

STATUTORY INSTRUMENTS

2011 No. 3066

The Railways (Interoperability) Regulations 2011

PART 2

Subsystems

Requirement for authorisation

4.—(1) No person is to put into use any structural subsystem unless—

- (a) the Safety Authority has given an authorisation under these Regulations for the placing in service of that subsystem; ^{F1}or]
- (b) the Competent Authority has decided under regulation 13 that for the upgrading or renewal of the subsystem, an authorisation is not required for the subsystem to be put into use; ^{F2}...

^{F2}(c)

(2) A structural subsystem is put into use when, having been constructed, upgraded or renewed, it is first used on or as part of the rail system ^{F3}... for the transportation of passengers or freight or for the purpose for which it was designed.

(3) For the purposes of paragraph (2) use of a structural subsystem does not include any testing or trials conducted in the [^{F4}relevant EC or UK] verification assessment procedure or for additional checks required by the Safety Authority.

^{F5}(4) The requirements set out in paragraph (1) apply to a vehicle even if there is an extant authorisation granted in an EU Member State or by the European Union Agency for Railways. A person wishing to put a vehicle into use in the UK beyond the Channel Tunnel system which has such an authorisation must apply for an authorisation under regulation 6.]

Textual Amendments

- F1** Word in reg. 4(1)(a) inserted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(7)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Reg. 4(1)(c) and word omitted (31.12.2020) by virtue of [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(7)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in reg. 4(2) omitted (31.12.2020) by virtue of [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(7)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in reg. 4(3) inserted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(7)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Reg. 4(4) inserted by S.I. 2019/345, reg. 2(7)(d) (as substituted) by [The Railways \(Interoperability\) \(Miscellaneous Amendments and Revocations\) \(EU Exit\) Regulations 2020 \(S.I. 2020/318\)](#), regs. 1(2) (b), **5(3)**

Application for authorisation

5.—(1) A person may apply for an authorisation in respect of any structural subsystem to be placed in service if—

- (a) the authorisation is required under regulation 4(1); ^{F6}or
- (b) an authorisation is not required under regulation 4(1) because regulation 3(2) or (5)(a) applies, but the person nevertheless wants an authorisation; ^{F7}...
- ^{F7}(c)

(2) In order for an application to be valid it must be made in writing to the Safety Authority and be accompanied by—

- (a) the technical file compiled in accordance with regulation 17; and
- ^{F8}(b) the UK declaration of verification;

(3) Subject to paragraph (4), in considering an application the Safety Authority must not require checks already carried out under the ^{F9}UK verification assessment procedure to be carried out again.

(4) The Safety Authority may require such additional checks which the Safety Authority considers necessary in relation to the project subsystem if that subsystem appears to the Safety Authority not to meet the essential requirements.

- (5) Where additional checks are required under paragraph (4) the Safety Authority must—
 - (a) inform the applicant that the application cannot be determined before the additional checks are carried out; and
 - (b) notify the Secretary of State in writing forthwith of the additional checks it requires and the reasons for requiring those checks.

(6) Paragraphs (2) and (4) are subject to regulations 6, 9 and 10.

(7) Paragraph (5)(b) does not apply to ^{F10}DFI].

^{F11}(8)

Textual Amendments	
F6	Word in reg. 5(1)(a) inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), 2(8)(a)(i) ; 2020 c. 1, Sch. 5 para. 1(1)
F7	Reg. 5(1)(c) and word omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), 2(8)(a)(ii) ; 2020 c. 1, Sch. 5 para. 1(1)
F8	Reg. 5(2)(b) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), 2(8)(b) ; 2020 c. 1, Sch. 5 para. 1(1)
F9	Word in reg. 5(3) inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), 2(8)(c) ; 2020 c. 1, Sch. 5 para. 1(1)
F10	Word in reg. 5(7) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), 2(8)(d) ; 2020 c. 1, Sch. 5 para. 1(1)
F11	Reg. 5(8) omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), 2(8)(e) ; 2020 c. 1, Sch. 5 para. 1(1)

Authorisation for a vehicle already authorised for ^{F12}an EU Member State

6.—^{F13}(1) This regulation applies where an authorisation is required under regulation 4(4).]

(2) When this regulation applies paragraph (3) applies instead of regulation 5(2) and paragraph (4) applies instead of regulation 5(4).

(3) In order for the application to be valid the application must be made in writing to the Safety Authority and accompanied by—

- (a) a copy of the authorisation referred to in regulation [F14(4)] (“the first authorisation”);
- (b) if the first authorisation is a TSI conform authorisation, a technical file containing—
 - (i) a copy of the technical file from the first authorisation;
 - (ii) for a vehicle equipped with a data recorder not required by an applicable TSI [F15;in force at the time when the vehicle was first authorised], information on the procedures for collecting and evaluating the data;
 - (iii) the documentation relating to the maintenance history and any technical modifications undertaken after the first authorisation;
 - (iv) evidence on technical and operational characteristics that shows that the vehicle is compatible with the infrastructures and fixed installations, including climate conditions, energy supply system, control-command and signalling system, track gauge and infrastructure gauges, maximum permitted axle load and other constraints of the network; F16 ...
- [F17(v) any UK certificate of verification in relation to UK specific rules; and]
- [F18(vi) sufficient documentary evidence to satisfy the Safety Authority that the first authorisation has not been revoked;]
- (c) if the first authorisation is not a TSI conform authorisation, a technical file containing—
 - (i) information on the procedure followed in relation to the first authorisation in order to show that vehicle complied with the safety requirements in force and information on any derogation that applies;
 - (ii) the technical data and information on the maintenance programme and operational characteristics, including, for a vehicle equipped with a data recorder, information on the procedures for collecting and evaluating the data;
 - (iii) the documentation relating to the maintenance and operational history and any technical modifications undertaken after the first authorisation;
 - (iv) evidence on technical and operational characteristics that shows that the vehicle is compatible with the infrastructures and fixed installations, including climate conditions, energy supply system, control-command and signalling system, track gauge and infrastructure gauges, maximum permitted axle load and other constraints of the network; F19 ...
- [F20(v) any UK certificate of verification in relation to UK specific rules; and]
- [F21(vi) sufficient documentary evidence to satisfy the Safety Authority that the first authorisation has not been revoked;]
- (d) if the first authorisation was made, in accordance with Article 26 of the Directive [F22;or Article 24 of the 2016 Directive], on the basis of a declaration of conformity to type, a copy of the declaration; and
- (e) any [F23;UK declaration of verification] from the project entity made under paragraph (9).

[F24(4) If the first authorisation is a TSI conform authorisation, the Safety Authority may, after consultation with the applicant, by notice in writing require the applicant to carry out additional tests on the network concerned or risk analysis and to provide any additional information which the Safety Authority considers necessary in order to check compatibility between the vehicle and the network concerned, including compatibility with UK specific rules.]

(5) If the first authorisation is not a TSI conform authorisation the Safety Authority may, after consultation with an applicant, require the applicant, by notice in writing, to carry out additional tests on the network concerned or risk analysis and to provide any additional information which the Safety Authority considers necessary in order to verify that—

- (a) if there is a substantial safety risk, matters covered by the information referred to in paragraph (3)(c)(i) and (ii); and
- (b) matters covered by the information referred to in paragraph (3)(c)(iii) and (iv),

comply with any applicable [^{F25}UK specific rules].

(6) The infrastructure manager must, if requested by the applicant, make reasonable efforts to enable any tests required under paragraphs (4) and (5) to be completed before the date which is three months after the date on which the infrastructure manager received the request.

(7) If there are any applicable [^{F26}UK specific rules] that must be assessed against in order to comply with requirements made by the Safety Authority under paragraphs (4) or (5), the project entity must, in order for the application to proceed, engage a designated body, ^{F27}... to assess conformity with those rules.

^{F28}(8)

[^{F29}(9) If a body is engaged in accordance with paragraph (7), in order for the application to proceed, the project entity must draw up a UK declaration of verification in relation to the project subsystem in accordance with Schedule 5, after the body appointed under paragraph (7) has, in accordance with Schedule 4, drawn up a UK certificate of verification and compiled a technical file.]

^{F30}(10)

^{F31}(11)

(12) This regulation does not apply in relation to the Channel Tunnel system.

Textual Amendments

- F12** Words in reg. 6 heading substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(9)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Reg. 6(1) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(9)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Word in reg. 6(3)(a) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(9)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in reg. 6(3)(b)(ii) inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(9)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Word in reg. 6(3)(b)(iv) omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(9)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Reg. 6(3)(b)(v) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(9)(c)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Reg. 6(3)(b)(vi) inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(9)(c)(v)**; 2020 c. 1, Sch. 5 para. 1(1)
- F19** Word in reg. 6(3)(c)(iv) omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(9)(c)(vi)**; 2020 c. 1, Sch. 5 para. 1(1)
- F20** Reg. 6(3)(c)(v) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(9)(c)(vii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F21** Reg. 6(3)(c)(vi) inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(9)(c)(viii)**; 2020 c. 1, Sch. 5 para. 1(1)

- F22** Words in reg. 6(3)(d) inserted (31.12.2020) by S.I. 2019/345, reg. 2(9)(c)(viii) (as inserted by The Railways (Interoperability) (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2020 (S.I. 2020/318), regs. 1(2)(b), **5(4)**)
- F23** Words in reg. 6(3)(e) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(9)(c)(ix)**; 2020 c. 1, Sch. 5 para. 1(1)
- F24** Reg. 6(4) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(9)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F25** Words in reg. 6(5) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(9)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F26** Words in reg. 6(7) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(9)(f)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F27** Words in reg. 6(7) omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(9)(f)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F28** Reg. 6(8) omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(9)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F29** Reg. 6(9) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(9)(h)**; 2020 c. 1, Sch. 5 para. 1(1)
- F30** Reg. 6(10) omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(9)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F31** Reg. 6(11) omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(9)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

Authorisation decision

- 7.—(1) The Safety Authority must determine an application by—
- (a) authorising the placing in service of the structural subsystem; or
 - (b) refusing the application for authorisation.
- (2) The Safety Authority must, and may only, issue an authorisation for the placing in service of a structural subsystem, where it is satisfied that—
- (a) the [^{F32}UK declaration of verification], if required, has been drawn up in accordance with [^{F33}Schedule 5];
 - (b) the project subsystem is technically compatible with the rail system into which it is being integrated; ^{F34}...
 - (c) the project subsystem has been so designed, constructed and installed as to meet the essential requirements relating to that subsystem when placed in service; [^{F35}and,
 - (d) the project entity has satisfactorily completed any tests required by regulations 5(4), and 6(4) and 6(5).]
- (3) The Safety Authority may include conditions in an authorisation.
- (4) In this regulation “conditions” means—
- (a) restrictions or limitations on the use of the structural subsystem; or
 - (b) requirements that must be met by a time specified in the authorisation.
- (5) The Safety Authority must consider an application under regulation [^{F36}6(1)] as soon as possible and make the decision as to whether to issue an authorisation on or before—
- (a) in the case of a vehicle with a TSI conform authorisation from [^{F37}an EU Member State], the later of—
 - (i) the date falling two months after the Safety Authority receives the technical file; and

- (ii) if the applicant receives a notice under regulation 6(4) before the date referred to in (i), the date falling one month after the provision of all the information, risk analysis and results of the checks required by the notice; and
 - (b) in the case of a vehicle with an authorisation from [^{F38}an EU Member State] which is not a TSI conform authorisation, the later of—
 - (i) the date falling four months after the Safety Authority receives the technical file; and
 - (ii) if the applicant receives a notice under regulation 6(5) before the date referred to in (i), the date falling two months after the provision of all the information, risk analysis and results of the checks required by the notice.
- (6) Where paragraph (5) applies and the Safety Authority fails to make a decision by the date required, the vehicle is deemed to be authorised with effect from the beginning of the day which is three months after that date.

Textual Amendments

- F32** Words in reg. 7(2)(a) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(11)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F33** Words in reg. 7(2)(a) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(11)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F34** Word in reg. 7(2)(b) omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(11)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F35** Reg. 7(2)(d) and word inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(11)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F36** Word in reg. 7(5) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(11)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F37** Words in reg. 7(5)(a) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(11)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F38** Words in reg. 7(5)(b) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(11)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

Determination of type

8.—(1) If the Safety Authority issues an authorisation for the placing in service of a vehicle, the Safety Authority must issue a determination of type in relation to the vehicle.

(2) If the Safety Authority issues an authorisation for the placing in service of a structural subsystem that is not a vehicle, the Safety Authority may, with the consent of the person who applied for the authorisation, issue a determination of type in relation to that subsystem.

(3) The person who applied for the authorisation may make an application to the Safety Authority requesting the Safety Authority to make a determination of type under paragraph (2) and the Safety Authority must consider any such application.

(4) A determination of type must describe the basic design characteristics of the structural subsystem.

(5) If the Safety Authority considers it necessary as a result of [^{F39}material changes to the applicable standards] it may modify, suspend or withdraw a determination of type.

[^{F40}(6) The Safety Authority must publish and keep up to date a list of determinations of type for vehicles issued in accordance with this regulation (including those determinations issued by the Safety Authority before IP completion day) and any modification, suspension or withdrawal of such a determination.

(6A) In maintaining that list, the Safety Authority may have regard to the requirements set out in Annex II to Commission Implementing [Decision 2011/665/EU](#) of 4 October 2011 on the European register of authorised types of railway vehicles as that Decision has been amended by Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 amending Commission Regulations ([EU No 321/2013](#), (EU) No 1299/2014, (EU) No 1301/2014, (EU) No 1302/2014, (EU) No 1303/2014 and (EU) 2016/919 and Commission Implementing [Decision 2011/665/EU](#) as regards the alignment with Directive (EU) 2016/797 of the European Parliament and of the Council and the implementation of specific objectives set out in Commission Delegated Decision (EU) 2017/1474.]

(7) Following an authorisation under regulation 9 the Safety Authority is not required to make a further determination under this regulation.

(8) The Safety Authority must publish a list of the determination of types for structural subsystems that are not vehicles and keep the list up to date.

[^{F41}(9) In regulations 8, 9 and 10, “applicable standards” means the applicable standards in force at the time when type was determined, which are—

- (a) before IP completion day, standards set out in TSIs and notified national technical rules;
- (b) on or after IP completion day, standards set out in NTSNs and NTRs.

(10) In regulations 8, 9 and 10, any reference to “material” changes to standards does not include the replacement of the standards contained in TSIs or notified national technical rules by the standards published by the Secretary of State in accordance with regulations 3B and 3C on IP completion day and contained in NTSNs or NTRs.]

Textual Amendments

- F39** Words in [reg. 8\(5\)](#) substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), [regs. 1\(2\)](#), [2\(13\)\(a\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F40** [Reg. 8\(6\)\(6A\)](#) substituted for [reg. 8\(6\)](#) (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), [regs. 1\(2\)](#), [2\(13\)\(b\)](#) (as amended by [S.I. 2020/786](#), [regs. 1\(2\)\(b\)\(i\)](#), [4\(4\)\(a\)](#); by [S.I. 2019/345](#), [reg. 2\(13\)\(b\)](#) and [S.I. 2020/318](#), [regs. 1\(2\)\(b\)](#), [5\(5\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F41** [Reg. 8\(9\)\(10\)](#) inserted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), [regs. 1\(2\)](#), [2\(13\)\(c\)](#) (as amended: by [S.I. 2020/786](#), [regs. 1\(2\)\(b\)\(i\)](#), [4\(4\)\(b\)\(i\)\(ii\)](#) and [S.I. 2019/1310](#), [regs. 1\(2\)\(c\)](#), [6\(2\)\(a\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Type authorisation

9.—(1) A person who proposes the placing in service of a structural subsystem that conforms to the description in a determination of type, as modified under regulation 8(5) if applicable, may make an application for an authorisation to the Safety Authority.

(2) An application must be in writing and be accompanied by—

- (a) a declaration by the project entity that the structural subsystem conforms to the description set out in the determination of type;
- (b) a statement as to whether there have been any [^{F42}material changes to the applicable standards] since the Safety Authority made or modified the determination of type; and
- (c) if there are any such changes, a description of them.

(3) The Safety Authority must consider any application made under and in accordance with paragraphs (1) and (2) and must, and may only, issue an authorisation where it is satisfied that—

- (a) the project subsystem conforms to the description set out in the determination of type;

- (b) there have been no [^{F43}material changes to the applicable standards] since the Safety Authority made or modified the determination of type which are material to the application; and
- (c) the project subsystem has been so designed, constructed and installed as to meet the essential requirements relating to that subsystem when placed in service.
- (4) Subject to regulation 10, regulations 5(2) and (4) and 7(2) do not apply to an application for an authorisation under this regulation.
- (5) If the application is for a vehicle the declaration referred to in paragraph (2)(a) must be consistent with [^{F44}Schedule 6].
- (6) In this regulation “conforms” means conforms in all the respects which materially affect compliance with the applicable essential requirements.

Textual Amendments

- F42** Words in reg. 9(2)(b) substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(14)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F43** Words in reg. 9(3)(b) substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(14)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F44** Words in reg. 9(5) substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(14)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Type authorisation: changes to [^{F45}applicable standards]

10.—(1) If in the Safety Authority's opinion there have been changes to the applicable [^{F46}standards] that are material to an application made under regulation 9 the Safety Authority must give a notice in writing to the applicant specifying the changes that the Safety Authority considers to be material to the application.

(2) If having received a notice issued by the Safety Authority under paragraph (1) the applicant wishes to continue with the application, the applicant must provide to the Safety Authority the documentation referred to in regulation 5(2)(a) and (b).

(3) If the Safety Authority has received the further material referred to in paragraph (2), the Safety Authority may require additional tests in accordance with regulation 5(4) and (5).

(4) If the applicant has provided the documentation in accordance with paragraph (2), the Safety Authority must determine the application in accordance with regulation 7 as read with paragraph (5) of this regulation.

(5) For the purposes of paragraphs (2), (3) and (4) the documentation to be provided, the additional checks to be carried out and the authorisation to be issued must relate only to the changes to the applicable [^{F47}standards].

Textual Amendments

- F45** Words in reg. 10 heading substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(16)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F46** Word in reg. 10(1) substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(16)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F47** Word in reg. 10(5) substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(16)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Revocation of authorisations

11.—(1) The Safety Authority may revoke an authorisation before a structural subsystem is put into use if it is satisfied that the conditions of that authorisation are no longer met and that there is a significant safety risk arising as a result.

(2) Before revoking an authorisation the Safety Authority must give notice in writing to the person to whom the authorisation was issued (“the holder”) that—

- (a) it is considering revoking that authorisation and the reasons why; and
- (b) within a period specified in the notice, which must be not less than 28 days from the date of the notice, the holder may make representations in writing to the Safety Authority or, if the holder so requests, may make oral representations to the Safety Authority.

(3) The Safety Authority must not revoke the authorisation unless the Safety Authority has considered the representations (if any) from the holder made during the period specified in the notice.

(4) Where the Safety Authority revokes an authorisation, it must give notice in writing of the revocation to the holder and include reasons for the revocation in the notice.

List of projects for the renewal or upgrading of subsystems

12.—(1) The Competent Authority may from time to time publish a list under this regulation that names or describes projects or types of project that are, in the opinion of the Competent Authority, projects or types of projects for the renewal or upgrading of structural subsystems.

(2) In deciding whether a project or type of project is for the renewal or upgrading of [F48a] structural subsystem factors to be taken into account by the Competent Authority must include—

- (a) the scale of the project assessed by reference to its economic cost and benefits;
- (b) the impact of the project on the rail system having regard to its effect on safety, reliability and availability, health, environmental protection and [F49, technical compatibility and accessibility]^{M1}; and
- (c) the impact of the application of any relevant [F50NTSN] to the subsystem and any interfacing subsystems.

(3) If a project is named or described or is of a type named or described in accordance with this regulation it is for the purposes of these Regulations deemed to be a project for the renewal or upgrading of a structural subsystem.

Textual Amendments

- F48** Word in reg. 12(2) inserted (8.1.2016) by [The Railways \(Interoperability\) \(Amendment\) Regulations 2015 \(S.I. 2015/2022\)](#), regs. 1, **2(3)**
- F49** Words in reg. 12(2)(b) substituted (1.1.2014) by [The Railways \(Interoperability\) \(Amendment\) Regulations 2013 \(S.I. 2013/3023\)](#), regs. 1, **2(3)**
- F50** Word in reg. 12(2)(c) substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(17)**; 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M1** See the general requirements listed in annex III to the Directive.

Authorisation requirements for the renewal or upgrading of subsystems

13.—(1) In relation to a project for the renewal or upgrading of a structural subsystem, the project entity may apply in writing to the Competent Authority for a decision as to whether an authorisation is required.

(2) In order for an application made under paragraph (1) to be valid it must be accompanied by the following information—

- (a) a file setting out details of the project;
- (b) the project entity's assessment of whether there are any new or changed safety risks resulting from the works envisaged and how any such risks will be managed;
- (c) identification of any [^{F51}NTSN, or part of an NTSN], for which [^{F52}exemptions] may or will be sought pursuant to regulation 14; and
- (d) an indication of any [^{F53}NTSN, or part of an NTSN], which it is proposed should not apply if the Competent Authority determines that the subsystem requires authorisation.

(3) The Competent Authority may give notice in writing to the project entity requiring the project entity to provide, by a specified date, additional information that the Competent Authority considers necessary in order to make a decision.

(4) The project entity must provide the Competent Authority with such additional information requested under paragraph (3) as the project entity is reasonably able to supply and the project entity must give an explanation in writing where the information requested is not supplied.

(5) In making a decision as to the requirement for authorisation, factors to be taken into account by the Competent Authority must include—

- (a) the implementation [^{F54}plan] provided in relation to any applicable [^{F55}NTSN]; and
- (b) the extent of the proposed works.

(6) Except where the Competent Authority and the Safety Authority are the same person, the Competent Authority may only decide authorisation is not required if it has consulted the Safety Authority.

(7) If it appears to the Competent Authority that the proposed works may adversely affect the overall safety of the subsystem the Competent Authority must decide that the subsystem requires authorisation.

(8) Where the Competent Authority determines that the subsystem requires an authorisation the Competent Authority, subject to any [^{F56}exemptions under regulations 14 and 14A], must decide to what extent [^{F57}NTSNs] must apply to the project subsystem.

(9) The Competent Authority must make the decisions not later than four months after the submission of the information required by paragraph (2).

Textual Amendments

- F51** Words in reg. 13(2)(c) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(18)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F52** Word in reg. 13(2)(c) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(18)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F53** Words in reg. 13(2)(d) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(18)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F54** Word in reg. 13(5)(a) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(18)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F55** Word in reg. 13(5)(a) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(18)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

- F56** Words in reg. 13(8) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(18)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F57** Word in reg. 13(8) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(18)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

Exemption from need to conform with [^{F58}NTSNs (exemptions)]

14.—(1) The Competent Authority may determine that, in the circumstances or cases specified in paragraph (2), the whole or part of a relevant [^{F59}NTSN] is not to apply in relation to a subsystem (“^{F60}an exemption”).

(2) The circumstances or cases are—

(a) any project which—

- (i) is for a proposed new subsystem;
- (ii) is for the renewal or upgrading of an existing subsystem; or

[^{F61}(iii) concerns the design, construction, placing in service, upgrading, renewal, operation and maintenance of the parts of the rail system as well as the professional qualifications and health and safety conditions of the staff who contribute to its operation and maintenance,]

and the project is at an advanced stage of development having regard to the impact that a change in technical specification would have on the project or the project is the subject of a contract in the course of performance when the applicable [^{F59}NTSN] is published;

(b) any project concerning the renewal or upgrading of an existing subsystem, where the loading gauge, track gauge, space between tracks or electrification voltage in the applicable [^{F59}NTSN] is not compatible with those of the existing subsystem;

^{F62}(c)

(d) any proposed renewal, extension or upgrading of an existing subsystem when the application of an applicable [^{F59}NTSN] would compromise the economic viability of the project or the compatibility of the project with the rail system in the United Kingdom;

(e) following an accident or natural disaster, where the conditions for the rapid restoration of the network do not economically or technically allow for partial or total application of an applicable [^{F59}NTSN]; and

[^{F63}(f) a project which employs innovative solutions which either do not comply with the relevant NTSNs or to which the assessment methods in those NTSNs cannot be applied.]

[^{F64}(2A) In this regulation and in regulation 14A, a reference to a project at an advanced stage of development means a project whose planning or construction stage has reached a point where the impact of a change in technical specifications would present a significant legal, contractual, economic, financial, social or environmental impediment to the project concerned.]

^{F65}(3)

^{F65}(4)

^{F65}(5)

^{F65}(6)

Textual Amendments

- F58** Words in reg. 14 heading substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(19)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F59** Word in reg. 14 substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(19)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F60** Words in reg. 14(1) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(19)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F61** Reg. 14(2)(a)(iii) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(19)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F62** Reg. 14(2)(c) omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(19)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F63** Reg. 14(2)(f) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(19)(d)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F64** Reg. 14(2A) inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(19)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F65** Reg. 14(3)-(6) omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(19)(f)**; 2020 c. 1, Sch. 5 para. 1(1)

[^{F66}Application for exemptions

14A.—(1) Where a project entity applies for an exemption under regulation 14, they must apply to the Competent Authority in writing.

- (2) The following information must be included in the application for an exemption—
- a description of the work, goods and services subject to the exemption, specifying the key dates, the location, and the operational and technical area;
 - a precise reference to the NTSN (or its parts) from which an exemption is sought;
 - a precise reference to, and details of, the alternative provisions which will be applied;
 - for requests made under regulation 14(2)(a), evidence in support of the fact that the project is at an advanced stage of development;
 - for requests made under regulation 14(2)(f), information which outlines how the solution deviates from or complements the applicable NTSNs;
 - justification of the exemption, including the main reasons of a technical, economic, commercial, operational and/or administrative nature; and
 - any other information justifying the application for an exemption.

(3) After receipt of the information specified in paragraph (2), the Competent Authority must determine the application for an exemption.

(4) When the Competent Authority has made a determination it must inform the applicant of that determination.

(5) When the Competent Authority makes a determination of a case under regulation 14(2)(f) (innovative solutions), and informs the applicant of the outcome of the application, the Competent Authority must also publish its determination.]

Textual Amendments

- F66** Reg. 14A inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(20)**; 2020 c. 1, Sch. 5 para. 1(1)

Essential requirements for project subsystems

15.—(1) For the purposes of these Regulations, the essential requirements for a project subsystem are deemed to be met if the project subsystem conforms with —

- (a) all applicable [^{F67}NTSNs];
- (b) where paragraph (2) applies, the requirements of all applicable [^{F68}NTRs], subject to any dispensation granted under regulation 46(1); and
- (c) where such a dispensation applies, any conditions of that dispensation.

[^{F69}(1A) For the purposes of paragraph (1)(a), a project subsystem is deemed to conform with an applicable NTSN, save for any UK specific case set out in that NTSN, if—

- (a) the person applying for an authorisation provides evidence that the project subsystem has been assessed under EU law as conforming with a TSI in force at the time when the application for authorisation is made; and
- (b) the applicable NTSN specifies that it substantially reproduces the provisions of that TSI, in accordance with regulation 3B(7).]

(2) This paragraph applies to a project subsystem where—

- (a) there are no applicable [^{F70}NTSNs];
- (b) a relevant [^{F71}NTSN] does not govern all elements of the project subsystem;
- [^{F72}(c) an exemption from conformity with the whole or part of a relevant NTSN has been granted in accordance with regulations 14 and 14A in relation to that subsystem; or]
- (d) the Competent Authority has determined under regulation 13 that the whole or part of [^{F73}an NTSN] does not apply to that subsystem.

Textual Amendments

- F67** Word in reg. 15(1)(a) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(21)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F68** Word in reg. 15(1)(b) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(21)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F69** Reg. 15(1A) inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(21)(c)** (as amended by The Railways (Interoperability) (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2020 (S.I. 2020/318), regs. 1(2)(b), **5(6)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F70** Word in reg. 15(2)(a) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(21)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F71** Word in reg. 15(2)(b) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(21)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F72** Reg. 15(2)(c) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(21)(d)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F73** Words in reg. 15(2)(d) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(21)(d)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)

Role of project entity

16.—(1) In order for an application for an authorisation to be valid a project entity must—

- [^{F74}(a) engage an EU notified body to carry out the EC verification assessment procedure, or engage an approved body to carry out the UK verification assessment procedure, other than in relation to UK specific rules;]

- (b) ensure that [^{F75}an EU notified body or an approved body] (whether that originally engaged or another) continues to be engaged until authorisation under these Regulations is given or refused; and
- (c) if there are applicable [^{F76}UK specific rules], engage a designated body, ^{F77}... to carry out the [^{F78}UK] verification assessment procedure in relation to the [^{F76}UK specific rules] in accordance with regulation 17 [^{F79}and Schedule 4].
- (2) The engagement of [^{F80}an EU notified body or an approved body] under paragraph (1)(a) must be made—
- (a) before completion of the design stage of the project subsystem; or
- (b) before commencement of the manufacture stage of the project subsystem,
- whichever is the earlier.
- (3) A project entity must not draw up a [^{F81}UK declaration of verification] in relation to that project subsystem unless—
- (a) the project entity is satisfied the essential requirements are met (including interfaces with the rail system);
- [^{F82}(b) either—
- (i) the EC verification assessment procedure has been carried out by an EU notified body, or
- (ii) the UK verification assessment procedure has been carried out by an approved body, and, if applicable in either case, the UK verification assessment procedure has been carried out by a designated body;]
- [^{F83}(c) either—
- (i) an EC certificate of verification has been drawn up by an EU notified body, or
- (ii) a UK certificate of verification has been drawn up by an approved body, and, if applicable in either case, a UK certificate of verification has been drawn up by a designated body; and]
- (d) a technical file has been prepared containing the information and documents specified in regulation 17(2) and, if applicable, regulation 17(5).
- ^{F84}(4)
- (5) This regulation and regulation 17 do not apply where an authorisation is being applied for under regulation [^{F85}6(1)] .
- (6) Where regulation 9 or 10 applies, this regulation and regulation 17 only apply to the extent necessary to satisfy the Safety Authority that an authorisation must be granted under these Regulations.

Textual Amendments

- F74** Reg. 16(1)(a) substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), [2\(22\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F75** Words in reg. 16(1)(b) substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), [2\(22\)\(c\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F76** Words in reg. 16 substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), [2\(22\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F77** Words in reg. 16(1)(c) omitted (31.12.2020) by virtue of [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), [2\(22\)\(d\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)

- F78** Word in reg. 16(1)(c) inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(22)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F79** Words in reg. 16(1)(c) inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(22)(d)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F80** Words in reg. 16(2) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(22)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F81** Words in reg. 16(3) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(22)(f)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F82** Reg. 16(3)(b) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(22)(f)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F83** Reg. 16(3)(c) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(22)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F84** Reg. 16(4) omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(22)(h)**; 2020 c. 1, Sch. 5 para. 1(1)
- F85** Word in reg. 16(5) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(22)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

Project subsystems: [F86UK] verification assessment procedure

17.—(1) The [F87UK] verification assessment procedure for [F88an approved body] carrying out an assessment ^{F89} ... is—

- (a) in so far as that subsystem is required to conform with all or part of a [F90NTSN], the procedures specified in the [F90NTSN] or part of the [F90NTSN] with which that subsystem is required to conform; and
 - (b) the applicable procedure set out in [F91Schedule 4].
- (2) The [F92approved body] carrying out an assessment ^{F93} ... must—
- (a) compile a technical file containing—
 - (i) the items required by section 2.4 of [F94Schedule 4], including the certificate of verification;
 - (ii) documents relating to the conditions and limits of use of the project subsystem;
 - (iii) documents relating to the characteristics of the project subsystem;
 - (iv) manuals and instructions relating to the servicing, constant or routine monitoring, adjustment and maintenance of the project subsystem;
 - (v) documentation or records of any decision of the Competent Authority under regulation 13(8) as to the extent to which any [F95NTSN] applies to the project subsystem; and
 - [F96(vi) documentation or records of a determination of the Competent Authority in relation to an exemption from an applicable NTSN, pursuant to regulations 14 and 14A; and;]
 - (b) assess the interface between the project subsystem and the rail system to the extent that such an assessment is possible based on the available information referred to in paragraph (3).

(3) The assessment under paragraph (2)(b) must be based on information available in the relevant [F97NTSN] and in any registers [F98or lists] kept in accordance with [F99regulations 8 (Determination of type), 35 (Register of infrastructure) and 36 (National vehicle register)].

(4) The [F100UK] verification assessment procedure for a body carrying out an assessment in relation to [F101UK specific rules] is the applicable procedure set out in [F102Schedule 4].

(5) The body carrying out an assessment in relation to [^{F103}UK specific rules] must compile a technical file in accordance with [^{F104}Schedule 4].

Textual Amendments

- F86** Word in reg. 17 heading inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(23)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F87** Word in reg. 17(1) inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(23)(b)(i)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F88** Words in reg. 17(1) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(23)(b)(i)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F89** Words in reg. 17(1) omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(23)(b)(i)(cc)**; 2020 c. 1, Sch. 5 para. 1(1)
- F90** Word in reg. 17(1)(a) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(23)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F91** Words in reg. 17(1)(b) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(23)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F92** Words in reg. 17(2) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(23)(c)(i)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F93** Words in reg. 17(2) omitted (31.12.2020) by virtue of The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(23)(c)(i)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F94** Words in reg. 17(2)(a)(i) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(23)(c)(ii)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F95** Word in reg. 17(2)(a)(v) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(23)(c)(ii)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F96** Reg. 17(2)(a)(vi) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(23)(c)(ii)(cc)**; 2020 c. 1, Sch. 5 para. 1(1)
- F97** Word in reg. 17(3) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(23)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F98** Words in reg. 17(3) inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(23)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F99** Words in reg. 17(3) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(23)(d)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F100** Word in reg. 17(4) inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(23)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F101** Words in reg. 17(4) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(23)(f)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F102** Words in reg. 17(4) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(23)(f)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F103** Words in reg. 17(5) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(23)(f)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F104** Words in reg. 17(5) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(23)(f)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

Project subsystems: [^{F105}UK declaration of verification]

18.—(1) A project subsystem in relation to which a [^{F106}UK declaration of verification] has been drawn up is presumed for the purposes of these Regulations to meet the essential requirements unless there are reasonable grounds for believing that it does not so conform.

(2) The presumption set out in paragraph (1) does not apply where a person fails or refuses to make available to the Safety Authority the documentation which the person is required to retain

by the ^{F107}UK] verification assessment procedure applying to the project subsystem or pursuant to regulation 19, or a copy of that documentation.

Textual Amendments

- F105** Words in reg. 18 heading substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(24)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F106** Words in reg. 18(1) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(24)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F107** Word in reg. 18(2) inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(24)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Retention of documents

19.—(1) From the time a project subsystem authorised under these Regulations is placed in service until it is permanently withdrawn from service (whether such service is in the United Kingdom or another ^{F108}country]), the project entity who made the ^{F109}UK declaration of verification] must—

- (a) keep the following documents—
- (i) the technical file compiled in accordance with regulations 6(3)(b) ^{F110}or (c)] or 17(2) (a) or (5) (where there is more than one file the project entity must combine the files and keep them as one);
 - ^{F111}(ii) the relevant UK declaration of verification, and;]
 - (iii) any declaration made in accordance with regulation 9(2)(a); and
- (b) provide a copy of the technical file to ^{F112}the national body responsible for railway safety in the country in which the project subsystem is used, in response to a reasonable request from that body.]

(2) The project entity must ensure that—

- (a) any alterations made to the project subsystem are documented;
- (b) the documentation recording any alterations and any maintenance manuals in relation to the project subsystem are added to and kept as part of the technical file; and
- (c) any safety assessment report is added to and kept as part of the technical file.

(3) Where the project entity is not the owner of the project subsystem when it is authorised under these Regulations, the project entity must within 60 days of the date of authorisation transfer the documents referred to in paragraphs (1) and (2) to the owner of the subsystem, and once this is done for the purpose of paragraphs (1) and (2) the owner is to be regarded for the purposes of this regulation as the project entity.

(4) Where an owner of the project subsystem disposes of the owner's interest in it, the owner must within 60 days of the disposal transfer the documents referred to in paragraphs (1) and (2) to the person acquiring that interest, and once this is done for the purpose of paragraphs (1) and (2) and this paragraph, the person acquiring that interest is to be regarded for the purposes of this regulation as the project entity.

(5) The project entity must make the technical file, or the documents kept in accordance with paragraph (7)(b), available to the Safety Authority on demand.

(6) The duties of the project entity, or an owner of a project subsystem, under paragraphs (1), (2) (b) and (c) and (3) to (5) do not apply in respect of an authorisation deemed to be given under these Regulations by the operation of regulation 44.

(7) In respect of a project subsystem authorised under regulation 9 the duties of the project entity under paragraphs (1) and (2) are limited to keeping—

- (a) the declaration made in accordance with regulation 9(2)(a); and
- (b) documentation recording any alterations and any maintenance manuals in relation to the project subsystem.

Textual Amendments

- F108** Word in reg. 19(1) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(25)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F109** Words in reg. 19(1) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(25)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F110** Words in reg. 19(1)(a)(i) inserted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(25)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F111** Reg. 19(1)(a)(ii) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(25)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F112** Words in reg. 19(1)(b) substituted (31.12.2020) by The Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/345), regs. 1(2), **2(25)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

Continuing duty on operator in relation to standards

20.—(1) This regulation applies where a project subsystem is in use on, or is part of, the rail system with an authorisation under these Regulations.

(2) Subject to paragraph (3), the operator of the project subsystem must ensure that the project subsystem is operated and maintained—

- (a) subject to ^{F113}sub-paragraphs (b) and (ba)], in conformity with ^{F114}either the TSIs and notified national technical rules, or the NTSNs and NTRs] against which the subsystem was assessed for that authorisation;
 - (b) where ^{F115}an NTSN or NTR] referred to in sub-paragraph (a) has been varied or replaced, either in conformity with the varied or replaced ^{F116}NTSN or NTR] or in conformity with the original ^{F116}NTSN or NTR];
 - ^{F117}(ba) where a TSI or notified national technical rule referred to in sub-paragraph (a) has been replaced by an NTSN or by an NTR, either in conformity with the relevant NTSN or NTR currently in force or in conformity with the original TSI or rule,]
 - (c) in conformity with any functional ^{F118}NTSN] applying to that subsystem; and
 - (d) in accordance with any condition in the authorisation to the extent that the condition still applies.
- (3) Where—
- (a) a project subsystem—
 - (i) was assessed for authorisation against notified national technical rules that were the Rail Vehicle Accessibility Regulations 1998 ^{M2} as in force when the project was assessed, or
 - (ii) is deemed under regulation 44(1)(b) to have been assessed against the requirements referred to in that sub-paragraph, and
 - (b) an exemption order made or treated as having been made under section 183 of the Equality Act 2010 ^{M3} has effect in relation to that project subsystem,

the duty in paragraph (2)(a) to ensure that the project subsystem is operated and maintained in conformity with those Regulations or requirements is a duty to do so save to the extent the order exempted it from those Regulations or requirements, even though the order may include a provision for the expiry of such exemption.

(4) Paragraph (2) is without prejudice to regulation 45.

[^{F119}(5) In this regulation—

“functional NTSN” means an NTSN applying to a functional subsystem;

“project subsystem” includes a vehicle deemed to be authorised under these Regulations by the operation of regulation 44.]

Textual Amendments

- F113** Words in reg. 20(2)(a) substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(26)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F114** Words in reg. 20(2)(a) substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(26)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F115** Words in reg. 20(2)(b) substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(26)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F116** Words in reg. 20(2)(b) substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(26)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F117** Reg. 20(2)(ba) inserted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(26)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F118** Word in reg. 20(2)(c) substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(26)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F119** Reg. 20(5) substituted (31.12.2020) by [The Railways \(Interoperability\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/345\)](#), regs. 1(2), **2(26)(e)**; 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M2** [S.I. 1998/2456](#), amended by [S.I. 2000/3215](#) and [S.I. 2008/1746](#) and revoked by [S.I. 2010/432](#).
- M3** [2010 c.15](#). See article 21(1) and schedule 7 of [S.I. 2010/2317](#) for saving provisions.

Fees payable to the Safety Authority

21.—(1) The Safety Authority may charge a person applying for an authorisation a fee that must—

- (a) not exceed the sum of the costs reasonably incurred by the Safety Authority in carrying out the work relating to the application; and
- (b) be set out in an invoice that includes a statement of the work done and the costs reasonably incurred and specifies the period to which the statement relates.

(2) A fee charged under this regulation must be paid on or before the 30th day after the date of the invoice that the Safety Authority has sent or given to the person who is required to pay the fee, or on such later day as the Safety Authority has specified.

(3) A fee that has not been paid in accordance with paragraph (2) is recoverable as a civil debt.

(4) Failure to pay a fee does not constitute an offence.

(5) This regulation does not apply where the Intergovernmental Commission is the Safety Authority.

Fees payable to the Competent Authority

22. The Competent Authority may charge such reasonable fee in connection with, or incidental to, carrying out its functions under regulations 13 and 14, as it may determine.

Changes to legislation:

There are currently no known outstanding effects for the The Railways (Interoperability) Regulations 2011, PART 2.