



Responsibility for the regulation of health and safety on the railways was transferred from the Health and Safety Commission (HSC) and Health and Safety Executive (HSE) to the Office of Rail Regulation (ORR) on 1 April 2006.

This document was originally produced by HSC/E but responsibility for the subject/work area in the document has now moved to ORR.

If you would like any further information, please contact the ORR's Correspondence Section - contact.cct@orr.gsi.gov.uk

NETWORK RAIL CERTIFICATE

THE RAILWAY SAFETY REGULATIONS 1999 (S.I.1999/2244)

Certificate of Exemption

1. In pursuance of the power conferred on it by regulation 6(1) of the Railway Safety Regulations 1999 (“the Regulations”), having consulted as required by regulation 6(2) of the Regulations and having had regard as provided in regulation 6(3) of the Regulations, the Health and Safety Executive (“the Executive”) hereby grants the exemption contained in paragraph 3, subject to the conditions set out in paragraph 5.

2 In this certificate –

“Network Rail” means Network Rail Infrastructure Limited whose registered office is situated at 40 Melton Street London NW1 2EE;

“relevant speed restriction” means a speed restriction –

(a) which is in place for no longer than 12 months from
(i) the date of its commencement; or
(ii) 2nd January 2004,
whichever is the later;

(b) which is used in accordance with special procedures established by Network Rail;

(c) where the approach to the part of the railway where that speed restriction is in place is an approach within paragraph (b) of the definition of ‘relevant approach’ in regulation 2(1) of the Regulations; and

(d) which is not a temporary speed restriction;

“temporary speed restriction” has the same meaning as in the Regulations’;

“the Regulator” means the Rail Regulator, the office of whom was established by section 1 of the Railways Act 1993;

“the RSSB” means the Rail Safety and Standards Board;

“TPWS” means a train protection and warning system;

“train protection and warning system” means equipment which causes the brakes of a train to apply automatically if the train:

| The definition in the Regulations is in regulation 2(2) as follows; “temporary speed restriction” means a speed restriction which is in place for no longer than 3 months and is used in accordance with special procedures established by the infrastructure controller.

(a) passes without authority a stop signal such passing of which could cause the train to collide with another train; or

(b) travels at such speed as could cause the train to collide with another train or derail from track which forms part of a railway.

3. Subject to paragraph 4, Network Rail shall be exempt from the prohibition contained in regulation 3(1) of the Regulations that no infrastructure controller shall permit the operation of a train on a railway unless a train protection system is in service in relation to that train and railway.

4. Paragraph 3 shall only apply in respect of a relevant speed restriction which is in place on a railway for which Network Rail is the infrastructure controller.

5. This exemption is granted subject to the following conditions –

(a) Network Rail shall install and bring into service TPWS so far as is reasonably practicable at every relevant speed restriction by no later than 6 months from:

(i) the date of commencement of the relevant speed restriction; or

(ii) 2nd January 2004,

whichever is the later;

(b) within 3 months of the date of signature of this exemption and after consultation with -

(i) the Executive, the Department for Transport, the Regulator, the RSSB and the Association of Train Operating Companies; and

(ii) such other persons as Network Rail considers appropriate,

Network Rail shall submit to the Executive, for the Executive's agreement, a written statement of how Network Rail manages risk at temporary speed restrictions and relevant speed restrictions;

(c) the written statement referred to in sub-paragraph (b) above shall include a proposed programme of measures to manage risk so far as is reasonably practicable at temporary speed restrictions and relevant speed restrictions;

(d) within 6 months of the date of the signature of this exemption, Network Rail shall put in place an effective process to implement the programme of measures set out in the written statement;

(e) Network Rail shall revise the written statement agreed by the Executive:

(i) whenever required to do so by the Executive; and

(ii) subject to the Executive's agreement, whenever there has been any significant change in the matters to which the statement relates which makes it appropriate to revise the statement;

(f) nothing contained in this exemption shall permit Network Rail to take out of service a train protection system installed in relation to a stop signal.

6. This exemption shall take effect immediately on the signing hereof and is granted subject to the power of the Executive to revoke the exemption in writing at any time pursuant to regulation 6(1) of the Regulations.

Signed by . . .

A handwritten signature in black ink, appearing to be 'M. Kelly', written over a dotted line.

who has been duly authorised by the Executive to sign in that behalf.

Date: 24 December 2003