



Train Driving Licences and Certificates Regulations 2010: A guide for train operators

Draft guidance for consultation

February 2019

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Introduction

Summary

1. This guide is for train operators or infrastructure managers who employ train drivers on the mainline railway and explains:

- Who the Train Driving Licences and Certificates Regulations 2010 (TDLCR) apply to;
- What the train driving licence and certificate are;
- The responsibilities of the train operator and infrastructure manager and;
- Who issues and enforces train driving licences

[Please note that this draft contains a number of references to the EU and EU-related legislation. This drafting will be revisited following the UK's exit from the EU on 29 March 2019.]

[Where 'link to be inserted' appears a working link will be included in final published guide. Links to the consultation versions of these guides are available on the consultation page for guides to train driver licensing]

Do TDLCR apply to the train drivers that I employ?

2. The TDLCR apply to railway undertakings and infrastructure managers who are required to hold a safety certificate or a safety authorisation under ROGS. If this is the case, train operators **must** make sure that the drivers they employ to drive on the mainline railway meet the requirements of TDLCR. We refer to railway undertakings and infrastructure managers who run trains as 'train operators' throughout this guide.

Regulations
2 & 4

3. TDLCR **do not** apply to drivers employed to work only:

- in engineering possessions;
- on metros (for example, London Underground), tramways or other light rail systems;
- on a railway exempted by us from the definition of 'mainline railway' in accordance with regulation 2A of the Railways and Other Guided Transport Regulations 2006 ; and
- in depot operations (see paragraph below).

4. The TDLCR are not intended to apply to activities that occur within a depot. This includes activities that occur outside the boundary of the depot but which form part of the operations of that depot. These operations **must** have Network Rail's agreement

to enter its infrastructure and must be under secure protection. Such operations are for depot drivers or shunters who:

- drive trains for the short distance to the first signal or junction head; or
- drive empty passenger trains to deliver it to a railway station. The distance travelled must not be more than 10 miles from the depot and the maximum speed must not exceed 50mph where the maximum permitted linespeed is higher.

The depot driver or shunter is still expected to meet the appropriate competency and fitness standards to carry out driving operations within the depot and the train operator is responsible for monitoring the depot driver's continued competence and fitness.

What are the train driving licence and certificate?

5. Under the TDLCR, a train operator may not deploy a train driver unless the driver holds a valid train driving licence and certificate which permits the holder to drive the type of rolling stock over the specific infrastructure he/she is being deployed on.

Regs 4
(1) &(2)

6. The train driving licence is **issued to the driver by ORR and is the personal property of the driver** until it expires or is suspended or withdrawn. A valid train driving licence remains valid even when the driver changes employer. The presentation of a licence by a driver to a new employer does not provide evidence of the licence's status and the train operator should contact us to check its validity.

Reg 6

7. The licence is issued by ORR following an application from the driver or his employer including evidence that the applicant train driver has passed the necessary general professional competence, occupational psychological fitness and medical examinations.

8. The certificate is issued to the train driver by the employing train operator, once the driver has passed the necessary professional knowledge and competence examinations on the rolling stock and infrastructure they are expected to drive on which the train employer wants to driver to be deployed on. Although the train driver holds the certificate, the certificate is the property of the employer and the employer may refuse to renew or update a certificate or may withdraw it.

Reg 7

What are my responsibilities as a train operator or infrastructure manager who employs train drivers?

9. If you are a train operator or infrastructure manager who employs drivers, you are responsible for:

- the selection and ongoing training, competence management and medical fitness of drivers you employ;
- issuing your drivers with a certificate that sets out the rolling stock they can drive, their infrastructure knowledge and their language skills and providing them with a certified copy of this document when they leave your employment;
- having a system for monitoring train drivers to check the requirements of the TDLCR are adhered to;
- keeping ORR informed of changes to the driver's competence or fitness where they are relevant to the continuing validity of the licence;
- giving written notice to ORR when a person ceases to be employed by you as a driver;
- publishing on your website the procedures for obtaining a certificate; and
- keeping a register of the certificates you issue to your drivers.

What are my responsibilities as an infrastructure manager for operators using my infrastructure?

Regs
4(7) &
(8)

10. Infrastructure managers are not responsible for the licences and certificates of train drivers employed by others who use their infrastructure. The TDLCR allow for specific situations where a train driver need not be authorised by a certificate to drive on specific infrastructure. In these situations the infrastructure manager must be given prior notice by a railway undertaking. The situations covered by this are set out in TDLCR and include exceptional one-off services, the demonstration of a new train, the re-routing of a train (as specified by the infrastructure manager) where there has been disruption to services or services to enable the training or examination of a driver.

Who issues and enforces train driving licences?

11. ORR is the competent authority for train driver licensing and certification in Great Britain.
12. ORR is responsible for:
 - issuing licences to drivers and keeping the national register of licences (including maintaining the register where the train driver's details change);
 - inspecting and monitoring train operators' arrangements for training, competence management and fitness of drivers;
 - inspecting and monitoring train operators' arrangements for making sure drivers are issued with and carry the necessary documents and keep these up to date

- suspending or withdrawing licences where the conditions for validity are not being met;
 - hearing appeals from train drivers who have had their certificate suspended or withdrawn; and
 - maintaining the registers of recognised doctors, psychological practitioners, examination centres and training centres. Only those on the registers may carry out, (or supervise) training or examination of train drivers, or medical and occupational psychological fitness examinations for the purpose of the regulations.
13. We believe that the best way of ensuring the fitness and competence of drivers is through safety management systems. As such, we will generally be content to issue licences on the basis of evidence supplied by train operators in support of driver licence applications. We will ensure through our separate safety certification and inspection of safety management systems that train operators' arrangements for competence and fitness are adequate.
 14. We keep the information in the national register of licences secure and only their employers, ORR, the European Union Agency for Railways and other National Safety Authorities will be able to see this information on request.
 15. Our registers of recognised doctors and psychologists, trainers and examiners/examination centres are available to the public on the ORR [web site](#).

1. Applying for a train driving licence

Summary

This chapter is about applying for a train driving licence and explains:

- How to apply for a train driving licence on behalf of drivers you employ;
 - The conditions for obtaining a licence;
 - Trainee drivers and train driving licence;
 - Who the licence belongs to;
 - What the train driver must do with the licence when driving a train; and
 - What happens when a licence is lost stolen or due for renewal
-

How do I apply for a train driving licence on behalf of the train drivers that I employ?

- 1.1 A licence application may be made by a driver but in most cases applications will be made by the employing train operator on the driver's behalf. To speed up the process of applying for and issuing a train driving licence we have developed an online application system. The online application system provides us with confirmation that the train driver meets the conditions to obtain the licence and the train operator should email us at tdl.applications@orr.gov.uk .
- 1.2 A guide to the application process is available on our website [*link to be inserted after the consultation ends but is available on our current train driver licensing homepage*]

Conditions for obtaining a train driving licence

- 1.3 There are five conditions that a train driver must meet in order to obtain a licence:

Reg 8

- Attaining the minimum age of 20;
- Completing at least nine years of education (primary and secondary);
- Passing the medical requirements of schedule 1 of the TDLCR;
- Passing the occupational psychological fitness examination;
- Passing the general professional competence examination

- 1.4 We would expect train operators to check that the age and education requirement part of the candidate selection process has been met. The vast majority of UK-born train drivers will meet the educational requirement because of the requirement to stay

at school until the age of 16. If there is any doubt about whether the educational requirement has been met, train operators should carry out any necessary checks before completing the online application.

- 1.5 Train operators must ensure that the person carrying out any medical or occupational psychological fitness examination is recognised by ORR to carry out such examinations and is listed on ORR's register of doctors or psychologists. Train operators must also ensure that the examination for general professional competence is carried out by a recognised examination centre which is listed on ORR's register of training and examination centres. Information on the medical examination and occupational psychological fitness examination and recognition can be found in our guide available at *[link to be inserted in final published guide. Links to the consultation versions of these guides are available on the consultation page]*. Information on the general professional competence examination and recognition can be found in our guide available at [..].
- 1.6 The registers of recognised doctors; psychologists; and training and examination centres is available on our [website](#).
- 1.7 When we receive the application, we will check that all the necessary evidence is included or contact the train operator if any information is missing. Once we have all the relevant information, and we are satisfied that we can grant a licence, we will process the licence application. Once printed, the licence will be sent to the train operator to pass onto the train driver.

When can I apply for a train driving licence for a trainee driver?

Reg
4(7)(e)

- 1.8 Trainee drivers are permitted under the TDLCR to drive trains during their training as long as they are supervised in the cab by an authorised driver holding both a valid train driving licence and certificate for the routes and rolling stock for which they are supervising the trainee and they have also notified the infrastructure manager that driver training is being carried out. We recommend that applications for a licence should only be submitted once the train operator is satisfied that the trainee driver will pass their training to become a qualified train driver.
- 1.9 The general professional competence, medical and psychological examinations needed to get a **licence** may be assessed during recruitment, selection and the early stages of driver training. This will then allow the train operator to apply for a licence and to continue the trainee driver's detailed rolling stock and infrastructure training necessary to be issued with a certificate, while waiting for the licence document to arrive. This will help to avoid delays in trainees being able to commence train-driving duties.
- 1.10 Applications for licences will be determined within one month of receiving all the necessary information.

Who does the licence belong to after it has been issued and should the driver carry it when on duty?

Reg 6

1.11 Once the train driver has received the licence, it remains the personal property of the **train driver** until either it expires, or we suspend or withdraw it. All expired, suspended or withdrawn licences must be returned to us.

Regs 4(5) & (6)

1.12 Train drivers **must** have their licence with them when they are driving a train. If a train driver loses their licence or has it stolen, they should contact us directly, or through the train operator, to ask for a duplicate. If the train driver has simply forgotten to bring their licence with them at the start of their shift, the driver must be able to provide satisfactory evidence that they hold a train driving licence if asked to do so by one of our inspectors.

1.13 The train operator must take reasonable steps to make sure that train drivers have their licences with them when driving a train. A driver on duty may be asked by ORR inspector to demonstrate that he or she holds a licence and the train operator may provide driver with means of demonstrating this to an ORR inspector

What happens to a licence when the driver changes train operator?

1.14 When a driver leaves one train operator and moves to another, the licence remains valid and for this reason does not require re-issue.

1.15 We strongly recommend that the train operator recruiting the driver should contact us to check the validity of the licence and this train operator should also request the transfer of safety information relating to the driver from the previous employer.

How long are licences valid for and what are the requirements for renewal

1.16 Licences are valid for 10 years from issue unless they are suspended or withdrawn.

Reg 12

1.17 Licences may be renewed, after 10 years, providing that all requirements have been met. An application to renew a licence should be made in good time so that the driver receives the new licence before the old one runs out and there is sufficient time to make sure the train driver complies with the conditions for holding a new licence.

1.18 When you apply for a licence renewal we expect that the driver:

- Has passed a medical examination within the minimum required frequency for the driver's age (or other interval recommended by a recognised doctor).

- Is employed under a safety management system which maintains the driver's general professional competence at the time the application to renew is made.

What happens if a train driver loses their licence, or it is stolen or destroyed?

1.19 If a train driving licence is lost, stolen or destroyed inadvertently, you may apply for a duplicate. While the application for a duplicate licence is being processed, the train driver may use copies of relevant documents (for example, a copy of the original licence) as evidence that they hold a licence to drive trains.

2. Keeping the train driving licence information up to date on ORR's register of licences

Summary

This chapter is about what you should do when the information on a train driving licence changes and explains the type of events you should notify to ORR.

- 2.1 Under the TDLCR we are required to have and keep up to date a register of licences. This information should include details of any updating, renewal, amendment, expiry, suspension and withdrawal of the licence as well as record the theft, loss or destruction of any licence.
- 2.2 In some instances you must tell us about these changes but it is also important that you keep us informed of other changes to a records entry on our register, so it remains as up to date as possible. It is beneficial for the industry that the register is kept as up to date as possible – particularly when drivers leave a train operator or employ a new driver - so we can share this information on the register on request from train operators. Equally, receiving prompt updates when periodic medical assessments are completed is an important part of our assurance that operators are ensuring the fitness requirements of the regulations are met

What events should a train operator notify ORR about?

2.3 A train operator should notify us when (providing dates where necessary):

- **Driver address changes**
- **Driver changes name, gender or requires new photograph**

You should also provide documentary evidence in support of the change and these changes can be emailed to the train driver licensing team at tdl.applications@orr.gov.uk.

- **Date a driver passes a medical examination.** We will notify the train operator of the date of the next medical examination.

In relation to the above we recognise that there may be times when drivers are temporarily unfit for driving duties. We do not expect to be notified about such events if the issue is resolved within 3 months. Train operators should not deploy a driver on driving duties if the driver is temporarily unable to meet the conditions for holding a licence.

- **Medical details in section 9 of the licence relating to hearing or sight change.** We will issue an amended licence with the amended details. The existing licence remains valid until the new one is received but the train operator

must make sure the required adjustment (e.g. correction to vision or hearing) is made immediately. The old licence must be returned to us.

2.4 There may be other events where a train operator should notify us where this might affect the validity of licence might lead us to consider whether the licence should be suspended or withdrawn. The suspension and withdrawal guide is available [link to be inserted].

What events must a train operator notify ORR about?

2.5 A train operator must notify us when:

Reg
16(1)

- Driver leaves a train operator and moves to another
- Driver stops working as a train driver (including death or retirement)
- Start date of driver work incapacity in excess of 3 months.

Reg
17(5)

- If the work incapacity is a result of pregnancy or maternity leave, the train operator should make sure that the driver meets the competence requirements of the licence and certificate before returning to driving duties.

3. Maintaining the validity of a licence: monitoring train drivers

This chapter is about how to maintain the validity of a train driving licence. It also explains what you should do if you have concerns about maintaining the validity of the licence.

Monitoring driver's medical fitness and competence

3.1 A train driving licence is valid for 10 years from the issue date, as long as the train driver:

Reg
13(1)

- passes the regular medical assessments confirming that they are fit to drive (Schedule 1 of TDLCR);
- maintains general skills and professional competence (Schedule 3 of TDLCR).

3.2 Train operators must have a system in place for monitoring that any train driver they employ continues to meet these conditions for holding a licence. In relation to general professional competence, we expect the train operator to set out its arrangements for managing the competence of drivers in its safety management system. This should include arrangements for monitoring drivers to ensure that their competence is being maintained. We have produced separate guidance on [Developing and Maintaining Staff Competence](#) as well as a guide on training and competence and recognition of training and examination centres. [Link to be inserted later].

Reg
17(1)

What happens if the monitoring of the train driver raises concerns about validity of the licence?

3.3 If the train operator has concerns about a train driver's medical fitness or competence that may affect the validity of the licence, the train operator must address these concerns promptly to make sure validity is maintained.

Reg
17(2)

3.4 All train drivers are also required under the Regulations to inform the train operator employing them if they consider their state of health calls into question their fitness to drive trains.

Reg
17(3)

3.5 Concerns about medical fitness could arise either:

- during ongoing monitoring of the train driver outside of the interval for a periodic medical examination; or
- as result of the train driver failing a periodic medical examination or not having one when required (if the driver fails a medical examination, the **driver must not drive trains** until he/she has passed any following medical examination because the licence will not be valid); or

- where you consider that a train driver's health has deteriorated to the point where the driver's fitness is called into question; or
- Following an operational incident.

These concerns may require the train operator to arrange a medical or occupational psychological fitness examination by a recognised doctor or psychologist.

3.6 Concerns about a driver's competence could arise during monitoring of a driver's general professional competence through the SMS, particularly if these are relate the driver's involvement in an accident, SPAD or other operational incident. Where concerns are raised these could be dealt with by:

- development plans
- re-training; or
- re-assessment.

Our guide on 'Developing and Maintaining Staff Competence' referred to above also provides guidance on this

http://orr.gov.uk/data/assets/pdf_file/0016/4264/developing-and-maintaining-staff-competence-rsp1.pdf .

3.7 Our inspectors may also ask a train operator to make sure the driver's fitness to drive is reassessed by a recognised doctor, psychologist or examiner if the inspector believes that a train driver employed by the train operator is no longer fit or competent to hold a licence.

What happens if monitoring continues to raise concerns about the validity of a licence?

3.8 If, as a result of the monitoring, the train operator has informed us of concerns regarding the validity of the licence, we will consider the information and any supporting evidence to determine whether there might be sufficient grounds for us to suspend or withdraw a driver's licence in accordance with our suspension and withdrawal process. We will keep the train operator and the train driver informed about this and our register will be updated accordingly.

3.9 We have produced a separate guide to the licence suspension and withdrawal process which is available at [link to be inserted]

4. Issuing a train driving certificate and maintaining its validity

Summary

This chapter is about train driving certificates. It explains:

- Who issues the train driving certificates
 - What train driving certificates cover
 - Format of train driving certificates
 - Certificate validity
 - Gaining and monitoring the competences for the certificates;
 - Leaving employment and the certificate;
 - Refusing to issue, renew, update a certificate and suspending or withdrawing a certificate; and
 - Register of certificates and maintaining it.
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-

Who issues train driving certificates and what do they cover?

- 4.1 Train driving certificates are issued by train operators to the drivers they employ. The certificate sets out which rolling stock a driver may drive and over which infrastructure. The professional knowledge requirements for infrastructure and rolling stock are set out in schedules 4 and 5 of the TDLCR respectively.
- 4.2 Under TDLCR, the train operator must have a procedure for issuing certificates to its drivers to confirm that they have the skills, knowledge and abilities needed to drive trains and the duration of the certificate where appropriate. The train operator must also keep a register of certificates that it issues. This process will form part of the train operator's safety management system and the train operator must publish it (for example, on its intranet or in its staff handbook).
- 4.3 The procedure for issuing certificates must set out:
- how drivers are issued with certificates;

Reg
11(1)

- what a certificate covers;
- how the train operator will keep a register of certificates that it issues (more information in annex C); and
- how drivers who leave a train operator's employment are given copies of their certificates.

4.4 A train operator may decide not to issue a certificate to a train driver and more information about this is in paragraph [xx].

4.5 **A train operator must only deploy a train driver to drive a particular type of train, or to drive a train on particular infrastructure if they are authorised by a certificate issued by the train operator to do so.**

Reg
4(2)

Professional knowledge of the infrastructure and rolling stock

4.6 Schedule 4 of TDLCR sets out competence requirements relating to certificates for driving on specific infrastructure. It also includes the language standard in paragraph 8 of Schedule 4 (amended in 2015). Paragraph 8 sets out that drivers must have the language skills to communicate on critical safety issues with infrastructure managers in routine, adverse and emergency situations. Drivers must be able to use messages and the communication method in Annex 1 of the Commission Decision 2012/757/EU and be able to understand and communicate to level B1 of the Common Framework of Reference for Languages.¹

4.7 Professional knowledge of the rolling stock includes a variety of competences which should be applied to the specific rolling stock in question. It is not necessary to apply all of these competences to rolling stock because some of the competencies may be not be relevant, or a more basic degree of knowledge is sufficient for some types of rolling stock. There are no set pass and fail criteria and it is up to the train operator to decide the 'pass mark' based on risk and the requirements of their operation.

What does the train driving certificate look like?

4.8 The certificates are a standard format across Europe and they:

- allow detailed information about a driver's ability to be shared, if necessary, with prospective employers and the safety authorities; and
- give drivers a record of their competence.

1.

1. ¹ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_2012.345.01.0001.01.ENG & <https://www.coe.int/en/web/common-european-framework-reference-languages/table-1-cefr-3.3-common-reference-levels-global-scale>

- 4.9 The information in Annex A sets out the minimum information that must be provided on the certificate, what it should look like and the information a train operator must include on it.
- 4.10 Extra information that a train operator already routinely collects could also be added in the section set aside for this, for example performance data – but there is no requirement to do so. In this respect, the certificate does not replace any existing internal driver management practices.
- 4.11 A driver may need more than one certificate if they work as a driver for more than one train operator.

How long is a certificate valid for and do train drivers have to carry the certificate with them when on duty?

Reg 14 4.12 The certificate is valid for the period that the train operator has set out in its procedure referred to in paragraph 4.2 or when a train driver leaves a train operator's employment. If the train operator chooses for the certificate to remain valid indefinitely until it no longer employs that train driver, the train operator may choose not to apply an expiry date.

Reg 4|6 4.13 Train drivers must carry their certificate with them when they are driving. The train operator must also take reasonable steps to make sure that drivers it employs to have their licences with them when driving a train.

Reg 4|5 4.14 A driver on duty may be asked by ORR inspector to demonstrate the certificate permits them to drive that rolling stock on the specific infrastructure. The train operator may provide driver with means of demonstrating this to an ORR inspector.

What happens to the certificate when a train driver leaves a train operator?

Reg16 4.15 When a train driver leaves a train operator the certificate issued by the train operator is no longer valid.

4.16 The train operator is required by TDLCR to issue the driver with a certified copy of the certificate showing which rolling stock and on which infrastructure the driver is competent to drive at the time the driver stops working for the train operator. An example of a certified certificate is available at Annex **B**.

4.17 If the train driver is moving from one train operator to another, we strongly recommend that the new employer asks for a transfer of safety information about the driver.

Keeping certificates valid: maintaining driver competence

4.18 The train operator is responsible for training, assessing and monitoring the competence of its drivers. Any training either in-house or externally must be carried out at a recognised training centre with suitably experienced and qualified trainers as required by the TDLCR. The ongoing monitoring of competence is as much a matter of good management of drivers as it is of “formal” training and assessment. ORR’s guidance on competence management sets out good practice in how to monitor competence effectively: http://orr.gov.uk/__data/assets/pdf_file/0016/4264/sf-dev-staff.pdf.

4.19 The train operator should have in place a training programme for both new and qualified drivers, which forms part of its certificated safety management system. This training programme will normally give drivers the competences they need to obtain the relevant certificate. More information on this can be found in the guide on training and examination of drivers and training/examination centre recognition available at [Link to be inserted later]

4.20 To keep the certificates valid, the train operator must regularly assess a driver’s competence. It is up to the train operator to decide how often those assessments should be carried out , but under the TDLCR they must be carried out:

Reg
16

Sch.
6

- Language competence (for non-native speakers) at least every three years or after absence from driving duties for more than a year.
- Infrastructure knowledge (including route and operational rules) at least every three years or after absence of more than a year from a route or
- Rolling stock knowledge at least every three years.

4.21 We recommend that competence assessments are carried out by the driver manager as part of routine management activity. Where these assessments identify that a specific element of competence has not been maintained (such as knowledge of a particular route) a note should be made on the certificate (or an electronically held data) to show that particular competence is no longer held. This would not affect validity of the driver’s licence unless the driver is no longer suitable to drive trains.

4.22 Where the assessment requires the competence information on the certificate to be updated or the certificate is due for renewal, the train operator must include this information in the updated or renewed certificate.

4.23 The train operator may decide not to renew or update a certificate to a train driver and more information about this is in paragraph [xx].

What happens if competence elements of the certificate are not maintained?

4.24 If the system for monitoring driver competence (either through routine training or following the identification of any competence issues) calls into question

Reg
17

- a driver's competence for driving duties; or
- the validity of the certificate,

the train operator must immediately take any necessary action.

4.25 This action may include requiring the driver to undergo training or further assessment to make sure the validity of the certificate is being maintained. This is most likely to arise if a driver has not driven over a particular route for a period of time and in these circumstances refresher training may be necessary. This may also arise following involvement in an accident, SPAD or operational incident. The result of this monitoring may result in the train operator deciding to amend and re-issue a certificate.

4.26 In more serious circumstances where the driver continues not to meet the conditions for holding a certificate, the train operator may decide to suspend or withdraw a certificate.

What happens if an ORR inspector has concerns about a driver's ability to meet the conditions for holding a certificate?

4.27 If an ORR inspector believes that a driver does not meet the conditions for holding a certificate, it will inform the train operator with a reasoned request to either:

Reg
20

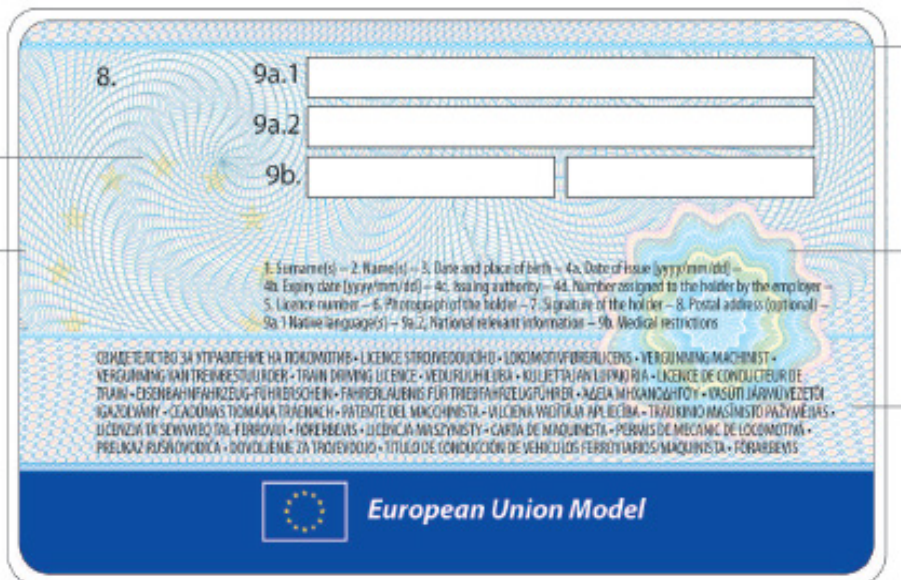
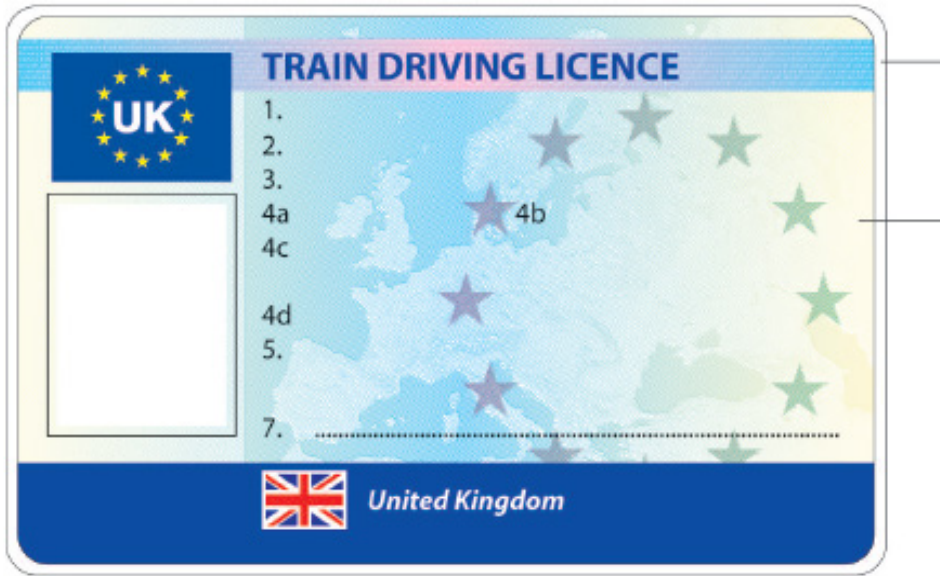
- review whether the driver meets the conditions to hold a certificate; or
- to suspend or withdraw a driver's certificate.

4.28 If a train operator receives such a request from ORR, they must tell us within 4 weeks whether a decision has been made to suspend or withdraw a certificate or take any other action. This may include requiring the driver to have professional knowledge and competence examinations for infrastructure or rolling stock. While this decision is being made by the train operator, we may prohibit the driver from driving trains.


What happens if a train operator either refuses to issue, update or renew a certificate or if a train operator has suspended or withdrawn a certificate?

- 4.29 If the train operator has either refused to issue, update, renew a certificate, or suspended or withdrawn a certificate, the train operator must advise the driver of this decision and provide the reason for the decision. The train operator must also advise the driver of their right to appeal the decision and that they should submit their appeal to ORR.
- 4.30 If a train operator has suspended or withdrawn the certificate, it must notify ORR as this may affect the validity of the licence. We would then look at this in accordance with our guide on suspending or withdrawing licences.
- 4.31 The guide to the appeal process is available at [link to be inserted]. This guide will be not be changed as part of this consultation exercise and will replicate the existing process.

Annex A: Example of a train driving licence



Annex C: Example of a certified copy of the train driver's certificate when they leave employment

RU/IM	COPY OF COMPLEMENTARY CERTIFICATE	
Brand mark	Issued in accordance with Article 17 of Directive 2007/59/EC, this document does not authorise driving.	
1. EMPLOYER - CONTRACTING RU/IM	COMPANY NAME	
	RAILWAY UNDERTAKING <input type="checkbox"/> INFRASTRUCTURE MANAGER <input type="checkbox"/>	
Postal address		
Post code and town	Country	
Holder Reference number		
2. HOLDER	Licence Number	
Surname(s)		
Name(s)		
Place of birth		
Date of birth		
Nationality		
Postal address (optional)		
	PHOTO	
	Signature	
3. CATEGORY OF DRIVING	A <input type="checkbox"/>	B <input type="checkbox"/>
	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> _____	<input type="checkbox"/> <input type="checkbox"/>
4. ADDITIONAL INFORMATION		
5. RESTRICTIONS		
6. LANGUAGE SKILLS		

Annex D: Information to be contained in the certificate register

What information do I need to keep on the register of certificates?

1. The basic parameters for registers of certificates are set out in Article 22(4) of Directive 2007/59/EC. They are:
 - data to be collected;
 - data format;
 - accessing the information in the register;
 - data exchange;
 - how long data is retained; and
 - Procedures in the event of bankruptcy.

Data to be collected and data format

2. Your register of certificates must comprise of 4 sections.
 - Section 1 contains information about current state of the licence held by the train driver.
 - Section 2 contains information about the certificate issued, as listed in Annex I, Section 3, of Directive 2007/59/EC.
 - Section 3 contains historical information about the certificate.
 - Section 4 contains information about basic requirements and initial checks to allow the certificate to be issued and about subsequent checks to be recorded to allow the certificate to remain valid.
 - a. You must provide information on the train driver's current knowledge of rolling stock, infrastructure and linguistic knowledge (as assessed in accordance with the relevant part of Directive 2007/59/EC) in Section 2, including the date of the next expected assessments. After these assessments have been carried out, you should move the information into section 3 and the new information from the assessments should be included in section 2.
 - b. Information on the data to be collected and format is set out in the table at the end of this Annex.

Rights to access the data

- c. You must give access to the information in the register to the following interested parties when being used the following purposes:
- A competent authority (safety authority) of the Member State in accordance with article 22(2)(b) of Directive 2007/59/EC
 - to competent authorities of the Member States in which the railway undertaking or infrastructure manager operates, and where the driver is authorised to drive on at least one line of the network:
 - for their task of monitoring the development of certification, under Article 19(1)(g) and Article 26 of Directive 2007/59/EC;
 - for their inspection tasks under Article 19(1)(h) and (2) and Article 29(1) of Directive 2007/59/EC (this task may be carried out by a delegated entity);
 - to train drivers, for the data concerning them, in accordance with Article 22(3) of Directive 2007/59/EC;
 - to investigation bodies set up in accordance with Article 21 of Directive 2004/49/EC, for investigating accidents, in particular as stated in Article 20(e) and (g) of that Directive.
- d. You may grant access to the register to other users, subject to the legal requirements on personal data protection.

Data exchange

- e. You must grant access to relevant data in accordance with Directive 2007/59/EC to:
- to the competent authorities where the railway undertaking or infrastructure manager is domiciled, in accordance with Article 22(2)(b) of Directive 2007/59/EC,
 - to competent authorities of other Member States, upon request, in accordance with Article 22(2)(c) of Directive 2007/59/EC,
 - to drivers, upon request, in accordance with Article 22(3) of Directive 2007/59/EC; and

you must provide the data, without delay, in a manner which ensures secure transmission of information and protection of personal data.

- f. You may offer login facilities on your website to all who have access rights, provided you ensure that reasons for requests are checked.

Duration of data retention

- g. You must keep all data in the certificate register for at least 10 years from the last expiry date referred to on the certificate.
- h. If at any time during this 10-year period an investigation involving the driver is started, you must keep data relating to the driver beyond the 10-year period if so required.
- i. Any changes in the CCR shall be recorded.

Procedure in case of bankruptcy

- j. If your company goes bankrupt, the railway undertaking or infrastructure manager taking over the operation of the service also takes over responsibility for the data contained in the register of certificates.
- k. Where another railway undertaking or infrastructure manager does not take over, then we, as the safety authority, become the repository of data contained in the register of certificates.

1. No	2. Datum to be displayed	4. Format	5. Status of the requirement
	3. Content		

Section 1: Reference to the licence

6. 1	7. Licence number		
8. 1.1	9. Number of the licence, giving access to data in the national register	10. EIN (12 digits)	11. Compulsory
12.	13.	14.	16.
17. 2	18. Current state of the licence		
19. 2.1	20. Evidence of the current state of the licence <ul style="list-style-type: none"> • Valid • Suspended • Withdrawn 	21. text	22. Compulsory

Section 2: Information about the current certificate issued, as listed in Annex I, Section 3, of Directive 2007/59/EC

23. 3	24. Surname(s) of the holder (the same of the licence)		
25. 3.1	26. Surname(s) displayed on passport or national identity card or other recognised document proving identity. More surnames are allowed, depending on national custom	27. text	28. Compulsory
29.	30.	31.	33.
34. 4	35. Name(s) of the holder (the same of the licence)		

36.	4.1	37. Name(s) displayed on passport or national identity card or other recognised document proving identity. More names are allowed, depending on national custom	38. text	39. Compulsory	
40.	41.	42.	43.	44.	
45.	5	46. Date of birth of the holder			
47.	5.1	48. Date of birth of the holder	49. YYYY-MM-DD	50. Compulsory	
51.	52.	53.	54.	55.	
56.	6	57. Place of birth of the holder			
58.	6.1	59. Place of birth of the holder	60. text	61. Compulsory	
62.	63.	64.	65.	66.	
67.	7	68. Date of issue of the certificate			
69.	7.1	70. The current date of issue of the certificate	71. YYYY-MM-DD	72. Compulsory	
73.	74.	75.	76.	77.	
78.	8	79. Date of expiry of the certificate			
80.	8.1	81. Date of the expected formal expiry of the certificate, to be set by the company and included in the procedure required in Article 15 of Directive 2007/59/EC.	82. YYYY-MM-DD	83. Compulsory	
84.	85.	86.	87.	88.	
89.	9	90. Name of issuing entity			
91.	9.1	92. Name of the entity issuing the certificate (railway undertaking, infrastructure manager, other)	93. Text	94. Compulsory	
95.	96.	97.	98.	99.	
100.	10	101. Reference number assigned to the employee by the employer			
102.	10.1	103. Company reference for the train driver	104. Text	105. Optional	
106.	107.	108.	109.	110.	
111.	11	112. Photograph of the holder			
113.	11.1	114. Photograph	115. Original or Electronic scanning	116. Compulsory	
117.	118.	119.	120.	121.	
122.	12	123. Signature of the holder			
124.	12.1	125. Signature	126. Original /Photocopy/ Electronic scanning	127. Compulsory	
128.	129.	130.	131.	132.	
133.	13	134. Permanent place of residence or postal address of the holder			
135.	13.1	136. Address of the holder	137. Street and number	138. Text	139. Optional
140.	13.2		141. Town	142. Text	143. Optional
144.	13.3		145. Country	146. Text	147. Optional
148.	13.4		149. Postcode	150. Alpha-numerical code	151. Optional
152.	13.5		153. Telephone number	154.	155.
156.	13.6		157. e-mail address	158.	159.
160.	161.	162.	163.	164.	
165.	14	166. Address of the railway undertaking or infrastructure manager for which the driver is authorised to drive		167.	

168.	14.1	169. Address of the RU/IM	170. Street and number	171. Text	172. Compulsory
173.	14.2		174. Town	175. Text	176. Compulsory
177.	14.3		178. Country	179. Text	180. Compulsory
181.	14.4		182. Postcode	183. Alpha-numerical code	184. Compulsory
185.	14.5		186. Contact person	187. Text	188. Optional
189.	14.6		190. Telephone number	191. text	192. Compulsory
193.	14.7		194. Fax number	195. text	196. Compulsory
197.	14.8		198. e-mail address	199. text	200. Compulsory
201.		202.	203.	204.	205.
206.		207.			
208.	15	209. Category in which the driver is authorised to drive			
210.	15.1	211. Relevant code(s)	212. Text	213. Compulsory	
214.		215.	216.	217.	218.
219.	16	220. Rolling stock which the driver is authorised to drive			
221.	16.1	222. (list, record to be repeated)	223. Text	224. Compulsory	
225.	16.2	226. For each item the date of next expected check shall be added	227. YYYY-MM-DD	228. Compulsory	
229.		230.	231.	232.	233.
234.	17	235. Infrastructure on which the driver is authorised to drive			
236.	17.1	237. (list, record to be repeated)	238. Text	239. Compulsory	
240.	17.2	241. For each item the date of next expected check shall be added	242. YYYY-MM-DD	243. Compulsory	
244.		245.	246.	247.	248.
249.	18	250. Language skills			
251.	18.1	252. (list, record to be repeated)	253. Text	254. Compulsory	
255.	18.2	256. For each item the date of next expected check shall be added	257. YYYY-MM-DD	258. Compulsory	
259.	19	260. Additional information			
261.	19.1	262. (list, record to be repeated)	263. Text	264. Compulsory	
265.		266.	267.	268.	269.
270.	20	271. Additional restrictions			
272.	20.1	273. (list, record to be repeated)	274. Text	275. Compulsory	
Section 3: Historical records on the status of the certificate					
276.	21	277. Date of first issue			
278.	21.1	279. Date of first issue of the certificate	280. YYYY-MM-DD	281. Optional	

			282.		
283.	22	284.	Update(s) (Several records are possible)		285.
286.	22.1	287.	Date of update	288. YYYY-MM-DD	289. Compulsory
290.	22.2	291.	Details of and reason for update (correction of one or more data displayed on the certificate, e.g. personal address of the driver)	292. Text	293. Compulsory
			294.		
295.	23	296.	Amendment(s) (Several records are possible)		297.
298.	23.1	299.	Date of amendment	300. YYYY-MM-DD	301. Compulsory
302.	23.2	303.	Reason for amendments, referring to specific parts of the certificate: amendments in field 3 “Categories of driving” amendments in field 4 “Additional Information” amendments in field 5: new linguistics knowledge acquired or knowledge periodically checked amendments in field 6 “Restrictions” amendments in column 7: new rolling stock knowledge acquired or knowledge periodically checked amendments in column 8: new infrastructure knowledge acquired or knowledge periodically checked	304. Text	305. Compulsory
306.		307.		308.	309.
311.	24	312.	Suspension(s) (Several records are possible)		313.
314.	24.1	315.	Length of period of suspension	316. From (date) to (date)	317. Compulsory
318.	24.2	319.	Reason for suspension	320. Text	321. Compulsory
322.		323.		324.	325.
327.	25	328.	Withdrawal(s) (Several records are possible)		329.
330.	25.1	331.	Date of withdrawal	332. YYYY-MM-DD	333. Compulsory
334.	25.2	335.	Reason for withdrawal	336. Text	337. Compulsory
338.		339.		340.	341.
343.	26	344.	Certificate reported lost		345.
346.	26.1	347.	Date of communication	348. YYYY-MM-DD	349. Compulsory
350.	26.2	351.	If yes, date of issued duplicate	352. YYYY-MM-DD	353. Compulsory
			354.		
355.	27	356.	Certificate reported stolen		357.
358.	27.1	359.	Date of communication	360. YYYY-MM-DD	361. Compulsory
362.	27.2	363.	Date of any duplicate issued	364. YYYY-MM-DD	365. Compulsory
			366.		
367.	28	368.	Certificate reported destroyed		369.
370.	28.1	371.	Date of communication	372. YYYY-MM-DD	373. Compulsory
374.	28.2	375.	Date of any duplicate issued	376. YYYY-MM-DD	377. Compulsory

Section 4: Historical records in connection with the basic requirements for issuing a certificate and the results of periodic checks

378.	29	379. Linguistic competence		380.
381.	29.1	382. Basic requirement	383. Working language(s) for which a statement that the criteria set out in Annex VI(8) of Directive 2007/59/EC had been fulfilled was issued	384. Text 385. Compulsory
386.	29.2	387. Periodic check	388. Date of certified knowledge (exam passed) for each language. 389. Several records are possible.	390. YYYY-MM-DD 391. Compulsory
397.	30	398. Rolling stock knowledge		399.
400.	30.1	401. Basic requirement	402. Rolling stock for which a statement that the criteria set out in Annex V of Directive 2007/59/EC had been fulfilled was issued	403. Text 404. Compulsory
405.	30.2	406. Periodic check	407. Date of periodic check (certified knowledge) 408. Several records are possible.	409. YYYY-MM-DD 410. Compulsory
416.	31	417. Infrastructure knowledge		418.
419.	31.1	420. Basic requirement	421. Infrastructure for which a statement that the criteria set out in Annex VI of Directive 2007/59/EC had been fulfilled was issued	422. Text 423. Compulsory
424.	31.2	425. Periodic check	426. Date of periodic check (certified knowledge). 427. Several records are possible.	428. YYYY-MM-DD 429. Compulsory



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