

SCHEDULE 1

Regulations 5(1)(c), and 6(1)(b)

SAFETY MANAGEMENT SYSTEM

Requirements on the safety management system

1. The safety management system shall—
 - (a) describe the distribution of responsibilities, within the operation, for the safety management system;
 - (b) show how control of the safety management system by the management on different levels is secured;
 - (c) show how persons carrying out work or voluntary work directly in relation to the operation and their representatives on all levels are involved with the safety management system; and
 - (d) show how continuous improvement of the safety management system is ensured.

Basic elements of the safety management system

2. The basic elements of a safety management system are—
 - (a) a statement of the safety policy which has been approved by the chief executive and communicated to all persons carrying out work or voluntary work directly in relation to the operation;
 - (b) qualitative and quantitative targets for the maintenance and enhancement of safety and plans and procedures for reaching those targets;
 - (c) procedures to meet relevant technical and operational standards or other requirements as set out in—
 - (i) TSIs;
 - (ii) national safety rules;
 - (iii) other relevant safety requirements; and
 - (iv) decisions of the Office of Rail Regulation addressed to the transport operator in question,and procedures to ensure compliance with the requirements listed in this paragraph throughout the life-cycle of any relevant equipment or operation which is subject to the requirement in question.
 - (d) procedures and methods for carrying out risk evaluation and implementing risk control measures when—
 - (i) there is a change in the way in which the operation in question is carried out; or
 - (ii) new material is used in the operation in question,which gives rise to new risks in relation to any infrastructure or the operation being carried out;
 - (e) provision of programmes for training of persons carrying out work or voluntary work directly in relation to the operation and systems to ensure that the competence of such persons is maintained and that they carry out tasks accordingly;
 - (f) arrangements for the provision of sufficient information relevant to safety—
 - (i) within the operation in question; and

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- (ii) between the operator in question and any other transport operator or an applicant for a safety certificate or a safety authorisation who carries out or who intends to carry out operations on the same infrastructure;
- (g) procedures and formats for the documentation of safety information;
- (h) procedures to control the lay out of, and changes to, vital safety information;
- (i) procedures to ensure that accidents, incidents, near misses and other dangerous occurrences are reported, investigated and analysed and that necessary preventative measures are taken;
- (j) provision of plans for action, alerts and information in the case of an emergency which are to be agreed with any public body, including the emergency services, that may be involved in such an emergency; and
- (k) provisions for recurrent internal auditing of the safety management system.

SCHEDULE 2

Regulation 7(1)(b)

APPLICATION FOR A SAFETY CERTIFICATE

PART 1

INFORMATION TO BE INCLUDED FOR A MAINLINE APPLICATION

1. The following information shall be included in relation to Part A of a safety certificate—
 - (a) particulars of the type and extent of the operation in respect of which the application is made; and
 - (b) either—
 - (i) a copy of a current certificate issued to the applicant by the Office of Rail Regulation, other than a deemed safety certificate, or a safety authority in another member State or in Northern Ireland under provisions giving effect to article 10(2)(a) of the Directive which relates to an equivalent railway operation; or
 - (ii) particulars of how the safety management system of the applicant meets the requirements set out in regulation 5(1) to (4).
2. The following information shall be included in relation to Part B of a safety certificate—
 - (a) information on the TSIs, national safety rules and other safety requirements relevant to the applicant's operation including those relevant to persons carrying out work in relation to the operation and the applicant's vehicles and an explanation of how compliance with these requirements is ensured by the safety management system;
 - (b) information on the different types of work being carried out by persons directly in relation to the operation including evidence of how the applicant ensures that when such persons are carrying out such work that they are doing so in accordance with the requirements of any relevant TSIs and national safety rules; and
 - (c) information on the different types of rolling stock used for the operation in question including evidence that they meet any relevant TSIs and national safety rules,

and where information is submitted concerning an interoperability constituent or a subsystem which is subject to and complies with the requirements of the Railways (Interoperability) (High-Speed)

Regulations 2002(1) (“2002 Regulations”) then only brief details need be supplied concerning compliance of such constituents or subsystems with relevant TSIs and other requirements of those Regulations and in this paragraph “interoperability constituent” and “subsystem” shall have the same meaning as in the 2002 Regulations.

PART 2

INFORMATION TO BE INCLUDED FOR A NON-MAINLINE APPLICATION

3. Particulars of the type and extent of the operation in respect of which the application is made.
4. Particulars of how the safety management system of the applicant meets the requirements set out in regulation 6.
5. Information on the—
 - (a) relevant statutory provisions which make provision in relation to safety which are applicable to the operation; and
 - (b) technical specifications and procedures relating to operations and maintenance that are relevant to the safety of the transport system which the applicant proposes to follow,and an explanation of how compliance with these requirements is ensured by the safety management system.
6. Information on the different types of work or voluntary work being carried out by persons directly in relation to the operation including evidence of how the applicant ensures that when such persons are carrying out work or voluntary work in relation to the operation that they are doing so in accordance with relevant requirements of the relevant statutory provisions referred to in paragraph 5(a).
7. Information on the different types of rolling stock used for the operation including evidence that they meet relevant requirements of the relevant statutory provisions referred to in paragraph 5(a).

SCHEDULE 3

Regulation 20(1)(c)

COMMON SAFETY INDICATORS

Indicators relating to accidents

- 1.—(1) Total and relative, to vehicle kilometres, number of—
 - (a) accidents and a break-down of the following types of accidents—
 - (i) collisions of vehicles, including collisions with obstacles within the loading gauge;
 - (ii) derailments of vehicles;
 - (iii) level-crossing accidents which shall include accidents involving persons at level-crossings;
 - (iv) accidents to persons caused by vehicles in motion except for suicides;
 - (v) suicides;
 - (vi) fires in vehicles; and
 - (vii) any other types of accidents,

(1) S.I.2002/1166.

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and each such accident shall be reported under the heading of the primary accident even where the consequences of any secondary accident are more severe such as where a fire follows a derailment.

- (b) persons seriously injured or killed by type of accident divided into the following categories—
- (i) passengers;
 - (ii) persons carrying out work or voluntary work directly in relation to the operation;
 - (iii) level crossing users;
 - (iv) unauthorised persons on premises of the transport system; and
 - (v) any other types of person,

and the number of passengers seriously injured or killed shall also be indicated in relation to the total number of passenger kilometres.

(2) The provisions of Regulation 91/2003 of the European Parliament and the Council on rail transport statistics⁽²⁾ shall be applied to any information provided under this paragraph.

Indicators relating to incidents and near-misses

2. Total and relative, to vehicle kilometres, number of—
- (a) broken rails;
 - (b) buckled rails;
 - (c) wrong-side signalling failures;
 - (d) signals passed at danger; and
 - (e) broken wheels and axles on vehicles in service.

Indicators relating to consequences of accidents

- 3.—(1) Total and relative—
- (a) to train kilometres, cost in Euros of all accidents, which shall include, where it is possible to provide such figures, the cost of the following—
 - (i) deaths and injuries of persons;
 - (ii) compensation for loss of or damage to the property of passengers, persons carrying out work directly in relation to the operation or to third parties including damage caused to the environment;
 - (iii) replacement or repair of damaged rolling stock and railway installations; and
 - (iv) delays, disturbances and re-routing of traffic including any additional costs to persons carrying out work directly in relation to the operation and the loss of future revenue;
 - (b) to number of hours worked, number of working hours of persons carrying out work directly in relation to the operation which have been lost as a consequence of accidents.

(2) In calculating the costs under sub-paragraph (1)(a), the amount of any indemnity or compensation recovered or expected to be recovered from third parties shall be deducted except for any relevant compensation recovered under insurance policies held by transport operators.

(2) OJNo. L14 of 21.1.03, p. 1.

Indicators relating to technical safety of infrastructure and its implementation

4. The—
- (a) percentage of tracks with a train protection system, within the meaning of regulation 2(1) of the Railway Safety Regulations 1999(3), in operation;
 - (b) percentage of train kilometres with a train protection system falling within paragraph (a) in operation;
 - (c) number of level crossings (total and total per kilometre of line); and
 - (d) percentage of level crossings with automatic or manual protection.

Indicators relating to the management of safety

5. Internal audits carried out by transport operators pursuant to the procedures referred to in paragraph 2(k) of Schedule 1 and the number of such audits which have been carried out and that number expressed as a percentage of the audits which were planned for that year.

SCHEDULE 4

Regulation 5(4)(a) and 6(4)(a)

WRITTEN SAFETY VERIFICATION SCHEME REQUIREMENTS

INFORMATION TO BE INCLUDED IN A SAFETY VERIFICATION SCHEME

- 1.—(1) The arrangements for the selection, appointment and retention of the competent person, which arrangements should at least provide for:
- (a) the appointment of the competent person at an early stage in the design selection process;
 - (b) the involvement of the competent person in the establishing of the criteria to be applied in the verification process and the design selection process; and
 - (c) the communication to the competent person of information necessary for the proper implementation, or revision, of the verification scheme and which information is necessary in order for the competent person to undertake the verification.
- (2) The arrangements for the examination and testing of new or altered vehicles or infrastructure, which arrangements should at least provide for:
- (a) the means of controlling risks that arise during the carrying out of any testing or trials prior to placing in service; and
 - (b) the standards and criteria to be applied in the verification process.
- (3) The arrangements for the review and revision of the verification scheme.
- (4) The arrangements for the making and preservation of records showing—
- (a) the examination and testing carried out to the new or altered vehicles or infrastructure prior to its being placed in service;
 - (b) the findings of that examination and testing;
 - (c) any remedial action recommended as a result of that examination and testing; and
 - (d) any remedial action performed.

(3) S.I. 1999/2244.

(5) The arrangements for communicating the matters contained in sub-paragraphs (1) to (4) of this Schedule to an appropriate level in the management system of the transport operator or responsible person as the case may be.

SCHEDULE 5

Regulation 29(7)

TRANSITIONAL PROVISIONS AND SAVINGS-SAFETY CERTIFICATES AND SAFETY AUTHORISATIONS

1. Subject to the following paragraphs of this Schedule—

- (a) a notification of acceptance by the Office of Rail Regulation of a safety case in relation to the operation of trains pursuant to regulation 5(7)(a) of the 2000 Regulations in relation to a safety case—
 - (i) which is current immediately before 1st October 2006; or
 - (ii) which is issued pursuant to paragraph 3,
 shall be deemed to be a safety certificate for that operation;
- (b) a notification of acceptance by the Office of Rail Regulation of a safety case in relation to the use of railway infrastructure pursuant to regulation 4(4), or the operation of a station pursuant to regulation 5(7)(a), of the 2000 Regulations in relation to a safety case—
 - (i) which is current immediately before 1st October 2006; or
 - (ii) which is issued pursuant to paragraph 3,
 shall be deemed to be a safety authorisation for the infrastructure in question,

and the holder of a deemed safety certificate shall also be deemed to have met the applicable requirements of regulations 3(1)(a) and 4(1)(a) and the holder of a deemed safety authorisation shall also be deemed to have met the applicable requirements of regulations 3(2)(a) and 4(2)(a).

2. In paragraph 1 a notification of acceptance shall be construed as including the original notification referred to in paragraph 1(a) or 1(b) together with any notification of acceptance of a revision of the safety case in question by the Office of Rail Regulation pursuant to regulation 7(7) of the 2000 Regulations or that regulation as saved by paragraph 3 in relation to the operation in question.

3. Notwithstanding their revocation the 2000 Regulations shall continue in force as they had effect on 30th September 2006 for the purposes of—

- (a) the consideration, acceptance or refusal of acceptance of safety cases and revisions to safety cases submitted to the Office of Rail Regulation for acceptance before 1st October 2006 under regulations 4, 5, 7 or 8 of the 2000 Regulations;
- (b) the making and determination of appeals under regulation 15 of the 2000 Regulations in relation to—
 - (i) the determination of any such appeals made before but not determined on 30th September 2006; and
 - (ii) the making and determination of any such appeals in relation to decisions on submissions falling within paragraph (a).

4. A deemed safety certificate or safety authorisation shall—

- (a) in the case of a deemed safety certificate or safety authorisation falling within paragraph 1(a)(i) or 1(b)(i), be deemed to be issued on 1st October 2006;

- (b) in the case of a deemed safety certificate or safety authorisation falling within paragraph 1(a)(ii) or 1(b)(ii), be deemed to be issued on the date of the notification of acceptance in question; and
 - (c) be deemed to be held by the person to whom the notification of acceptance in question was addressed or, in the case of a deemed safety certificate or authorisation falling within paragraph 1(a)(i) or 1(b)(i), the person who is a successor of that person or a previous successor pursuant to regulation 2(7) of the 2000 Regulations on 30th September 2006.
- 5.** A deemed safety certificate or safety authorisation shall be valid until—
- (a) in the case of a deemed—
 - (i) safety certificate, the holder has applied for a safety certificate under regulation 7 for the operation in question and the Office of Rail Regulation has issued a safety certificate in response to that application; or
 - (ii) safety authorisation, the holder has applied for a safety authorisation for the operation in question under regulation 10 and the Office of Rail Regulation has issued a safety authorisation in response to that application;
 - (b) subject to paragraph 6, the date by which the periodic review of the safety case to which the deemed safety certificate or deemed safety authorisation relates would have been required under regulation 6 of the 2000 Regulations had it still been in force; or
 - (c) 1st October 2008,

whichever is the first to occur.

6. Where the date of the periodic review referred to in paragraph 5(b) would fall on or before 1st April 2007 then a deemed safety certificate or safety authorisation shall be valid up to and including 1st April 2007.

- 7.** Where a transport operator—
- (a) holds a deemed safety certificate or deemed safety authorisation; and
 - (b) the control of the operation in question is transferred to another person after 1st October 2006 so that regulation 2(7) of the 2000 Regulations would have operated to treat that other person as a successor had it still been in force,

then that other person may rely upon the deemed safety certificate or safety authorisation and if he does so rely shall comply with the provisions of these Regulations as though he were the holder of that deemed safety certificate or safety authorisation for a period of 6 months from the date he becomes a successor and may do so notwithstanding the prior expiry of such a certificate or authorisation in accordance with paragraph 5.

8. The holder of a deemed safety certificate or safety authorisation shall revise the contents of the safety case to which the deemed safety certificate or safety authorisation relates whenever it is appropriate to do so.

9. Where the revision referred to in paragraph 8 renders the safety case materially different from that accepted in the deemed safety certificate or safety authorisation then the holder of the deemed safety certificate or authorisation shall, without delay, notify the Office of Rail Regulation of such revision.

10. Where a holder of a deemed safety certificate or safety authorisation proposes a change to the operation to which a deemed safety certificate or safety authorisation relates which would have been a change falling within regulation 8(1) or 11(1) if those regulations had applied, then he shall not make such a change until he has applied for and the Office of Rail Regulation has issued a new safety certificate or safety authorisation for that operation pursuant to regulation 7 or 10 as the case may be.

- 11.** Where a person—

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- (a) was granted an exemption, which has not been revoked, from the prohibition relating to the holding of an accepted safety case in regulation 4(1) or 5(1) of the 2000 Regulations; or
- (b) was not subject to the requirements of the 2000 Regulations immediately before 1st October 2006 by virtue of their operation falling wholly within sub-paragraphs (a) to (c) of the definition of “railway” in the 2000 Regulations or because they were carrying out an operation on a transport system other than a railway,

then notwithstanding the revocation of the 2000 Regulations, that person shall not be required to comply with the provisions of Part 2 of these Regulations until 1st April 2007.

12. The 2000 Regulations shall apply in relation to—

- (a) a deemed safety certificate as if regulations 8, 9 and 15 did not apply; and
- (b) a deemed safety authorisation as if regulation 11, 12 and 16 did not apply;
- (c) a deemed safety certificate or a deemed safety authorisation as if—
 - (i) regulations 13, 14 and 18 did not apply;
 - (ii) sub-paragraphs (a) and (b) of regulation 20(1) did not apply;
 - (iii) regulation 20(1)(d) referred to “the findings of an audit carried out pursuant to the arrangements referred to in paragraph 5(d) of Schedule 1 to the 2000 Regulations;”;
 - and
 - (iv) regulation 21(4)(a) and 21(5)(a) referred to a deemed safety certificate or a deemed safety authorisation and the safety case to which it relates and as if the notified address referred to in regulation 21(3) were that notified in relation to the safety case in question under regulation 14 of the 2000 Regulations.

13. Notwithstanding the revocation of the 2000 Regulations, regulation 10 of the 2000 Regulations shall continue in effect in relation to the safety case to which a deemed safety certificate or deemed safety authorisation relates as it had effect on 30th September 2006 except that for the purposes of this Schedule the references in that regulation to—

- (a) “any revision” shall be construed to include a revision pursuant to paragraph 8; and
- (b) regulations 7 and 11 shall be construed as a reference to paragraph 8 of this Schedule and regulation 22(1) respectively.

14. For the purposes of this Schedule “the 2000 Regulations” means the Railways (Safety Case) Regulations 2000.

SCHEDULE 6

Regulation 33

CONSEQUENTIAL AMENDMENTS

Amendment to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995

1.—(1) The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995(4) shall be amended as follows.

- (2) In regulation 2(1) (interpretation)—
 - (a) after the definition of “factory” insert—

(4) S.I. 1995/3163 as amended by S.I. 1997/2776, 1999/437, 1999/2024, 1999/2244 and 2004/568; there are other amendments not relevant to these Regulations.

- “guided bus system” has the meaning assigned to it by regulation 2(1) of the Railways and Other Guided Transport Systems (Safety) Regulations 2006;”;
- (b) for the definition of “guided transport system” substitute—
- “guided transport” has the meaning assigned to it by regulation 2(1) of the Railways and Other Guided Transport Systems (Safety) Regulations 2006;”;
- (c) for the definition of “railway” substitute—
- “railway” has the meaning assigned to it by regulation 2(1) of the Railways and Other Guided Transport Systems (Safety) Regulations 2006;”;
- (d) for the definition of “relevant transport system” substitute—
- “relevant transport system” means a railway, a tramway, a trolley vehicle system or any other system using guided transport but does not include a guided bus system or a trolley vehicle system when it operates on a road;”; and
- (e) for the definition of “tramway” substitute—
- “tramway” has the meaning assigned to it by regulation 2(1) of the Railways and Other Guided Transport Systems (Safety) Regulations 2006;”.

Amendment to the Railway Safety (Miscellaneous Provisions) Regulations 1997

2.—(1) The Railway Safety (Miscellaneous Provisions) Regulations 1997(5) shall be amended as follows.

- (2) In regulation 2(1) (interpretation)—
- (a) after the definition of “factory” insert—
- “guided bus system” and “guided transport” have the meanings assigned to them by regulation 2(1) of the Railways and Other Guided Transport Systems (Safety) Regulations 2006;”;
- (b) omit the definition of “prescribed system of guided transport”;
- (c) for the definition of “tramway” substitute—
- “tramway” has the meaning assigned to it by regulation 2(1) of the Railways and Other Guided Transport Systems (Safety) Regulations 2006;”; and
- (d) in the definition of “transport system” for the words before sub-paragraph (a) substitute—
- “transport system” means a railway, a tramway, a trolley vehicle system or any other system using guided transport except that it does not include a guided bus system or any part of any of those systems which—;”; and
- (e) after the definition of “transport system” insert—
- “trolley vehicle system” has the meaning assigned to it by regulation 2(1) of Railways and Other Guided Transport Systems (Safety) Regulations 2006;”.

Amendment to the Railway Safety Regulations 1999

3.—(1) The Railway Safety Regulations 1999(6) shall be amended as follows.

- (2) In regulation 2 (interpretation)—
- (a) in paragraph (1)—
- (i) for the definition of “infrastructure controller” substitute—

(5) S.I. 1997/553, as amended by S.I. 1999/2024.

(6) S.I. 1999/2244, as amended by S.I. 2000/2688 and 2001/3291.

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““infrastructure controller” means a person who controls railway infrastructure;”;

(ii) after the definition of “railway” insert—

““railway infrastructure” means fixed assets used for the operation of a railway including its permanent way and plant used for signalling or exclusively for supplying electricity for operational purposes to the railway, but it does not include a station;”;

(iii) after the definition of “speed restriction” insert—

““station” means a railway passenger station or terminal, but does not include any permanent way or plant used for signalling or exclusively for supplying electricity for operational purposes to the railway;”;

(b) after paragraph (4) add—

“(4A) Any reference in these Regulations to a person who controls railway infrastructure is a reference to a person who—

- (a) in the course of a business or other undertaking carried on by him (whether for profit or not);
- (b) is in operational control of that infrastructure,

except that where such control is for the time being exercised by a person undertaking maintenance, repair or alteration work on the infrastructure, it is a reference to a person who would be in operational control of the infrastructure if such work were not being undertaken.”.

(3) In paragraph 2 to the Schedule (meaning of railway), for the definition of “tramway” substitute—

““tramway” means a system of transport used wholly or mainly for the carriage of passengers—

- (a) which employs parallel rails which—
 - (i) provide support and guidance for vehicles carried on flanged wheels; and
 - (ii) are laid wholly or partly along a road or in any other place to which the public has access (including a place to which the public only has access on making payment); and
- (b) on any part of which the permitted speed is such as to enable the driver to stop a vehicle in the distance he can see to be clear ahead;”.

Amendment to the Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Amendment and Specification) Order 2003

4.—(1) The Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Amendment and Specification) Order 2003(7) shall be amended as follows.

(2) In Schedule 4 (subordinate legislation specified for the purposes of section 241(3) (statutory functions) of the Enterprise Act 2002)—

(7) S.I. 2003/1400.

SCHEDULE 7

Regulation 34

REVOCATION

<i>(1)</i> <i>Regulations revoked</i>	<i>(2)</i> <i>References</i>	<i>(3)</i> <i>Extent of revocation</i>
ROTS	S.I. 1994/157	The whole Regulations
The Railways (Safety Critical Work) Regulations 1994	S.I. 1994/299	The whole Regulations
The Railways (Safety Case) Regulations 2000	S.I. 2000/2688	The whole Regulations
The Railway Safety (Miscellaneous Amendments) Regulations 2001	S.I. 2001/3291	Regulations 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16
The Railways (Safety case) (Amendment) Regulations 2003	S.I. 2003/579	The whole Regulations
The Cableway Installations Regulations 2004	S.I. 2004/129	Regulation 31