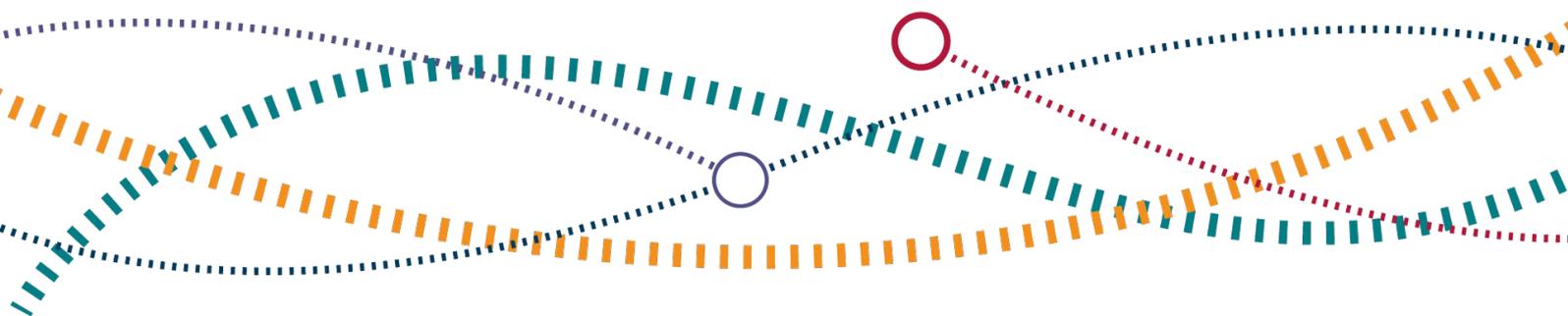




Cross Border Train Driving

Changes after 31 January 2022 for European Union cross-border train drivers who will be driving on Great Britain's railway infrastructure

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Introduction

All cross-border train drivers, including those who already have an EU train driving licence (EU TDL) will require a UK train driving licence (UK TDL) issued by the Office of Rail and Road in order to drive on GB infrastructure from 1 February 2022.

This document provides guidance on meeting the requirements of The Train Driving Licences and Certificates Regulations 2010 (as amended) (TDLCR) from 1 February 2022 solely in relation to cross-border train driving. It sets out the legal requirements for cross-border train driving and the actions that need to be taken in advance of this date. The Office of Rail and Road does not have any discretion in respect of applying the regulations. Affected cross-border operators will also need to understand their responsibilities. However, we are available for discussions about the practical arrangements for complying with the regulatory requirements.

Please Note: this guidance does not relate to Northern Ireland.

Cross-border train driving: position up to 31 January 2022

1. European Union train driving licences (EU TDLs) continue to be recognised in Great Britain until 31 January 2022. There is no requirement for cross-border drivers to hold a UK TDL before 31 January 2022.
2. From 1 February 2022 onwards, EU TDLs will not be recognised for driving on GB railway infrastructure.
3. Some, but not all, cross-border train drivers may be covered by a future bilateral arrangement between the French and UK governments¹ for the mutual recognition of EU and UK train driving licences between the terminals at Fréthun in Calais and Dollands Moor (for freight services) and Ashford International (for passenger services) in Kent. This agreement would apply within a limited geographical area and would only apply to cross-border train drivers in this area. However, while technical discussions in relation to this arrangement are progressing, it is not clear if, and when, it will be in place. Therefore, it is not appropriate to rely on a bilateral arrangement being in place and coming into force before 1 February 2022. So affected operators are advised to take the appropriate action to ensure their cross-border train drivers have the correct documentation by this date. If this situation changes, the affected operators will be informed directly and as soon as reasonably possible.

¹ Under Article 8 of Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community

Cross-border driving: position from 1 February 2022

4. From 1 February 2022, cross-border train drivers will need an EU TDL to drive on EU infrastructure and a separate UK TDL to drive on GB railway infrastructure.
5. To be ready ahead of that date, there are two licence application scenarios for cross-border operators to consider and then act upon. Depending on an existing EU-licenced driver's current status, an application will need to be made for either:
 - Scenario 1: reinstating an EU-licenced driver's previously surrendered UK TDL;
or;
 - Scenario 2: a completely new UK TDL for an EU-licenced driver who has never held one before.
6. We explain these two scenarios, and their different application requirements, below.
7. The validity requirements for both UK and EU train driving licences will need to be maintained by the driver and their employer. One practical impact for train operators will be the need for drivers to undergo separate periodic medical examinations to satisfy both UK and EU legal requirements.

Scenario 1: Applying to reinstate a previously surrendered UK TDL for an existing EU-licenced cross-border train driver

8. Existing cross-border drivers with an EU TDL who have:

- previously held an UK TDL issued by ORR;

and

- this licence was surrendered prior to 31 December 2020 to enable them to apply for an EU TDL (issued by the French safety regulator, the Établissement Public de Sécurité Ferroviaire – EPSF).

are now able to apply to reinstate their UK TDL.

9. We will reinstate previously surrendered UK TDLs once we have received and assessed an application from the relevant train operator. Applications should be made via an email to TDL.Applications@ORR.gov.uk. For each driver, the application must include:

- the drivers full name and their ORR-issued UK TDL number;
- their current EPSF-issued EU TDL number;
- confirmation that the driver has continued to meet the requirements for ongoing medical fitness required to maintain the validity of their EU licence;
- the date of the last completed driver medical examination. (If it was a UK medical, please include the name of the recognised doctor who signed it);
- confirmation that the driver has been subject to ongoing arrangements for monitoring their competence and that such monitoring has not called into question their competence for the job;

- confirmation that the driver consents to the train operator seeking reinstatement of the UK TDL on their behalf;
- an indication of whether an application to renew this licence is also being made at the same time (see below).

10. New photographs and signatures for drivers will not routinely be required for reinstated licences as we will reuse the ones we already hold. However, new photographs will be required for drivers whose appearance has materially changed (e.g. now wearing glasses), for the renewal of licences at the same time as reinstatement (see below) or where we no longer hold original photographs (we will advise affected operators directly in these cases). Our guidance document "[ORR Train Driving Licences System: Train Operator User Guide](#)" explains the specifications for train driver photographs at paragraph 2.23.

11. We will process complete applications within one calendar month. However, we strongly encourage operators to apply for all relevant drivers at the same time (as opposed to making individual applications). We will contact EPSF to confirm that each EU-issued licence is still valid before reinstating the UK licence.

12. You should ensure that you supply **all** the information required to avoid any processing delays. If you are unsure about any aspect of the application process, please contact us as soon as possible via email at TDL.Applications@ORR.gov.uk

13. If we decide that a driver is not eligible for a reinstated UK TDL, then you have the right to appeal this decision under regulation 35 of the TDLCR 2010.

A note on renewing UK Train Driving Licences

14. If a driver's surrendered UK TDL is due to expire, an operator can make an application to renew the licence at the same time as reinstating it. There is no prescribed time limit for when the licence can be renewed. Therefore, we can consider renewing a UK TDL at the same time as considering reinstating it, if the expiry date is reasonably soon.

15. If this scenario applies, please clearly indicate on each reinstatement application if you would like us to consider renewal at the same time. Please also complete and send us a separate renewal application form at the same time, available on our [website](#).

Scenario 2: Applications for a completely new UK TDL for existing EU train drivers who have never held one before

16. Applications for a UK TDL for existing cross-border drivers who have never held a UK licence will need to be made to ORR. Train operators should plan now and apply in a timely way so that ORR can consider and then issue these new licences ahead of the deadline. The table below summarises the requirements for a UK TDL:

Driver requirement	How this is met (full details are in our guidance)
To be at least 20 years old	Confirmation of a driver's date of birth from train operator.
To have completed at least nine years of education (primary & secondary)	Confirmation that they have completed at least 9 years of education.
To have attained level 3 educational competence	Declaration that the driver has successfully passed their vocational training required to become a train driver.
To have passed the medical examination detailed in Schedule 1 of TDLCR 2010	Undertake a medical by, or under, supervision of a doctor on the ORR register of recognised doctors under the TDLCR 2010. (Note: tests carried out by a non-recognised doctor outside of the UK will need to be under the supervision of a doctor on the ORR register of recognised doctors. You are advised to contact us to explain any such arrangements before commencing).
To have passed the occupational psychology fitness examination (The Rail Safety and Standards Board's RIS3751 gives details)	Undertake an occupational psychological fitness examination with a psychologist on the ORR register of recognised psychologists. (Note: We are available to discuss the practical options for meeting this requirement).

Driver requirement	How this is met (full details are in our guidance)
To have passed the general professional competence examination	Declaration of assurance from the operator that the driver has passed the required general professional competence examination.

17. TDLCR 2010 contains the requirements necessary to obtain a train driving licence. Our guidance for train operators, including details about how to apply for a new UK TDL is available [here](#).

18. We will process complete applications within one calendar month. Please ensure that you apply in a timely manner, and sufficiently in advance of the deadline.

19. You should ensure that you supply **all** the information required to avoid any processing delays. If you are unsure about any aspect of the application process, please contact us as soon as possible via email at TDL.Applications@orr.gov.uk

20. If we decide that a driver is not eligible for a new UK TDL, then you have the right to appeal this decision under regulation 35 of the TDLCR 2010.

21. Please ensure that you apply in a timely manner, well in advance of the deadline. Cross-border train drivers will need to hold a UK TDL from 1 February 2022 in order to drive on GB railway infrastructure.



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