

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations make provision with regard to the safe operation of transport systems. They also make other provision. Regulation 2 defines transport systems as meaning, subject to specified exceptions, railways, tramways and prescribed systems of guided transport.

2. Regulation 3 places a duty on infrastructure controllers, so far as is reasonably practicable and where and to the extent necessary for safety, to prevent unauthorised access to the infrastructure of transport systems (subject to specified exceptions).

3. Regulation 4 places a duty on operators of vehicles being used for the carriage of fare paying passengers to provide and maintain means of communication between passengers and a person who in an emergency is in a position to take appropriate action.

4. Regulation 5 provides for infrastructure controllers to ensure so far as is reasonably practicable, that procedures are in place and equipment is provided and maintained for the purpose of preventing collisions and derailments.

5. Regulation 6 places a duty on vehicle operators to provide and maintain suitable and sufficient braking systems for their vehicles.

6. Regulation 7 provides for specified persons to ensure, so far as is reasonably practicable, that procedures are in place and equipment is provided and maintained for the purpose of preventing persons at work on a transport system from being struck by or falling from a moving vehicle.

7. Regulation 8 provides for certificates of exemption to be granted by the Health and Safety Executive. Regulation 9 provides a defence to any offence under these Regulations where the person charged has taken all reasonable precautions and exercised all due diligence.

8. Regulation 10 provides for certain functions of the Secretary of State under the Transport and Works Act 1992 and the Railways and Other Transport Systems (Approval of Works, Plant and Equipment) Regulations 1994 (approvals of works, plant and equipment and directions limiting speeds and loads) to be transferred to the Health and Safety Executive.

9. Regulation 11 makes minor amendments to the Health and Safety (Enforcing Authority) Regulations 1989 and regulation 12 the repeals and revocations specified in the Schedule.