

**PROPOSAL FOR  
THE RAILWAY (SAFETY MANAGEMENT)  
(AMENDMENT) REGULATIONS (NORTHERN  
IRELAND) 2016**

**A CONSULTATION PAPER**

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- The Proposed Railway (Safety Management) (Amendment) Regulations (Northern Ireland)
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## Background

The proposed Railways (Safety Management) (Amendment) Regulations (Northern Ireland) 2016 (the amendment regulations) are being introduced to amend an earlier set of Regulations, the Railways (Safety Management) Regulations (Northern Ireland) 2006 (the 2006 Regulations).

The 2006 Regulations implemented the requirements of European Commission Directive 2004/49/EC on Common Safety Indicators in Northern Ireland. This Directive required all Member States to collect information on a number of Common Safety Indicators based on common definitions and calculation methods contained in Annex 1 to the Directive.

The 2006 Regulations, which were made on 25<sup>th</sup> May 2006, mirror similar regulations made in Great Britain. The 2006 Regulations imposed prohibitions and requirements in relation to safety on Northern Ireland railways as outlined in Annex 1 to Directive 2004/49/EC.

Directive 2014/88/EU which issued on 10<sup>th</sup> July 2014 revoked and replaced Annex 1 of Directive 2004/49/EC which formed the basis for the content of Annex 3 of the 2006 Regulations. As such, the Department are now proposing to amend Annex 3 of the 2006 Regulations to take account of the changes proposed by the Directive issued on 10<sup>th</sup> July 2014 (2014/88/EU).

In summary, the changes proposed by Directive 2014/88/EU are:

- “unauthorised persons on railway premises” has been replaced by “trespasser”;
- “other” (killed and seriously injured persons) has been separated into “other person at a platform” and “other person not at a platform”;

- the CSI relating to suicides now includes attempted as well as actual suicides;
- two, rather than one, category of Signal Passed At Danger (“SPAD”) will be reported – when the train stops before getting beyond the danger point and when the train passed or met the danger point;
- the choice, by national safety authorities, of whether to report on the economic impact of all accidents or just “significant” accidents has been removed;
- when calculating the costs of casualties, fatalities and serious injuries shall be considered separately and fatalities and serious injuries now have a different Value of Preventing a Casualty;
- for indicators relating to the technical safety or infrastructure, the categories of level crossing has been reduced from 8 to 5; and
- “indicators related to the management of safety” has been deleted.

A copy of the proposed draft amendment Regulations are attached at Annex A for your information.

The Department would welcome any comments you may wish to make on the proposed legislation before it is brought to the Assembly for making and seeking affirmation.

The Department also invites your views on the potential impact, if any, you consider that the proposed legislation might have on equality of opportunity, human rights issues and rural impact.

The list of consultees is also provided (Annex B). If you consider that this consultation should be copied to additional interested parties please contact me as soon as possible and I will ensure their inclusion.

An electronic copy of the Consultation Paper is available on the Department's Internet site at <https://www.drdni.gov.uk/consultations/railways-safety-management-amendment-regulations-northern-ireland-2016> and copies can also be made available in alternative formats, if so required.

Comments on the proposed Order should be made in writing and may be forwarded electronically via e-mail to [george.kearns@drdni.gov.uk](mailto:george.kearns@drdni.gov.uk) or [janette.galloway@drdni.gov.uk](mailto:janette.galloway@drdni.gov.uk) or, alternatively, via post to Mr George Kearns/Ms Janette Galloway, Department for Regional Development, Transport Policy, Strategy and Legislation Division, 3rd Floor, Clarence Court, 10 – 18 Adelaide Street, Belfast BT2 8GB.

**The closing date for receipt of all responses is Friday 3 June 2016.**

The Department tries to make its consultation procedure as thorough and open as possible. Following the end of the consultation we shall publish details of the responses received. Information you provide in your response, including **personal information**, could be published or disclosed under the Freedom of Information Act 2000 (FOIA). Under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals with obligations of confidence. If you want the information that you provide to be treated as confidential it would be helpful if you could explain why. Although we will take full account of your explanation we cannot give an assurance that confidentiality can be maintained in all circumstances. Any automatic confidentiality disclaimer generated by your IT system will not be regarded as binding on the Department.

For further information about the confidentiality of responses please contact the Information Commissioner's Office (or see web site at: [www.ico.org.uk](http://www.ico.org.uk) ).

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 STATUTORY RULES OF NORTHERN IRELAND
 

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2016 No. 000

## TRANSPORT

 The Railways (Safety Management) (Amendment) Regulations  
 (Northern Ireland) 2016

*Made* - - - - - 00 \*\*\*\* 2016

*Coming into operation* - - - - - 00 \*\*\*\* 2016

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

**Citation and commencement**

1. These Regulations may be cited as the Railways (Safety Management) (Amendment) Regulations (Northern Ireland) 2016 and shall come into operation on 00<sup>th</sup> \*\*\*\* 2016.

**Interpretation**

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

**Amendment of the Railways (Safety Management) Regulations (Northern Ireland) 2006**

3.—(1) The Railways (Safety Management) Regulations (Northern Ireland) 2006(e) are amended as follows—

(2) In Regulation 2 (Interpretation), in paragraph (1) insert—

““the Directive” means Directive 2004/49/EC of the European Parliament and of the Council on safety on the Community’s railways(f) and amending Council Directive 95/18/EC on the licensing of railway undertakings(g) and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification(h) as amended by—

(a) The Interoperability Directive(i);

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(a) SI 1999/283  
 (b) SI 1996/266  
 (c) 1972 c.68  
 (d) 1954 c.33 (N.I.)  
 (e) SR 2006/237  
 (f) O.J. No. L164, 30.04.2004, p.44  
 (g) O.J. No. L143, 27.6.1995, p.70  
 (h) O.J. No. L75, 15.3.2001, p.29  
 (i) O.J. No. L191, 18.7.2008, p.1

(b) Directive 2008/110/EC of the European Parliament and of the Council amending Directive 2004/49/EC on safety on the Community's railways (a);

(c) Commission Directive 2009/149/EC amending Directive 2004/49/EC of the European Parliament and of the Council as regards Common Safety Indicators and common methods to calculate accident costs(b); and

(d) Commission Directive 2014/88/EU amending Directive 2004/49/EC of the European Parliament and of the Council as regards common safety indicators and common methods of calculating accident costs(c);”

(3) In Regulation 18(1)(c) for “Schedule 3” substitute “Annex 1 (common safety indicators) of Directive 2014/88/EU”(d)

(4) Omit Schedule 3 (common safety indicators).



Sealed with the Official Seal of the Department for Regional Development on \*\*\*

*Tom Reid*  
A senior officer of the  
Department for Regional Development

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(a) O.J. No. L345, 23.12.2008, p.62

(b) O.J. No. L313, 28.11.2009, p.65

(c) O.J. No. L201, 10.7.2014, p.9

(d) Annex 1 was substituted by Directive 2014/88/EU amending Directive 2004/49/EC of the European Parliament and of the Council as regards common safety indicators and common methods of calculating accident costs.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the provisions of the Railways (Safety Management) Regulations (Northern Ireland) 2006 (S.R. 2006 No. 237) in order to implement Commission Directive 2014/88/EU amending Directive 2004/49/EC of the European Parliament and of the Council as regards common safety indicators and common methods of calculating accident costs (O.J. No. L201 of 10.7.2014, p.9) (“the 2014 Directive”).

[Directive 2004/49/EC](#) of the European Parliament and of the Council on safety on the Community’s railways (O.J. No. L164, 30.4.2004, p44) sets out (in Annex 1 to that Directive) a number of common safety indicators (“CSIs”) which are harmonised measures used by all Member States to provide an overview of safety performance and monitor the development of safety in different Member States. Transport operators are required to report on statistics for these safety indicators under regulation 18 of the 2006 Regulations.

The 2014 Directive makes minor and technical amendments to the definition of some of the CSIs and to the related methodology to calculate the economic costs of accidents.

Regulation 3(2) inserts a definition of “the Directive”.

Regulation 3(3) amends regulation 18(1)(c) of the 2006 Regulations by substituting for the reference to Schedule 3 of the 2006 Regulations a reference to Annex 1 to [Directive 2004/49/EC](#) (as amended by the 2014 Directive). Consolidated texts of EU legislation which show changes made by successive amendments to the original EU legislation can be found at: <http://eur-lex.europa.eu/collection/eu-law/consleg.html>. A consolidated text of [Directive 2004/49/EC](#) (as amended by the 2014 Directive showing the new Annex 1) can be found at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02004L0049-20140730&qid=1446642002683&from=EN>

Regulation 3(4) revokes Schedule 3 to the 2006 Regulations.



List of Consultees

Age NI  
Bulrush Horticulture Ltd  
Citizen's Advice Bureau  
City, District and Borough Councils  
Community Transport Association  
Department for Transport London  
Department of Transport Dublin  
Downpatrick and County Down Railway Society  
Disability Action  
Equality Commission for NI  
General Consumers Council  
Giants Causeway & Bushmills Railway Company  
Health & Safety Executive NI  
Heritage Railway Association  
Iarnród Eireann  
IMTAC  
Irish Rail Safety Commission  
MENCAP  
NI Human Rights Commission  
Northern Ireland Railways  
Office of Rail Regulation  
Rail Industry Association UK  
Rail Passengers Group  
Rail Users Ireland  
Railway Preservation Society of Ireland  
Royal Association for Disability and Rehabilitation (RADAR)  
Royal National Institute of the Blind (RNIB)  
Royal National Institute for the Deaf (RNID)  
Transport & General Workers Union  
Transport 2000

Northern Ireland Political Parties, Assembly and Westminster Representatives  
Those bodies listed in Appendix 3 of the Department's Equality Scheme and identified as being suitable consultees