

SCHEDULE 3

Regulation 12

TRANSITIONAL PROVISIONS

1. Where a person is undertaking a relevant operation on 28th February 1994 it shall, to the extent that the operation is undertaken in the same place as it was on that date, be sufficient compliance by him with regulation 3(1)(a) and (b), 4 or 5 if the safety case referred to in that provision is prepared and accepted within 2 years after that date.

2. Where pursuant to regulation 4 or 5 a person submits in respect of a train or station operation to be carried out by him a safety case for acceptance to an infrastructure controller who by virtue of paragraph 1 has not had his own safety case accepted by the Executive, paragraph 1 shall, to the extent that it relates to regulation 3, cease to apply to that controller in respect of that operation.

3. Where a relevant operation is not being undertaken on 28th February 1994 in consequence of normal operating schedules, maintenance, repair or an emergency, the operation shall nevertheless be treated for the purposes of paragraph 1 as being undertaken on that date.

4. Where a safety case is prepared after the relevant operation has commenced references in regulation 2(2)(b) and Schedule 1 to the operation intended to be undertaken by the person or duty holder respectively, shall include references to the operation already commenced by him.

5. In this Schedule “relevant operation” in relation to regulation 3(1)(a) and (b), 4 or 5 means the activity which would, apart from this Schedule, be prohibited by that regulation.