
STATUTORY INSTRUMENTS

2011 No. 3066

The Railways (Interoperability) Regulations 2011

PART 4

Notified and Designated Bodies

Appointment of notified bodies and designated bodies

31.—(1) The Secretary of State may from time to time appoint by notice in writing (an “appointment”) such persons as the Secretary of State thinks fit to be a notified body or a designated body for the purposes of these Regulations.

(2) The Secretary of State must not appoint any person as a notified body or a designated body in accordance with paragraph (1) unless—

- (a) the person has applied to be so appointed; and
- (b) the Secretary of State is satisfied that the person is capable of meeting the criteria specified in Annex VIII to the Directive.

(3) For the purposes of this regulation, Annex VIII to the Directive applies to a designated body as it applies to a notified body.

(4) An appointment—

- (a) relates to such descriptions of structural subsystems and interoperability constituents of the rail system as the Secretary of State may specify; and
- (b) is subject to such conditions as the Secretary of State may specify, including such conditions as are to apply upon or following termination of the appointment.

(5) Subject to paragraphs (6)(b) and (c) and (7), an appointment is for such period as may be specified in the appointment.

(6) An appointment terminates—

- (a) upon the expiry of any period specified in the appointment pursuant to paragraph (5);
- (b) upon the expiry of 90 days notice in writing given by the notified body or the designated body to the Secretary of State; or
- (c) on any date specified for the termination of the appointment in accordance with paragraph (7),

whichever is the earliest.

(7) If at any time it appears to the Secretary of State in relation to a notified body appointed by the Secretary of State or the Strategic Rail Authority or in relation to a designated body that—

- (a) any of the conditions of the appointment of that body are not being complied with; or
- (b) the body is not meeting the criteria specified in Annex VIII to the Directive,

the Secretary of State may, by notice in writing to that body, specify a date on which the appointment of that person as a body is to terminate.

(8) Before terminating the appointment of a person as a notified body or designated body pursuant to the grounds specified in paragraph (7) the Secretary of State must—

- (a) notify the notified body or designated body in writing that—
 - (i) the Secretary of State is considering terminating the appointment and the reasons why; and
 - (ii) the notified or designated body may make representations in writing within 14 days beginning with the day on which such notice is given; and
- (b) consider any representations made within that period by the notified body or the designated body before making a decision.

(9) When the appointment of a notified body is terminated in accordance with paragraph (6) the Secretary of State may—

- (a) give such directions as the Secretary of State considers appropriate, to that notified body or to another notified body, for the purpose of making such arrangements as may be necessary or expedient for the determination of any matters which would, apart from the termination, have fallen to be determined by the notified body whose appointment has terminated; and
- (b) without prejudice to the generality of sub-paragraph (a), authorise another notified body, to take over the functions of the notified body whose appointment has terminated, in respect of such matters as the Secretary of State may specify.

(10) When the appointment of a designated body is terminated in accordance with paragraph (6) the Secretary of State may—

- (a) give such directions as the Secretary of State considers appropriate, to that designated body or to another designated body, for the purpose of making such arrangements as may be necessary or expedient for the determination of any matters which would, apart from the termination, have fallen to be determined by the designated body whose appointment has terminated; and
- (b) without prejudice to the generality of sub-paragraph (a), authorise another designated body, to take over the functions of the designated body whose appointment has terminated, in respect of such matters as the Secretary of State may specify.