STATUTORY RULES OF NORTHERN IRELAND

2016 No. 73

TRANSPORT

The Train Driving Licences and Certificates (Amendment) Regulations (Northern Ireland) 2016

Made - - - - 25th February 2016

Coming into operation 21st March 2016

The Department for Regional Development(**1**) being the Department designated(**2**) for the purposes of section 2(2) of the European Communities Act 1972(**3**) in relation to measures relating to railways and railway transport, in exercise of the powers conferred by that section makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Train Driving Licences and Certificates (Amendment) Regulations (Northern Ireland) 2016 and come into operation on 21st March 2016.

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Train Driving Licences and Certificates Regulations (Northern Ireland) 2010

2.—(1) The Train Driving Licences and Certificates Regulations (Northern Ireland) 2010(**5**), the principle 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/EC of 24 June 2014 amending Directive 2007/59/EU of the European Parliament and of the Council of 23 October 2007 as regards general professional knowledge and medical licence requirements." (**6**)

(3) In regulation 4(1), after the words "by a train driving licence issued by the Department" insert – ", Office of Rail Regulation".

(**1**) SI 1999/283
(**2**) SI 1996/266
(**3**) 1972 c.68
(**4**) 1954 c.33 (N.I.)
(**5**) SR 2010/132
(**6**) O.J. No. L184, 25.6.2014, p.11

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

(5) For Schedule 3 (General Professional Knowledge and Requirements regarding the Train Driving Licence) substitute the Schedule set out in the Schedule to these Regulations.

(6) In Schedule 4 for paragraph 8, 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 2007/757/EC(**7**).

(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(**8**)."

Transitional provisions

3. The holder of a train driving licence who has obtained or will have obtained a train driving licence before 21st March 2016 shall 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 21st March 2016 when the holder of the licence is next required to take a periodic medical and psychological examination in accordance with the provision of regulation 13; and

(b) in relation to any train driving certificate which the licence holder holds until such date on or after 21st March 2016 when the licence holder is next required to take a periodic language test under Regulation 15 of the principal Regulations.

(**7**) 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.

(**8**) 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

Sealed with the Official Seal of the Department for Regional Development on 25th February 2016.





Tom Reid
A senior officer of the Department for Regional Development