STATUTORY RULES OF NORTHERN IRELAND

2013 No. 236

TRANSPORT

The Train Driving Licences and Certificates (Amendment) Regulations (Northern Ireland) 2013

Made - - - -	*3rd October 2013*
Coming into operation-	*11th November 2013*

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) 2013 and come into operation on 11th November 2013.

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to any 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**) are amended as follows—

(2) In regulation 2, after the definition of "employed", insert—

""in code form" is a reference to a code representing additional information or a medical restriction, as provided for in Commission Regulation 2010/36(**6**), as amended from time to time;";

(3) In regulation 10 (procedure for obtaining a train driving licence) after (5) insert—

(**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. L. 162, 29.6.2010

"(6) A person who is aggrieved by a decision not to issue a train driving licence may appeal to a tribunal established for the purposes of hearing an appeal under these Regulations".

"(7) The model provisions with respect to appeals which are set out in The Deregulation (Model Appeals Provisions) Order (Northern Ireland) 1997(**7**) shall apply to an appeal under paragraph (6)".

(4) In regulation 11 (procedure for obtaining a train driving certificate)—

(a) after paragraph (3) insert new paragraph—

"(3A) The model provisions with respect to appeals which are set out in the Deregulation (Model Appeals Provisions) Order (Northern Ireland) 1997 shall apply to an appeal under paragraph (3)"; and

(b) paragraphs (5) and (6) are deleted;

(c) existing paragraph (7) is renumbered paragraph (5).

(5) In regulation 17 (monitoring)—

(a) in paragraph (2)(c) for the words "suspension or withdrawal of their train driving certificate" substitute "suspending or withdrawing the driver's train driving certificate";

(b) in paragraph (3) omit the words "his" and "he is", and substitute "their" and "they are";

(c) in paragraph (4) omit the word "his" and substitute the words "the driver's";

(d) in paragraph (4)(a) after the words "of the", insert "driver's train driving"; and

(e) in paragraph (4)(c) omit the words "suspension" and "withdrawal" and substitute the words "suspending" and "withdrawing", omit the word "his" and substitute the words "the driver's".

(6) After regulation 17(2)—

(a) delete the words "Part 6 REVIEW OF THE DEPARTMENT'S DECISIONS" and substitute the words "DECISIONS OF THE DEPARTMENT"

(b) paragraph 18(2) is deleted;

(c) paragraph 18(1) is renumbered paragraph 18.

(7) Regulation 19 (review process) is deleted.

(8) In regulation 37 (Serious threat to the safety of the railway) after (3) insert—

"(4) A person who is aggrieved by a decision to withdraw or suspend a train driving licence may appeal to a tribunal established for the purposes of hearing an appeal under these Regulations".

"(5) The model provisions with respect to appeals which are set out in the Deregulation (Model Appeals Provisions) Order (Northern Ireland) 1997 shall apply to an appeal under paragraph (4)".

(9) In regulation 40 (enforcement)—

(a) in paragraph (2) for "paragraph 4" substitute "paragraph 5";

(b) in paragraph (2)(d) substitute "Regulation 40(4) of" for "Schedule 8 to";

(c) in paragraph (3)(g) for "34 to 38" substitute "35 to 38" and after the word "offences" omit "and";

(d) after paragraph (3)(g) insert new paragraph (4)—

(**7**) SR 1997 No.269