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STATUTORY RULES OF NORTHERN IRELAND

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**2010 No. 132**

**The Train Driving Licences and Certificates  
Regulations (Northern Ireland) 2010**

**PART 1**

**GENERAL**

**Citation and commencement**

1.—(1) These Regulations may be cited as the Train Driving Licences and Certificates Regulations (Northern Ireland) 2010.

(2) These Regulations come into operation on 10th May 2010 but will have effect in accordance with the transitional provisions in regulation 41.

**Commencement Information**

**I1** [Reg. 1](#) in operation at 10.5.2010, see [reg. 1\(2\)](#)

**Interpretation**

2.—(1) In these Regulations—

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978(1);

<sup>F1</sup>  
...

[<sup>F2</sup>“the Department” means the Department for Infrastructure renamed as such by the Departments Act (Northern Ireland) 2016 and originally established as the Department for Regional Development by article 3(1) of the Departments (Northern Ireland) Order 1999;]

[<sup>F3</sup>“the Directive” means Directive 2007/59/EC of the European Parliament and of the Council on the certification of train drivers operating locomotives and trains on the railway system in the Community, as amended from time to time, before and after exit day;]

“employed” means employed whether under a contract of employment or as an independent contractor, and related expressions must be construed accordingly;

[<sup>F4</sup>“European train driving licence” means a licence issued by a safety authority in accordance with article 14 of the Directive indicating that the holder satisfies medical, educational and professional skills for train driving;

“GB train driving licence” means a licence issued by or on behalf of the Office of Rail and Road under the Train Driving Licences and Certificates Regulations 2010 indicating that the holder satisfies medical, educational and professional skills requirements for train driving;]

[<sup>F5</sup>“in code form” is a reference to a code representing additional information or a medical restriction, as provided for in Commission Regulation 2010/36, as amended from time to time;]

“infrastructure manager” means a person who is required, by regulation 3 of the Railways (Safety Management) Regulations (Northern Ireland) 2006(2), to be the holder of a safety authorisation;

[<sup>F6</sup>“the Office of Rail and Road” means the body established by section 15 of the Railways and Transport Safety Act 2003;]

[<sup>F7</sup>“railway undertaking” means the holder of a safety certificate issued by the Department in accordance with regulation 5 or 7 of the Railways (Safety Management) Regulations (Northern Ireland) 2006;]

[<sup>F8</sup>“Recast Safety Directive” means Directive (EU) 2016/798 of the European Parliament and of the Council on railway safety (recast);]

“recognised doctor” means a registered medical practitioner whose name appears in a register of doctors that the Department has published, or caused to be published, under regulation 21(1) (a);

“recognised examiner” means a person whose name appears in a register of examiners that the Department has published, or caused to be published, under regulation 21(1)(d);

“recognised psychologist” means a person who holds the qualification of the British Psychological Society Certificate in Occupational Testing (Level A) and whose name appears in a register of psychologists that the Department has published, or caused to be published, under regulation 21(1)(b);

“recognised trainer” means a person whose name appears in a register of trainers that the Department has published, or caused to be published, under regulation 21(1)(c);

[<sup>F9</sup>“safety authority” means an authority established in an EEA state in accordance with article 16(1) of Directive 2004/49/EC of the European Parliament and of the Council on safety on the Community’s railways and amending Directive 95/18 EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification or article 16(1) of the Recast Safety Directive;]

“safety management system”, in relation to a railway undertaking or an infrastructure manager, means the organisation and arrangements established by it, under regulation 4 of the Railway (Safety Management) Regulations (Northern Ireland) 2006, to ensure the safe management of its operation;

“train” includes a locomotive, a shunting locomotive, a work train and a maintenance railway vehicle;

[<sup>F10</sup>“train driving certificate” means a certificate issued by a railway undertaking or infrastructure manager under these Regulations indicating the infrastructure on which the holder is authorised to drive and the types of train which the holder is authorised to drive;]

[<sup>F11</sup>“train driving licence” means a licence issued by or on behalf of the Department under these Regulations indicating that the holder satisfies medical, educational and professional skills requirements for train driving;]

<sup>F12</sup>(2) .....

(3) The Interpretation Act (Northern Ireland) 1954(3) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(2) SR 2006/237.  
(3) 1954 c. 33 (N.I.).

- F1** Words in [reg. 2\(1\)](#) omitted (31.12.2020) by virtue of The Railways (Amendment) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/826), regs. 1(2), **30(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in [reg. 2\(1\)](#) substituted (31.12.2020) by The Railways (Amendment) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/826), regs. 1(2), **30(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in [reg. 2\(1\)](#) substituted (31.12.2020) by The Railways (Amendment) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/826), regs. 1(2), **30(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in [reg. 2\(1\)](#) inserted (31.12.2020) by The Railways (Amendment) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/826), regs. 1(2), **30(2)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in [reg. 2](#) inserted (11.11.2013) by The Train Driving Licences and Certificates (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/236), regs. 1(1), **2(2)**
- F6** Words in [reg. 2\(1\)](#) inserted (31.12.2020) by The Railways (Amendment) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/826), regs. 1(2), **30(2)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in [reg. 2\(1\)](#) substituted (31.12.2020) by The Railways (Amendment) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/826), regs. 1(2), **30(2)(f)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in [reg. 2\(1\)](#) inserted (31.12.2020) by The Railways (Amendment) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/826), regs. 1(2), **30(2)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in [reg. 2\(1\)](#) substituted (31.12.2020) by The Railways (Amendment) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/826), regs. 1(2), **30(2)(h)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in [reg. 2\(1\)](#) substituted (31.12.2020) by The Railways (Amendment) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/826), regs. 1(2), **30(2)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in [reg. 2\(1\)](#) substituted (31.12.2020) by The Railways (Amendment) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/826), regs. 1(2), **30(2)(j)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** [Reg. 2\(2\)](#) omitted (31.12.2020) by virtue of The Railways (Amendment) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/826), regs. 1(2), **30(3)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Commencement Information

- I2** [Reg. 2](#) in operation at 10.5.2010, see [reg. 1\(2\)](#)

### Application and extent

**3.** These Regulations apply in relation to the driving of trains on the Northern Ireland railway network.

#### Commencement Information

- I3** [Reg. 3](#) in operation at 10.5.2010, see [reg. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Train Driving Licences and Certificates Regulations (Northern Ireland) 2010, PART 1.