

Train Driving Licences and Certificates Regulations 2010 (TDLCR):

Introduction

1. This document provides an introduction to TDLCR. It sets out the background to the regulations and an overview of the main requirements.

Background

2. The Train Driving Licences and Certificates Regulations 2010 (TDLCR) give different duties to different organisations and people. ORR are producing a series of separate guides to explain the duties and responsibilities arising from the TDLCR. Together these guides form a complete set of guidance for all key aspects of the TDLCR.
3. There are separate guides:
 - for train drivers;
 - for train operators;
 - on the medical and occupational psychological fitness requirements for train drivers and recognition of doctors and psychologists;
 - on train driver training and examination requirements and recognition of training and examination centres;
 - on the suspension or withdrawal of a train driving licence;
4. TDLCR came into force on 6 April 2010 and amendments were made on 1 January 2016. The primary purpose was to:
 - make it easier for cross-border rail services to operate;
 - create a more flexible job market for train drivers;
 - introduce consistent standards for drivers across Europe; and
 - increase public confidence in the rail system through the requirement for certain groups of train drivers to hold a licence.
5. The requirement for all drivers operating on the mainline railway to hold a licence and certificate came into full effect on 29 October 2018.
6. The Office of Rail and Road (ORR) is the body in Great Britain responsible for issuing and renewing all train driving licences. How to apply for a licence is covered in the guidance documents and the application form can be downloaded from ORR Website http://orr.gov.uk/data/assets/word_doc/0005/5891/train-driver-licence-application-form-v-june-2018.doc

7. Certificates are issued by train operators who employ drivers and specify the rolling stock and infrastructure that the drivers are authorised to drive.
8. We are producing guides aimed at the following groups of people:
 - Train drivers and their representatives;
 - Train operators – railway undertakings and infrastructure managers;
 - Trainers and examiners of train drivers;
 - Doctors and psychologists who assess whether train drivers are fit to drive.

TDLCR for Train drivers

9. Train drivers are responsible for:
 - checking whether they need a licence and certificate for the type of work they do;
 - carrying a valid licence and certificate with when driving a train; and
 - undergoing regular medical fitness examinations and training to ensure that general professional competence is kept up to date.
10. The licence is the property of the driver, and is valid for 10 years as long the medical fitness and training requirements are met. The driver must also maintain competence in relation to track and rolling stock.
11. Drivers must carry certificates describing the rolling stock they are competent to drive and the infrastructure they can drive on. The certificates are issued and owned by train operators and must be issued to drivers once the relevant conditions have been met.
12. TDLCR does not apply to drivers employed to work only:
 - in engineering possessions;
 - for metros (for example, London Underground), tramways or other light rail systems;
 - for heritage operators that operate on their own infrastructure. Heritage drivers on the mainline railway must have a licence.
 - in depot operations where the train enters Network Rail infrastructure under secure protection and with the agreement of Network Rail for the short distance to the first signal or junction head.

TDLCR for Train operators

13. Train operators must ensure that their drivers who drive on the mainline railway meet the requirements of TDLCR. Train operators are responsible for assessing and issuing certificates to drivers and suspending or withdrawing them where appropriate.
14. Train certificates are issued and owned by train operators, and must be issued to drivers once the relevant conditions have been met.
15. Train operators have a number of responsibilities under TDLCR including:
 - the selection and ongoing training, competence management and assessing the medical fitness assessment of the drivers you employ;
 - providing drivers with a certificate that sets out the rolling stock they can drive, their infrastructure knowledge and their language skills;
 - having and keeping up to date a register of the certificates issued to drivers, keeping ORR informed of changes, and publishing procedures for getting a certificate;
 - keeping up to date with changes regarding licences and certificates.
16. Infrastructure managers, are not responsible for the licences and certificates of drivers employed by others who use their infrastructure. TDLCR provides that a train operator must notify an infrastructure manager if it wishes to operate a one-off exceptional freight or historical service, deliver or demonstrate a new train, any training or examination of the driver or where re-routing is required due to disruption or maintenance of the tracks.

Doctors and psychological practitioners

17. Doctors and psychological practitioners who carry out or supervise train driver's medical fitness examinations and psychological assessments must be recognised and appear on ORR's registers.
18. To be recognised as competent to carry out assessments for the purposes of TDLCR, a recognised doctor or psychological practitioner must:
 - be a registered medical practitioner with the General Medical Council and have experience of occupational health, and a member or associate of the Faculty of Occupational Medicine;
 - or be registered with the British Psychological Society to Level A or 2
; and
 - understand how a driver's health affects railway safety;

- agree to work to Schedule 1 of TDLCR;
- be independent, competent and impartial.

TDLCR Recognised Trainers and examiners

19. TDLCR require all training and examination of driver competence to be carried out by persons or bodies recognised for that purpose by ORR. The majority of train operators train their own drivers; we believe that all train operators will already have a good understanding of the competence requirements that are now formalised under TDLCR. The right training, assessment and monitoring arrangements will already be in place.
20. The published criteria for becoming a recognised trainer will also apply to any person or organisation providing training independently of a train operator. These trainers will be able to apply to us for recognition.

The Role of ORR

21. ORR is the Safety Authority in Great Britain and is responsible for:

- issuing licences to drivers and keeping the register of licences;
- the renewal, suspension and withdrawal of any licences issued by ORR;
- inspecting and monitoring train operators' arrangements for training, competence management and fitness of drivers;
- inspecting and monitoring train operators' arrangements for making sure drivers have and carry with them a licence and certificate;
- establishing and keeping up to date a register of recognised doctors, psychological practitioners, examination centres/examiners and training centres/trainers.

22. ORR keeps the information in the register of licences secure and compliant with data protection law. Only drivers, their employers, the European Union Agency for Railways and other National Safety Authorities will be able to see it on request. (There may be a change to this post Brexit)

23. ORR's register of recognised doctors and psychologists, trainers and examiners/ examination centres are available to the public on its website.

Enforcement

24. ORR is responsible for making adequate arrangements for the enforcement of the TDLCR. ORR's approach to enforcing TDLCR is in line with the approach set out in our health and safety enforcement policy statement, which is on our [website](#). If ORR considers that enforcement action under TDLCR may be appropriate, it will follow the principle that our actions and decisions should be:

- proportionate;
- targeted; and
- clear and consistent.

25. ORR will also follow the principle that we are accountable for, and so can be held responsible for, our actions and decisions.

26. TDLCR provides ORR to use its powers set out in the Health and Safety at Work etc. Act 1974 (HSWA). This includes the power to:

- appoint an inspector who can exercise his/her powers under HSWA;
- issue an improvement or prohibition notice; and
- prosecute any breach of TDLCR.

27. TDLCR also give our inspectors the powers to take immediate action if they think that a driver poses a serious threat to the safety of the railways. In these rare circumstances, the action they could take includes stopping a train, or placing a prohibition notice on the driver, preventing the driver from driving a train in Great Britain.

28. Under TDLCR, train operators are responsible for making sure that anyone they allow to drive a train has a valid licence and certificate. Our inspections will focus on train operators' systems for ensuring their drivers have valid licences and certificates, and are able to produce them if asked to.

December 2018



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