

The Railway Safety Regulations 1999: Regulation 3

Certificate of Exemption

1. The Office of Rail and Road (ORR) in the exercise of the power conferred under regulation 6(1) of the Regulations, having consulted such persons as it considers appropriate and having had regard to the matters specified in regulation 6(3), grants an exemption to each “of the Parties” from the prohibition in regulation 3(1) of the Regulations (use of a train protection system as defined in regulation 2 of the Regulations) in the following terms:

2. In this exemption:

a) “the Parties” means:

i) Network Rail Infrastructure Limited (Company Registration Number: 02904587)

and;

ii) The Chiltern Railway Company Limited (Company Registration Number: 03007939)

b) “the Regulations” means the Railway Safety Regulations 1999.

c) “Alternative Train Protection System” means equipment which:

i) equipment which (A) causes the brakes of a train to apply automatically if the train either passes without authority a stop signal such passing of which could cause the train to collide with another train or travels at excessive speed on a relevant approach, and (B) is installed so as to operate at every stop signal referred to in (A), except a stop signal on the approach to an emergency crossover, and at an appropriate place on every relevant approach;

ii) a Train Stop System at all main stop signals not included in paragraph (i) above;

iii) a Train Stop System and, Over Speed System as required on the approach to all main stop signals, to that enables any Class 165/0, Class 168/0/1/2 and Class 172/1 train to stop before any expected conflict when the emergency brake is applied;

iv) an Over Speed System on the approach to all buffer stops to reduce the speed of any collision when the emergency brake is applied by a train to no more than 6mph;

v) Mark IV Upgrade Systems in the cab of all Chiltern Railways trains.

d) "Train Stop System" means equipment which causes the emergency brakes of a train to apply automatically if a train passes without authority a stop signal on the Running Line;

e) "Over Speed System (TPWS)" means equipment which causes the brakes to apply automatically if a train travels at excessive speed on an approach to a Main Stop Signal or buffer stop.

f) "Main Stop Signal" means the signal conveying to the driver of the train an instruction to stop the train but does not include a signal provided for shunting services.

g) "Mark IV Upgrade System" means Driver Management Interface ("DMI") equipment which has the following features:

i. separate indication on the DMI to show the cause of a brake demand as either a SPAD, overspeed or failure to respond to an Automatic Warning System;

ii. audible warning in the driver's cab in the event of a SPAD, overspeed or failure to respond to an Automatic Warning System;

iii. a covered brake release button following a brake demand requiring the driver to press the release button in conjunction with the DMI; and

iv. a continuous system to monitor the equipment's operational status.

h) "Automatic Warning System" means equipment which provides an audible and visual alert to the driver of a train on the approach to signal at caution;

i) "SPAD" means signal passed at danger;

j) "Running Line" means the railway lines shown as mainline in Network Rail's Route Sectional Appendix to the Working Timetables and Books of Rules and Regulations;

k) Except where a definition above applies, expressions used in this Exemption Certificate have the same meaning as in the Regulations.

3. The Parties are exempt from the prohibition contained in regulation 3(1) of the Regulations for the period from 00:01 hours on 14 August 2020 until 23:59 hours on 31 December

2027, in relation to the operation of Chiltern Railways Class 165/0, Class 168/0/1/2 and Class 172/1 trains and accompanying rolling stock on the Running Line between:

- a. Marylebone Station to Aynho Junction (MCJ1 205m77ch to NAJ3 18m30ch Up Lines and 18m35ch Down Lines)
- b. Princes Risborough to Aylesbury (PRA 42m31ch to 49m 35ch Down & Up Aylesbury line)
- c. Neasden South Junction to LU/NR Boundary (MCJ1 197m 5ch to 200m 65ch Up & Down Harrow Lines)
- d. Aylesbury to LU/NR Boundary (MCJ2 38m 13ch to 25m 21ch Up & Down Mains); and
- e. Aylesbury Vale Parkway to Aylesbury (MCJ2 40m 38ch to 38m 13ch Up & Down Aylesbury Line).

4. Paragraph 3 is subject to the following conditions:

- a) for the duration of the exemption, except where the equipment in paragraph 4(b) is in service, there must be in service an Alternative Train Protection System.
- b) during the period 14 August 2020 to 30 June 2024, equipment which automatically controls the speed of a train to ensure, so far as is possible, that a stop signal is not passed without authority and the permitted speed is not exceeded which normally applies on that part of the Running Line, except if the following applies:
 - i. the equipment has failed on any particular Chiltern Railways Class 165/0, Class 168/0/1/2 and Class 172/1 train; and repair is impossible due to the non-availability of spare parts; and
 - ii. equipment is in service which (A) causes the brakes of a train to apply automatically if the train either passes without authority a stop signal such passing of which could cause the train to collide with another train or travels at excessive speed on a relevant approach, and (B) is installed so as to operate at every stop signal referred to in (A), except a stop signal on the approach to an emergency crossover, and at an appropriate place on every relevant approach.

5. During the period 14 August 2020 to 30 June 2024, the Parties will carry out work, with the intention of bringing into the service the Alternative Train Protection System before 1

July 2024. In particular, the Parties will carry out the following elements of that work by the dates shown in Annex A.

6. The Parties will plan and organise the work in paragraph 5 so that it is completed in an order and manner that ensures risks related to train accidents continue to be managed by the Parties to ensure safety, so far as is reasonably practicable.

7. From the date of signature of this exemption, the Parties shall:

- a) Report to ORR promptly and at a minimum frequency of every three months, provide an update on the progress of bringing into service the requirements set out in paragraph 6.
- b) Make arrangements to meet with ORR at a minimum frequency of every three months in order to discuss the progress set out in paragraph 7(a).

ORR may vary the frequency and detail of this reporting, or determine when a meeting is not required, in writing to the Parties at any time.

8. The report required in paragraph 7(a) above shall include the following information:

- a) the progress and anticipated timing for bringing into service the Alternative Train Protection System;
- b) any identified material risks and associated mitigation measures associated with the Alternative Train Protection System;
- c) any emerging technical developments that might permit a faster deployment of improved protection; and
- d) any other matter relevant to the installation and bringing into service of the Alternative Train Protection System (including testing, commissioning and maintenance).

9. If the Parties believe that any of the condition 5 will not be met before due dates set out in Annex A, then they shall promptly and without undue delay, notify ORR in writing and set out a proposed alternative.

10. Amendments or variations to any of the conditions above or in Annex A may be made only with ORR's prior written approval.

11. This exemption shall take effect as detailed in paragraph 3 above and is granted subject to the power of ORR to revoke the exemption in writing at any time pursuant to regulation 6(1) of the Regulations.

IN WITNESS whereof the **Common Seal** is affixed on **13 August 2020** and **authenticated by:**

A handwritten signature in black ink that reads "P. Appleton". The signature is written in a cursive style and is positioned above a faint horizontal line.

Paul Appleton, HM Deputy Chief Inspector of Railways



Annex A

Milestone Reference	Milestone Activity	Milestone to be completed by	Owner Organisation
a	Final design of the Mark IV Upgrade System.	30 April 2021	Chiltern Railway Company Limited.
b	Contract award to the preferred supplier of the Mark IV Upgrade System installation.	31 August 2021	Chiltern Railway Company Limited.
c	Completed installation of the Mark IV Upgrade System on the Driving Van Trailer (DVT) fleet.	31 March 2022	Chiltern Railway Company Limited.
d	Completed installation of the Mark IV Upgrade System on Class 168/0/1/2 fleet.	31 December 2022	Chiltern Railway Company Limited.
e	Completed installation of the Mark IV Upgrade System on Class 172/1 fleet.	31 March 2023	Chiltern Railway Company Limited.
f	Completed installation of the Mark IV Upgrade System on Class 165/0 fleet.	31 December 2023	Chiltern Railway Company Limited.
g	At least 25% of infrastructure scheme plans commissioned.	21 January 2022	Network Rail Infrastructure Limited.
h	At least 50% of infrastructure scheme plans commissioned.	23 September 2022	Network Rail Infrastructure Limited.
i	100% of infrastructure scheme plans commissioned.	17 March 2023	Network Rail Infrastructure Limited.