

Heritage Railway Association response to the consultation on Revising Railway Safety Regulations dated 8 July 2014

(Railway Safety (Miscellaneous Provisions) Regulations 1997, Railway Safety Regulations 1999 and Railway Safety (Miscellaneous Amendments) Regulations 2001)

The Heritage Railway Association (HRA) is the trade association of the 115 Heritage Railways and Tramways in Great Britain.

The HRA membership comprises organisations with a mixture of paid and unpaid staff whose average ratio is 1:10. The turnover varies from very small to over £5,000,000 per annum with an average of around £500,000.

The sector has a combined turnover of around £100 million and operates in the transport, heritage and tourism fields which directly affect local businesses and local employment.

The management of these organisations is often in the hands of persons who are volunteers.

Our members have broad business, safety and public interests covering the whole of the UK with strong interactions with colleagues in Europe.

Our members' operations are monitored by Her Majesty's Railway Inspectorate, a directorate of the Office of Rail Regulation, and other bodies.

We meet regularly with representatives of our members and communicate using a bi-monthly newsletter as well as electronic communication.

A. HRA's main concerns are with the Draft Regulations (Annex A)

1. We are not entirely happy with the proposed definition of "railway" in the Schedule to the draft Regulations since the exclusion of heritage railways hangs on the exemption in paragraph 1(e) (the system is not to operate at a speed of 40kph or more).
2. We seek an express exclusion for "heritage railways" as defined in regulation 2 of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006 (ROGS).
3. The definition of "tramway" refers to rails laid along a "road". Since road has no definition in the proposed Regulations we suggest that the definition of "road" contained in regulation 2 of ROGS be adopted, since the definition of tramway itself is derived from that contained in ROGS

HRA responses to the specific questions raised in the consultation paper

Railway Safety (Miscellaneous Provisions) Regulations 1997

Q1: Do you agree that we should revoke regulations 3, 5, 6 and 7 of MPR 97? If you do not support the revocation, please tell us why.

HRA response: - Yes we agree.

Q2: Do you agree that regulation 4 (means of communication) should be retained in its modified form? If you do not support the retention of this provision, please say why.

HRA response: - Yes we agree.

Railway Safety Regulations 1999

Q3: Do you agree that we should retain a regulation to mandate the use of a train protection system? If not, why?

HRA response: - Yes we agree.

Q4: What are your views on the proposed changes to the drafting of the regulation relating to train protection systems? Are there any further changes you feel we should make?

HRA response: - We have no issues with the proposal

Q5: In the proposed new definition of "relevant approach", should 60mph be converted to 95km/h or 100km/h?

HRA response: - We have no views on this proposal

Q6: Do you agree that we should retain the regulation to prohibit the use of Mark 1 rolling stock, with the proposed changes to the exemption system? If you do not support the retention, please tell us why?

HRA response: - We are content with the proposal, subject to the exemption system.

Heritage Railway Association response to the consultation on Revising Railway Safety Regulations dated 8 July 2014

Q7: Do you agree that regulation 5 (prohibition of hinged doors) should be revoked? If you do not support revocation, why do you think it should be retained?

HRA response: - Yes we agree.

Q8: Do you agree with our approach to issuing exemptions under the new Regulations? If not, please tell us why?

HRA response: - Yes we agree.

Railways Safety (Miscellaneous Amendments) Regulations 2001

Q 9: Do you agree that the remaining provision in force can be revoked? If not, please tell us why?

HRA response: - Yes in principle, subject to the changes requested in A above.

Impact Assessments

Q10: Do you agree with our assumptions in the impact assessment? If not please tell us why or if there are there any other factors that you think we should take into account?

HRA response: - We have no independent way of assessing the 20 pages of Annex B.

Enforcement flexibility

Q11: Do you have any views or evidence that would help inform our development of an enforcement flexibility proposal?

HRA response: - No.

This response has been submitted by W. E. Hillier, Director, on behalf of the Heritage Railway Association.

----- end of response -----