STATUTORY RULES OF NORTHERN IRELAND

2007 No. 47

HEALTH AND SAFETY

TRANSPORT

The Railway Safety 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 Articles 17 (1), (2), (4)(a), (5)(b) and (6)(b), 17(3) and 55(2) of, and paragraphs 1(1)(a) and (c) 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 other such 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 Regulations (Northern Ireland) 2007 and shall come into operation on 2nd March 2007.

Interpretation

2.—(1) In these Regulations—

"approved" means approved for the time being in writing;

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

"the Department" means the Department for Regional Development;

"emergency crossover" means a connection between two railway tracks to enable trains to change tracks and which is used—

(a) in an emergency, or

(**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.

(b) to enable engineering work to be carried out, in accordance with special procedures established by the infrastructure controller;

"excessive speed" in relation to—

(a) an approach to a stop signal means such speed as would prevent the train from stopping at that signal,

(b) an approach to part of the railway where there is a speed restriction, means such speed as would prevent the restriction from being complied with when the train enters that part, and for the purposes of this sub-paragraph a speed restriction shall be treated as being complied with if the speed of the train does not exceed the total of the permitted speed and such additional speed as may be approved by the Department for the purpose of this sub-paragraph;

"infrastructure controller" means a person who controls railway infrastructure;

"line speed" means the highest of the permitted speeds on the railway concerned;

"Mark 1 rolling stock" means rolling stock which has a structural underframe which provides its own longitudinal strength and has a passenger compartment created on the underframe which relies mainly on the underframe for its longitudinal strength;

"permitted speed" means the maximum speed permitted on the part of the railway concerned;

"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—

(a) any part which is located within a maintenance or goods depot, or

(b) such a system if on no part of it there is a line speed exceeding 25 miles per hour;

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

"relevant approach" means an approach to a stop signal referred to in sub-paragraph (a)(i) of the definition of "train protection system" in this regulation except where a train travelling at the maximum speed it could attain on that approach would be stopped within the distance between the signal and the point where it could collide with another train by reason of the train protection system installed at the stop signal;

"rolling stock" means any carriage, wagon or other vehicle used on track and includes a locomotive;

"SAT" means the signal tool assessment developed and owned by Network Rail, used to assess the risk from train collision at signals protecting railway junctions in Great Britain and adapted for use in relation to railways in Northern Ireland;

"significant risk" means the level of risk in relation to train protection and advanced warning system fitment and means those stop signals identified using the SAT methodology which cumulatively scores to less than 80% of the total train protection and advanced warning system mitigable risk and at not less than 80% of the maximum train protection and advanced warning system safety benefit;

"suitable station" means a railway passenger station or terminal;

"speed restriction" means a permitted speed other than the line speed;

"stop signal" means a signal conveying to the driver of the train an instruction that he should stop the train except that it does not include—

(a) a signal provided for shunting purposes only;

(b) a hand signal; or

(c) a buffer stop;

"temporary speed restriction" means a speed restriction which is in place for no longer than 3 months and used in accordance with special procedures established by the infrastructure controller;

"train" means

(a) two or more items of rolling stock coupled together, at least one of which is a locomotive; or

(b) a locomotive not coupled to any other rolling stock;

except that it does not include track maintenance vehicles.

"train protection system" means equipment which—

(a) causes the brakes of the train to apply automatically if the train—

(i) passes without authority a stop signal, which has been assessed to contribute significant risk, such passing of which could cause the train to collide with another train, or

(ii) travels at excessive speed on a relevant approach

(b) is installed so as to operate at every stop signal referred to in sub-paragraph (a), and at an appropriate place on every relevant approach.

(2) Nothing in these Regulations shall require equipment referred to in sub-paragraphs (a) and (b) of the definition of a train protection system to function in relation to a temporary speed restriction, and accordingly any reference in these Regulations to the permitted speed in relation to such equipment is, in a case where a temporary speed restriction is in place, a reference to the permitted speed which normally applies on that part of the line concerned.

(3) Any reference in these Regulations to a person operating a train or rolling stock is a reference to the person operating a train or rolling stock 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 train.

(4) Any reference in these Regulations, except regulation 4, to a train colliding with another train does not include a reference to a train colliding with the rear of another train travelling in the same direction on the same track.

Use of a train protection system

3.—(1) Subject to paragraphs (2) and (3), a person shall not operate, and an infrastructure controller shall not permit the operation of, a train on a railway unless a train protection system is in service in relation to that train and railway.

(2) Paragraph (1) shall not apply until 31st December 2007 provided that—

(a) a programme for the installation and bringing into service of a train protection system in relation to that train and railway has been approved by the Department and is being implemented; and

(b) each part of the system which has been brought into service under that programme is maintained in service.

(3) Paragraph (1) shall not apply if the train is being operated on a railway in relation to which there is in service equipment, which causes the brakes of the train to apply automatically if the train passes a stop signal without authority.

(4) In any proceedings against a person for an offence for contravening paragraph (1) it shall be a defence for that person to prove that—

(a) at the relevant time the train protection system (or, where paragraph (3) is relied on, the equipment referred to therein) or a relevant part had failed, or had been taken out of service, because of a fault;

(b) in the case where the fault is in equipment on the train, the train had commenced its journey before the discovery of the fault or is being driven without passengers to a place for the purpose of repair;

(c) it was not reasonably practicable to remedy the fault sooner; and

(d) suitable measures had been taken after the discovery of the fault to mitigate the risk of trains colliding or derailing.

(5) In any proceedings against a person for an offence of contravening paragraph (1) in so far as that paragraph relates to having in service in relation to a train on a railway the equipment referred to in the exception in the definition of "train protection system" in regulation 2(1), it shall be a defence for that person to prove that—

(a) at the relevant time the equipment or a relevant part of it had failed, or had been taken out of service, because of a fault;

(b) it was not reasonably practicable to remedy the fault sooner; and

(c) equipment referred to in sub-paragraphs (a) and (b) of that definition was at the relevant time in service in relation to that train and railway.

(6) Where equipment forming part of the train protection system is fitted to a train (or, where regulation 3(3) is relied upon, the equipment referred to therein) and that equipment is defective, the operator of that train shall ensure that any passengers on that train are disembarked at the first suitable station.

Automatic warning system

4.—(1) For the purpose of this regulation "automatic warning system" means equipment which—

(a) provides to the driver of that train a warning of each stop signal and warning signal approached by that train;

(b) requires the driver of that train to acknowledge the warning; and

(c) in the absence of such acknowledgement, causes that train to brake automatically.

(2) Subject to paragraph (3), a person shall not operate, and an infrastructure controller shall not permit the operation of, a train on a railway unless—

(a) an automatic warning system is in service in relation to that train and railway; and

(b) the criteria referred to in sub paragraphs (a), (b) and (c) of paragraph (1) are effective.

(3) Paragraph (2) shall not apply until 31st December 2007 provided that—

(a) a programme for the installation and bringing into service of an automatic warning system in relation to that train and railway has been approved by the Department and is being implemented; and

(b) each part of the system which has been brought into service under the programme is maintained in service.

(4) In any proceedings against a person for an offence contravening paragraph (3) it shall be a defence for that person to prove that—