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STATUTORY INSTRUMENTS

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**2006 No. 556**

**TRANSPORT**

**The Railways Act 2005 (Amendment) Regulations 2006**

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|-------------------------------|---------|-----------------------|
| <i>Made</i>                   | - - - - | <i>1st March 2006</i> |
| <i>Laid before Parliament</i> |         | <i>9th March 2006</i> |
| <i>Coming into force</i>      | - -     | <i>1st April 2006</i> |

The Secretary of State makes the following Regulations in exercise of the power conferred by paragraph 1(4) of Schedule 3 to the Railways Act 2005(1).

In accordance paragraph 1(5) of that Schedule he has consulted the Office of Rail Regulation, the Health and Safety Commission and such other persons he considers appropriate.

**Citation and commencement**

1. These Regulations may be cited as the Railways Act 2005 (Amendment) Regulations 2006 and shall come into force on 1st April 2006.

**Amendments to the Railways Act 2005**

2.—(1) Paragraph 1 of Schedule 3 to the Railways Act 2005 (railway safety purposes) is amended as follows.

(2) In sub-paragraph (3)—

- (a) at the end of paragraph (b) insert “or”;
- (b) paragraph (c) shall be omitted;
- (c) at the end of paragraph (d) insert “other than a guided bus system”; and
- (d) after paragraph (d) insert—

“but not to the extent that the transport system consists of or is operated for the purposes of fairground equipment.”.

(3) In sub-paragraph (7)—

- (a) before the first definition insert—

““bus” means a motor vehicle which is designed or adapted to travel along roads and to carry more than eight passengers but which is not a tramcar;

“fairground equipment” has the same meaning as in section 53 of the 1974 Act<sup>(2)</sup>;  
“guided bus system” means a system of transport, used wholly or mainly for the carriage of passengers, that employs buses which for some or all of the time when they are in operation—

- (a) travel along roads; and
- (b) are guided (whether while on the road or at other times) by means of—
  - (i) apparatus, a structure or other device which is fixed and not part of the bus; or
  - (ii) a guidance system which is automatic;”;
- (b) in the first definition (applying definitions in the Transport and Works Act 1992 to “guided transport” and various other terms), the words “trolley vehicle system” shall be omitted; and
- (c) after the definition of “person at work” insert—
  - ““road”—
  - (a) in England and Wales, means any length of highway or of any other road to which the public has access, and includes bridges over which a road passes; and
  - (b) in Scotland, has the same meaning as in the Roads (Scotland) Act 1984<sup>(3)</sup>.”.

Signed by authority of the Secretary of State for Transport

*Derek Twigg*  
Parliamentary Under Secretary of State  
Department for Transport

1st March 2006

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(2) “The 1974 Act” is defined in paragraph 15(1) of Schedule 3 to the Railways Act 2005 (interpretation) as the Health and Safety at Work etc. Act 1974 (c. 37). The definition of “fairground equipment” was inserted into section 53 of the 1974 Act by the Consumer Protection Act 1987 (c. 43), section 36 and Schedule 3 paragraph 7.

(3) 1984 c. 54.

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## EXPLANATORY NOTE

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

These Regulations modify the definition of “railway safety purposes” in paragraph 1 of Schedule 3 to the Railways Act 2005 (which makes provision for the transfer to the Office of Rail Regulation of safety functions). They do so by excluding from the remit of the Office of Rail Regulation, for the purposes of Schedule 3, fairground equipment, guided bus systems and trolley vehicle systems.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.