
STATUTORY INSTRUMENTS

2019 No. 826

**The Railways (Amendment) (EU Exit)
Regulations (Northern Ireland) 2019**

PART 3

**Amendments to the Train Driving Licences and
Certificates Regulations (Northern Ireland) 2010**

Amendments

29. The Train Driving Licences and Certificates Regulations (Northern Ireland) 2010(1) are amended in accordance with this Part.

Regulation 2 (interpretation)

30.—(1) Regulation 2 is amended as follows.

(2) In regulation 2(1)—

- (a) omit the definition of “the Agency”;
- (b) for the definition of “the Department” substitute—

““the Department” means the Department for Infrastructure renamed as such by the Departments Act (Northern Ireland) 2016(2) and originally established as the Department for Regional Development by article 3(1) of the Departments (Northern Ireland) Order 1999(3);”;

- (c) for the definition of “the Directive” substitute—

““the Directive” means [Directive 2007/59/EC](#) of the European Parliament and of the Council on the certification of train drivers operating locomotives and trains on the railway system in the Community(4), as amended from time to time, before and after exit day;”;

- (d) after the definition of “employed” insert—

““European train driving licence” means a licence issued by a safety authority in accordance with article 14 of the Directive indicating that the holder satisfies medical, educational and professional skills for train driving;

“GB train driving licence” means a licence issued by or on behalf of the Office of Rail and Road under the Train Driving Licences and Certificates Regulations

(1) [S.R. 2010 No. 132](#), amended by [S.R. 2013 No. 236](#), [S.R. 2016 No. 73](#).

(2) [2016 c.5 \(N.I.\)](#).

(3) [S.I. 1999/283 \(N.I. 1\)](#).

(4) [O.J. No. L315, 3.12.2007, p.51](#), amended by Commission [Directive 2014/82/EU](#) ([O.J. No. L184, 25.6.2014, p.11](#)) and Commission Directive (EU) 2016/882 ([O.J. No. L146, 3.6.2016, p.22](#)).

- 2010(5) indicating that the holder satisfies medical, educational and professional skills requirements for train driving;”;
- (e) after the definition of “infrastructure manager” insert—
- ““the Office of Rail and Road” means the body established by section 15 of the Railways and Transport Safety Act 2003(6);”;
- (f) for the definition of “railway undertaking” substitute—
- ““railway undertaking” means the holder of a safety certificate issued by the Department in accordance with regulation 5 or 7 of the Railways (Safety Management) Regulations (Northern Ireland) 2006;”;
- (g) after the definition of “railway undertaking” insert
- ““Recast Safety Directive” means Directive (EU) 2016/798 of the European Parliament and of the Council on railway safety (recast)(7);”;
- (h) for the definition of “safety authority”, substitute—
- ““safety authority” means an authority established in an EEA state in accordance with article 16(1) of [Directive 2004/49/EC](#) of the European Parliament and of the Council on safety on the Community’s railways and amending Directive 95/18 EC on the licensing of railway undertakings and [Directive 2001/14/EC](#) on the allocation of infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification(8) or article 16(1) of the Recast Safety Directive;”;
- (i) for the definition of “train driving certificate”, substitute—
- ““train driving certificate” means a certificate issued by a railway undertaking or infrastructure manager under these Regulations indicating the infrastructure on which the holder is authorised to drive and the types of train which the holder is authorised to drive;”;
- (j) for the definition of “train driving licence” substitute—
- ““train driving licence” means a licence issued by or on behalf of the Department under these Regulations indicating that the holder satisfies medical, educational and professional skills requirements for train driving;”.
- (3) Omit regulation 2(2).

Regulation 4 (requirements for licences and certificates)

- 31.—**(1) Regulation 4 is amended as follows.
- (2) For paragraph (1), substitute—
- “(1) Subject to paragraph (10) a railway undertaking must not cause or permit a person to drive a train unless that person is authorised to do so by—
- (a) a train driving licence;
- (b) a European train driving licence; or
- (c) a GB train driving licence.”.

(5) [S.I. 2010/724](#), amended by [S.I. 2013/950](#), [2015/1798](#).

(6) [2003 c.20](#). Section 15 was amended by [S.I. 2015/1682](#), Schedule, Part 1, paragraph 2(b).

(7) O.J. No. L138, 26.5.2016, p.102.

(8) O.J. No. L164, 30.4.2004, p 44 as amended by [Directive 2008/57/EC](#) of the European Parliament and of the Council on the interoperability of the rail system within the Community (Recast) (O.J. No. L191, 18.7.2008, p 1), [Directive 2008/110/EC](#) of the European Parliament and of the Council (O.J. No. L345, 23.12.2008, p 62), Commission [Directive 2009/149/EC](#) (O.J. No. L313, 28.11.2009, p 65), [Directive 2012/34/EU](#) of the European Parliament and of the Council establishing a single European railway area (recast) (O.J. No. L343, 14.12.2012, p 32) and Commission [Directive 2014/88/EU](#) (O.J. No. L201, 10.7.2014, p 44).

(3) For paragraph (3)(a), substitute—

“(a) a train driving licence or a European train driving licence or a GB train driving licence;”.

(4) In paragraphs (4), (5), (7) and (10), a train driving licence includes a GB train driving licence and a European train driving licence.

(5) In paragraph (9), for “train driving licence issued by a safety authority”, substitute “European train driving licence or a GB train driving licence issued”.

Regulation 5 (licence and certificate characteristics)

32. In regulation 5(1), omit “issued by the Department” and “by a railway undertaking”.

Regulation 13 (periodic checks to maintain validity of licence)

33. In regulation 13(1), after “a train driving licence” insert “a GB train driving licence or a European train driving licence”.

Regulation 17 (monitoring)

34. In regulation 17, after paragraph (5), insert—

“(6) For the purposes of paragraphs (2) and (4) a train driving licence includes a European train driving licence and a GB train driving licence.”.

Regulation 21 (registers of recognised persons)

35.—(1) Regulation 21 is amended as follows.

(2) In paragraph (3), for “paragraphs (4) and (5)” substitute “paragraph (5)”.

(3) Omit paragraph (4).

Regulation 25 (information relating to the status of train driving licences)

36. For regulation 25 substitute—

“Information relating to the status of train driving licences

25. The Department must, upon request, provide information on the status of train driving licences to any employer of train drivers and may provide it to safety authorities.”.

Regulation 27 (information in relation to international train services)

37. For regulation 27 substitute—

“Information in relation to international train services

27. Railway undertakings must, upon request, provide to the Department information on the content of train driving certificates issued by them in relation to train drivers engaged on international train services and may provide it to safety authorities.”.

Regulation 29 (trainers)

38.—(1) Regulation 29 is amended as follows.

(2) In paragraph (1), for the words “if that person” to the end substitute “if that person is a recognised trainer”.

(3) After paragraph (1) insert—

“(1A) For the purposes of paragraph (1), a recognised trainer includes a trainer accredited or recognised to act as a trainer in a member State in accordance with the requirements of article 20 of the Directive.”.

Regulation 31 (examinations)

39. In regulation 31(3)(b), for another “Member State” substitute “a member State”.

Regulation 34 (suspension or withdrawal of train driving licences issued by the Department)

40.—(1) Regulation 34 is amended as follows.

(2) In paragraph (1), omit “issued by the Department”.

(3) for paragraph (3), after “safety authority” in both places where it occurs, insert “or the Office of Rail and Road”.

Regulation 35 (suspension or withdrawal of other train driving licences and driver prohibition)

41. For regulation 35, substitute—

“Suspension or withdrawal of other train driving licences and driver prohibition

35.—(1) Without prejudice to regulation 37, if the Department considers that the holder of a European train driving licence no longer satisfies a condition required for the holding of it the Department may—

- (a) inform the safety authority of this view;
- (b) give the safety authority a reasoned request for a review of the holder’s eligibility to hold the licence, or for the licence to be suspended or withdrawn; and
- (c) notify the other safety authorities of the request.

(2) Without prejudice to regulation 37, if the Department considers that the holder of a GB train driving licence no longer satisfies a condition required for the holding of it the Department must—

- (a) inform the Office of Rail and Road of this view; and
- (b) give the Office of Rail and Road a reasoned request for a review of the holder’s eligibility to hold the licence, or for the licence to be suspended or withdrawn.

(3) Pending any suspension or withdrawal of the licence, or other conclusion on the request under paragraph (1)(b) or (2)(b), the Department may prohibit the train driver from driving a train in Northern Ireland.”.

Regulation 36 (driving certificates and driver prohibition)

42. In regulation 36, for paragraph (5) substitute—

“(5) If the Department exercises the power in paragraph (4) it may inform the safety authorities.”.

Regulation 37 (serious threat to the safety of the railway)

43. In regulation 37, for paragraph (3) substitute—

“(3) If the Department takes any action under this regulation it may inform the safety authorities.”.

Regulation 38 (appeal to the Commission)

44. Omit regulation 38.

Regulation 41 (transitional provisions)

45. In regulation 41, in paragraph (2), for “at least one other Member State” substitute “the Republic of Ireland”.

Schedule 2 (community model train driving licence and harmonised complementary train driving certificate)

46.—(1) Schedule 2 is amended as follows.

(2) In the heading, omit the words “Community” and “Harmonised”

(3) In paragraph 2—

(a) in sub-paragraph (a), omit the words “in English”;

(b) omit sub-paragraphs (c), (e) and (f);

(c) omit the sentence after sub-paragraph (g).