STATUTORY INSTRUMENTS

2015 No. 1798

TRANSPORT

The Train Driving Licences and Certificates (Amendment) Regulations 2015

Made - - - -	*15th October 2015*
Laid before Parliament	*21st October 2015*
Coming into force in accordance with regulation 1	

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**1**).

The Secretary of State is a Minister designated(**2**) for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to railways and railway transport.

Citation commencement and interpretation

1.—(1) These Regulations may be cited as the Train Driving Licences and Certificates (Amendment) Regulations 2015.

(2) Subject to paragraph (3), these Regulations come into force on 12th November 2015.

(3) Regulations 2(3), 2(4) 2(5) and 3 come into force on 1st January 2016.

(4) In these Regulations, the "principal Regulations" means the Train Driving Licences and Certificates Regulations 2010(**3**).

Amendments to the Train Driving Licences and Certificates Regulations 2010

2.—(1) The principal Regulations are amended as follows.

(2) In regulation 2, in the definition of "the Directive" at the end insert "as amended by Commission Directive 2014/82/EU amending Directive 2007/59/EC of the European Parliament and of the Council of 23rd October 2007 as regards general professional knowledge and medical licence requirements(**4**)".

(**1**) 1972 c.68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a); also amended by the European Union (Amendment) Act 2008 (c. 7), Schedule, Part 1.
(**2**) S.I. 1996/266 to which there are amendments not relevant to these Regulations.
(**3**) S.I. 2010/724 to which there are amendments not relevant to these Regulations.
(**4**) O.J. No. L184, 25.6.2014, p. 11.

(3) In Schedule 1, in paragraph 1(2)(g) omit "; not required in a case where a person loses binocular vision after starting job as train driver when that person has adequate adaptation and sufficient compensation experience,".

(4) For Schedule 3 (general professional knowledge and requirements regarding the train driving licence) substitute the Schedule set out in the Schedule to these Regulations.

(5) In Schedule 4, for paragraph 8 (language tests) substitute—

"**LANGUAGE TESTS**

8. The language requirements are as follows—

(1) Drivers who have to communicate with the infrastructure manager on critical safety issues must have language skills in the language indicated by the infrastructure manager concerned. Their language skills must be such that they can communicate actively and effectively in routine, adverse and emergency situations.

(2) They must be able to use the messages and communication method specified in the Annex to Commission Decision 2012/757/EU concerning the technical specification for interoperability relating to the "operation and traffic management" subsystem of the rail system in the European Union and amending Decision 2007/756/EC(**5**).

(3) Drivers must be able to understand (both listening and reading) and to communicate (both speaking and writing) according to level B1 of the Common European Framework of Reference for Languages (CEFR) established by the Council of Europe(**6**)."

Transitional provisions

3. The holder of a train driving licence who has obtained a train driving licence before 1st January 2016 must be considered to comply with requirements of the principal Regulations which are amended by these Regulations—

(a) in relation to that licence until such date on or after 1st January 2016 when the holder of the licence is next required to take a periodic medical and psychological examination in accordance with the provisions of regulation 13; and

(b) in relation to any train driving certificate which the licence holder holds until such date on or after 1st January 2016 when the licence holder is next required to take a periodic language test under regulation 15.

Signed by authority of the Secretary of State

Claire Perry
Parliamentary Under Secretary of State
Department for Transport

15th October 2015

(**5**) O.J No. L345, 15.12.2012, p.1. See in particular section 4.6.2 of the Annex to the Decision. There are amendments to this Decision but they are not relevant for the purposes of these Regulations.

(**6**) Common European Framework of Reference for Languages: Learning, Teaching, Assessment, 2001 (Cambridge University Press for the English version ISBN 0-521-00531-0). Also available on the Cedefop website: http://europass.cedefop.europa.eu/en/resources/european-language-levels-cefr