an EU ECM certificate that was issued by a certification body accredited by the UK national accreditation body; or

(c) has made an application to a certification body for a UK-issued ECM certificate and the certification body has not yet taken a decision on the application.

(1ZB) On or after 1st November 2023, a person is compliant with the requirements referred to in paragraph (1)(b)(iii) if that person—

(a) places in service or uses a vehicle in circulation on railway lines across the territory of two states; or

(b) has an EU ECM certificate that was issued by a certification body accredited by the UK national accreditation body.”;

(c) after paragraph (4), insert—

“(5) In this regulation, “UK national accreditation body” means the body which was appointed by the Secretary of State in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93<sup>(2)</sup>, as it had effect in EU law before IP completion day.”.

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(1) S.I. 2006/599; relevant amending instruments are S.I. 2019/837, 2013/950.

(2) OJ No. L 218, 13.8.2008, p. 30-47.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(4) In Schedule 10 (system of certification of entities in charge of maintenance in respect of Great Britain), in paragraph 6(2), for “subsequent” substitute “relevant”.

(5) In Schedule 11 (common safety targets), paragraph 14—

(a) in the third row, second column, in sub-paragraph 1.2, for “train-km”, substitute “passenger-km”;

(b) in the fourth row, second column, in sub-paragraph 2, for “passenger-km”, substitute “train-km”.