STATUTORY RULES OF NORTHERN IRELAND

2007 No. 48

HEALTH AND SAFETY

TRANSPORT

The Railway Safety (Miscellaneous Provisions) Regulations (Northern Ireland) 2007

Made - - - -	*26th January 2007*
Coming into operation	*2nd March 2007*

The Department for Regional Development being the Department concerned (**1**), in exercise of the powers conferred on it by sections 17(1), (2), (5)(b),(6)(a) and (b), 17(3), 43(2) and 55(2) and of paragraphs 1(1)(c) and 17(a) of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978 (**2**) and of every other power enabling it in that behalf, and after consultation as required by Article 46(1) (**3**) of that Order with the Health and Safety Executive for Northern Ireland and such other bodies as appeared to the Department to be appropriate, hereby makes the following Regulations:

Citation and Commencement

1. These Regulations may be cited as the Railway Safety (Miscellaneous Provisions) Regulations (Northern Ireland) 2007 and shall come into operation on the 2nd day of March 2007.

Interpretation

2.—(1) In these Regulations—

"buffer stop" means a buffer stop at the end of a passenger platform

"the Department" means the Department for Regional Development;

"railway" means a system of transport employing parallel rails which—

(a) provide support and guidance for vehicles carried on flanged wheels, and

(b) form a track which is of a gauge of at least 350 millimetres,

except that it does not include any part of a railway system—

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

(**2**) 1978 SI 1978/1039 (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; Article 55 was amended by SI 1998/2795 (N.I. 18) Article 6(1) and paragraphs 13 and 19 of Schedule 1.

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

(c) within a maintenance or goods depot where access is adequately controlled. or

(d) if on no part of the railway system there is a line speed exceeding 25mph;

"railway infrastructure" means fixed assets used for the operation of a railway including its permanent way, plant used for signalling and stations;

"station" means a passenger station or terminal of a railway system but does not include any permanent way or plant used for signalling.

"train of vehicles" means two or more vehicles attached to each other which are being used on a railway;

"vehicle" means a vehicle which is being used on a railway and includes a mobile traction unit;

(2) Any reference in these Regulations to a person in control of any railway infrastructure, is a reference to a person who, in the course of a business or other undertaking carried on by him (whether for profit or not), is in operational control of that infrastructure, except that where such control is for the time being exercised by a person undertaking maintenance, repair or alteration work on the infrastructure, it is a reference to a person who would be in operational control of the infrastructure, if such work were not being undertaken.

(3) Any reference in these Regulations to a person operating a vehicle is a reference to the person operating the vehicle for the time being in the course of a business or other undertaking carried on by him (whether for profit or not), but it does not include a self-employed person by reason only that he himself drives or otherwise controls the movement of a vehicle.

(4) Any reference in these Regulations to the maintenance of any equipment is a reference to –

(a) The maintenance of that equipment in an efficient state, in efficient working order and in good repair; and

(b) Where appropriate, subjecting that equipment to a suitable system of maintenance.

Unauthorised access

3.—(1) So far as is reasonably practicable, a person in control of any railway infrastructure, to which this Regulation applies shall ensure, where and to the extent necessary for safety, that unauthorised access to that infrastructure is prevented.

(2) In paragraph (1) "access" means access by any person not at work on the railway, or by any animal which might damage or derail a train or other vehicle.

(3) Breach of a duty imposed by this regulation shall not confer a right of action in any civil proceedings.

Means of communication

4. The operator of a vehicle which is being used for the carriage of fare paying passengers shall ensure that there is provided and maintained on such a vehicle suitable and sufficient means whereby passengers can communicate with a person who is in a position to take appropriate action in the event of an emergency.

Measures to prevent collisions and derailments

5.—(1) A person in control of any railway infrastructure shall ensure, so far as is reasonably practicable, that —

(a) appropriate procedures are in place;

(b) where appropriate, equipment which is suitable and sufficient is provided and maintained, for the purpose of preventing any of the events referred to in paragraph (2).