Rolling stock

Compliance expectations

The law

Health and safety legislation relevant to the management of rolling stock assets includes, but is not limited to, the following:

- Health and Safety at Work etc. Act 1974 (HSWA)
- Railway Safety (Miscellaneous Provisions) Regulations 1997
- The Provision and Use of Work Equipment Regulations 1998 (PUWER)
- Management of Health and Safety at Work Regulations 1999
- Railway Safety Regulations 1999 (RSR)
- Railways and Other Guided Transport Systems (Safety) Regulations 2006 (ROGS)
- The Railways (Interoperability) Regulations 2011 (RIR).

HSWA places responsibilities on duty-holders to reduce risks to their employees, other workers and members of the public, so far as is reasonably practicable. Everyone working on the railway should ensure that they comply with the relevant requirements set out in health and safety legislation.

In addition to the management of health and safety regulations, statutory provisions exist in respect of rail vehicle accessibility. They impose design and operational requirements on operators to ensure that rail vehicles are broadly accessible to passengers with a wide range of reduced mobility:

- The Railways (Interoperability) Regulations 2011 (RIR)
- The Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010

- Accessibility NTSN (formally the Persons with Reduced Mobility NTSN)

Entities in charge of maintenance

ROGS requires an identified Entity in Charge of Maintenance (ECM) to be responsible for managing the maintenance of railway vehicles and ensuring they are in a safe state of running.

ROGS requires anyone placing a vehicle in service or using it on the mainline railway to make sure that an ECM is assigned to it. The ECM also needs to be registered on the National Vehicle Register (NVR). If the vehicle is a freight wagon, the ECM must obtain an ECM certificate from a competent certification body to demonstrate that they have established a maintenance system and meet the conditions for holding a certificate in Schedule 10 of ROGS or Commission Implementing Regulation (EU) 2019/779 (depending on the certificate issued). ECMs responsible for freight wagons in domestic service must hold ECM certification issued by a UK certification body.

Each ECM must ensure that its vehicles are regularly maintained to be safe to run on the mainline railway. The regular maintenance of vehicles must be carried out in accordance with:

- The maintenance files for that vehicle
- Applicable maintenance rules
- Applicable NTSNs and NTRs.

All ECMs must comply with the retained Common Safety Methods for monitoring (CSM Monitoring) and risk evaluation and assessment (CSM REA).

Regulation 18A of ROGS extends the scope of offences under section 33(1)(c) of the Health and Safety at Work etc Act 1974 to include an offence committed by:

A person who places in service or uses a vehicle without:

- An ECM being assigned to it;
- The ECM being registered in the National Vehicle Register;
- The ECM holding an ECM certificate if the vehicle is a freight wagon; and
- The ECM ensuring that a vehicle it is responsible for has been maintained in a safe condition and is safe to run on the network.

ORR expects ECMs who have responsibilities for vehicle maintenance to review their risks,

including reviewing the effectiveness of processes put in place to ensure all systems and components (particularly safety critical ones) are fully functioning and correctly maintained. This is to ensure vehicles are maintained in a safe condition and are safe to run on the network, through co-operation between those that operate it and the end user.

ECMs should review the technology and systems currently used to identify how improvements can be made to detect and support defect investigation and management. This should include, where appropriate, software and supply chain management and engineering change management processes.

ORR's regulatory strategy for vehicle maintenance and our reasonable expectations of ECMs when operating in the UK require anyone placing a vehicle into service or using it on the railway to:

- Select a competent ECM and establish a working relationship with that ECM;
- Ensure all the necessary information is provided to enable the ECM to carry out its duties;
- Specify any particular conditions of use of the vehicle (e.g. type of goods transported);
- Ensure that the vehicle is put at the disposal of the ECM to perform maintenance activities consistent with decisions concerning the Fleet Maintenance Management; and
- Ensure, where technical problems are detected, corrective action is taken by the ECM.

Changes to ROGS were introduced by The Railways and Other Guided Transport Systems (Safety) (Amendment) Regulations 2023 with effect from 30 June 2023 to require ECMs of freight wagons used in the UK to hold an ECM certificate issued by a certification body accredited by the UK accreditation body UKAS.

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