STATUTORY RULES OF NORTHERN IRELAND

2011 No. 261

HEALTH AND SAFETY

The Railways (Safety Management) (Amendment) Regulations (Northern Ireland) 2011

Made - - - -	*8th July 2011*
Coming into operation	*10th October 2011*

The Department for Regional Development being the Department concerned(**1**) makes the following Regulations in exercise of the powers conferred by Articles 17(1), (2), (3)(a) and (c), (4), 43(2), 54, 56(3)(a) of, and paragraphs 1(1)(a) and (c), 1(2), 3(1), 4, 5, 6, 7(1), 8, 13, 14(1), 15, 17(a) and 19 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**2**)

In accordance with section 46(1)(**3**) of that Order the Department has consulted with the Health and Safety Executive for Northern Ireland(**4**) and such other bodies as appeared to the Department to be appropriate.

Citation and commencement

1.—(1) These Regulations may be cited as the Railways (Safety Management) (Amendment) Regulation (Northern Ireland) 2011 and come into force on 10th October 2011.

(2) In these Regulations—

"The Safety Management Regulations" means the Railways (Safety Management) Regulations (Northern Ireland) 2006(**5**);

Amendments of the Safety Management Regulations

2.—(1) Regulation 2(1) of the Safety Management Regulations is amended as follows—

(a) after the definition of "engineering possession" insert—

(**1**) See Article 2(2) of S.I. 1978/1039 (N.I.9)

(**2**) SR 1978 No. (N.I.9); the general purposes of Part II referred to in Article 17(1) were extended by section 1 of the Railway Safety Act (Northern Ireland) 2002.

(**3**) Article 46 was amended by S.I. 1998/2795 (N.I.18), Article 6(1) and Schedule 1, paragraph 18.

(**4**) Formerly known as the Health and Safety Agency for Northern Ireland which was established under Article 12 of the Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I.9). Article 3(1) of the Health and Safety at Work (Amendment) (Northern Ireland) Order 1998 (S.I. 1998/2795 (N.I. 18) changed its name to the Health and Safety Executive for Northern Ireland.

(**5**) S.R. 2006 No. 237

""entity in charge of maintenance" means an entity in charge of maintenance of a vehicle, and includes a transport undertaking, an infrastructure manager or a keeper;";

(b) after the definition of "European Railway Agency" insert—

""heritage vehicle" for the purpose of these regulations means rolling stock which is operated to—

(a) preserve, re-create or simulate railway vehicles of the past; or

(b) demonstrate or operate historical or special types of motive power or rolling stock;

And is exclusively or primarily used for tourist, educational or recreational purposes"

(c) after the definition of "Interoperability Regulations" insert—

""keeper" means the person that, being the owner of a vehicle or having the right to use it, exploits the vehicle as a means of transport and is registered as being a keeper in the National Vehicle Register;";

(d) after the above insert—

""maintenance file" means all the technical and management information that is necessary to carry out the maintenance of a vehicle;

"maintenance rules" means any rules, applicable to the whole of Northern Ireland, which set out requirements relating to the maintenance of vehicles;";

(e) after the definition of "national safety rules" insert—

""National Vehicle Register" means the register of vehicles authorised in Northern Ireland, required by regulation 33 of the Interoperability Regulations;";

(f) in the definition of "technical specifications for interoperability"—

(i) at the end of paragraph (a) of the definition, delete "or";

(ii) at the end of paragraph (b) of the definition, insert "or";

(iii) after paragraph (b) of the definition, insert "(c) Article 6.1 of Directive 2008/57/EC of the European Parliament and of the Council of 17th June 2008 on the interoperability of the rail system within the Community(**6**),";

(g) for the definition of "vehicle" substitute—

""vehicle"—

(a) includes a mobile traction unit; and

(b) in respect of the railway system, means a vehicle suitable for circulation on its own wheels on railway lines, with or without traction, and composed of one or more structural and functional subsystems or parts of such subsystems;".

(2) After regulation 16 insert—

"**Maintenance of vehicles on the railway system**

16A.—(1) Subject to paragraph (2), no person may place in service or use a vehicle on the railway system unless that vehicle has an entity in charge of maintenance assigned to it, and that entity is registered as such in the National Vehicle Register.

(2) Where a vehicle in existence before 9th November 2010 is to be placed in service or used—

(**6**) O.J. No. L191, 18.7.2008, p. 1.

(a) on the railway system in accordance with paragraph (1); and

(b) only within Northern Ireland;

the entity in charge of maintenance assigned to that vehicle must be registered as such in the National Vehicle Register by 9th November 2010.

(3) Each entity in charge of maintenance must ensure, by means of a system of maintenance, that a vehicle for which it is in charge of maintenance is in a safe state of running.

(4) The requirements for a system of maintenance referred to in paragraph (3) are that a vehicle must be maintained in accordance with—

(a) the maintenance file for the vehicle;

(b) applicable maintenance rules; and

(c) applicable TSIs.

(5) This Regulation does not apply to heritage vehicles.".

(3) In regulation 21(1)—

(a) in the definition of "safety critical work", delete the words "or voluntary work";

(b) after the definition of "telecommunications system", insert—

""work" includes voluntary work.".

(4) In regulation 25 (Appeals)

(a) after paragraph (25) (1) (c) (ii), insert—

"may appeal to the Department".

(b) In paragraph (3), after the word "appeal", delete ".".

(5) For Schedule 3 (Common safety indicators) substitute—

"SCHEDULE 3 Regulation 18(1)(c)

COMMON SAFETY INDICATORS

(*This Schedule substantially reproduces, with minor modifications, the provisions of Annex I to the Directive and its Appendix*)

Part 1

COMMON SAFETY INDICATORS

Interpretation

1. In this Part, the definitions for the common safety indicators and the methods used to calculate the economic impact of accidents in Part 2 apply.

Indicators relating to accidents

2.—(1) Total and relative, to train-kilometres, number of—

(a) significant accidents and a break-down of the following types of accidents—

(i) collisions of trains, including collisions with obstacles within the loading gauge;

(ii) derailments of trains;

(iii) level-crossing accidents which shall include accidents involving persons at level-crossings;

(iv) accidents to persons caused by rolling stock in motion except for suicides;

(v) fires in rolling stock; and

(vi) any other types of accidents;

and each significant accident shall be reported under the heading of the primary accident even where the consequences of any secondary accident are more severe such as where a fire follows a derailment;

(b) persons seriously injured or killed by type of accident divided into the following categories —

(i) passengers;

(ii) persons carrying out work or voluntary work directly in relation to the operation;

(iii) level crossing users;

(iv) unauthorised persons on premises of the transport system; and

(v) any other types of person;

and the number of passengers seriously injured or killed shall also be indicated in relation to the total number of passenger-kilometres.

(2) The provisions of Regulation 91/2003 of the European Parliament and the Council on rail transport statistics(**7**) shall be applied to any information provided under this paragraph.

Indicators relating to dangerous goods

3. Total and relative, to train-kilometres, number of accidents involving the transport of dangerous goods—

(a) involving at least one vehicle transporting dangerous goods; and

(b) number of such accidents in which dangerous goods are released.

Indicators relating to suicides

4. Total and relative, to train-kilometres, number of suicides.

Indicators relating to precursors of accidents

5. Total and relative, to train-kilometres, number of—

(a) broken rails;

(b) buckled rails;

(c) wrong-side signalling failures;

(d) signals passed at danger; and

(e) broken wheels and axles on rolling stock in service;

and all such precursors are to be reported, whether or not they result in accidents and where they result in a significant accident, they shall be reported under paragraph 2 of this Schedule.

Indicators to calculate the economic impact of accidents

6.—(1) Total in Euros and relative, to train-kilometres—

(**7**) O.J. No. L14 of 21.1.03, p. 1.

(a) number of deaths and serious injuries multiplied by the Value of Preventing a Casualty (VPC);

(b) cost of damage to the environment;

(c) cost of material damage to rolling stock or infrastructure;

(d) cost of delays as a consequence of accidents.

(2) The Department shall indicate in each annual safety report submitted in accordance with regulation 20 whether the report includes the economic impact of all accidents or of significant accidents only.

(3) The VPC is the value society attributes to the prevention of a casualty and must not form a reference for compensation between parties involved in accidents.

Indicators relating to technical safety of infrastructure and its implementation

7. The—

(a) percentage of tracks with a train protection system, within the meaning of regulation 2(1) of the Railway Safety Regulations (Northern Ireland) 2007, in operation;

(b) percentage of train-kilometres with a train protection system falling within paragraph (a) in operation;

(c) number of (total per line-kilometre and per track-kilometre)—

(i) active level crossings with—

(aa) automatic user-side warning;

(bb) automatic user-side protection;

(cc) automatic user-side protection and warning;

(dd) automatic user-side protection and warning, and rail-side protection;

(ee) manual user-side warning;

(ff) manual user-side protection;

(gg) manual user-side protection and warning; and

(ii) passive level crossings.

Indicators relating to management of safety

8. Internal audits carried out by transport operators pursuant to the procedures referred to in paragraph 2(k) of Schedule 1 and the number of such audits which have been carried out and that number expressed as a percentage of the audits which were planned for that year.

PART 2

COMMON DEFINITIONS AND METHODS TO CALCULATE THE ECONOMIC IMPACT OF ACCIDENTS

Indicators relating to accidents

1.—(1) "significant accident" means any accident involving at least one rail vehicle in motion, resulting in at least one killed or seriously injured person, or in significant damage to stock, track, other installations or environment, or extensive disruptions to traffic. Accidents in workshops, warehouses and depots are excluded;