

EXPLANATORY MEMORANDUM TO
Railways (Safety Management) (Amendment) Regulations (Northern Ireland)
2011

SR 2011 No 261

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Regional Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under the Health and Safety at Work (Northern Ireland) Order 1978 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Department was required to transpose the revised Railway Safety Directive's provisions by 24 December 2010 and the CSI Directive's provisions by 18 June 2010. The revised Railway Safety Directive and the Common Safety Indicator (CSI) Directive both amend Directive 2004/49/EC ("The Railway Safety Directive") which was implemented here by the Railways (Safety Management) Regulations (NI) 2006.

3. Background

- 3.1. Although the CSI Directive required transposition by June 2010 and the revised Railway Safety Directive by December 2010 the then Minister Conor Murphy and the Regional Development Committee (RDC) agreed that the CSI Directive should have the same transposition date as the revised Railway Safety Directive i.e 24 December 2010 This is because there are linkages between the two Directives and because both Directives will be implemented by amendment to the same set of regulations - the Railways (Safety Management) (Amendment) Regulations (Northern Ireland) 2011 ("The Amending Regulations") However the Department was then asked by colleagues in the Department for Transport to delay making our Regulations so that they could be brought into operation at the same time as the implementing instrument for Great Britain to ensure consistency of application across the United Kingdom.
- 3.2.

4. Consultation

- 4.1. Consultation on the proposed regulations ran from 2 April to 4 June 2010. Twenty-two identified stakeholders were consulted and comments were also invited from the public and any interested bodies. We received substantive comments from three recipients NIR, Craigavon Borough Council and Banbridge District Council. We replied clarifying the issues in question and our responses were set out in detail in the SL1 provided to the previous Regional Development Committee. The Department has had ongoing consultation with NIR as the sole railway operator here, and no significant issues have arisen as a result of our discussions and they have stated that the affects of the proposal on NIR will be negligible.

5. Equality Impact

- 5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on the legislative proposal as part of the public consultation exercise on these proposals. The Department does not consider there is a need for an equality impact assessment.

6. Regulatory Impact

- 6.1. The Department does not consider that there is a need for a regulatory impact assessment.

7. Financial Implications

- 7.1. None.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Department has carried out a Human Rights Act screening analysis and no human rights issues have been identified.

9. EU Implications

- 9.1. None.

10. Parity or Replicatory Measure

- 10.1. None.

11. Additional Information

- 11.1. Not applicable.