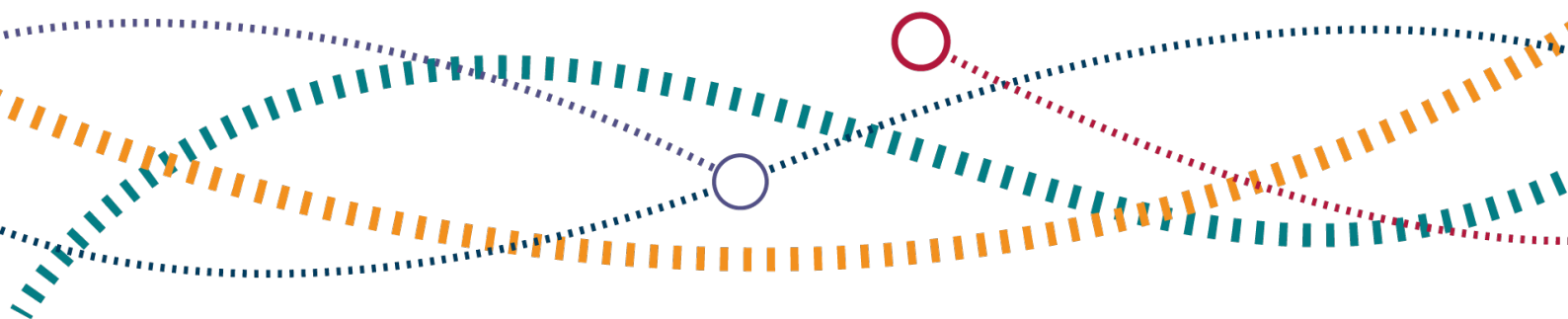




Guidance for driver training and examination centres

Train Driving Licences and Certificates Regulations 2010

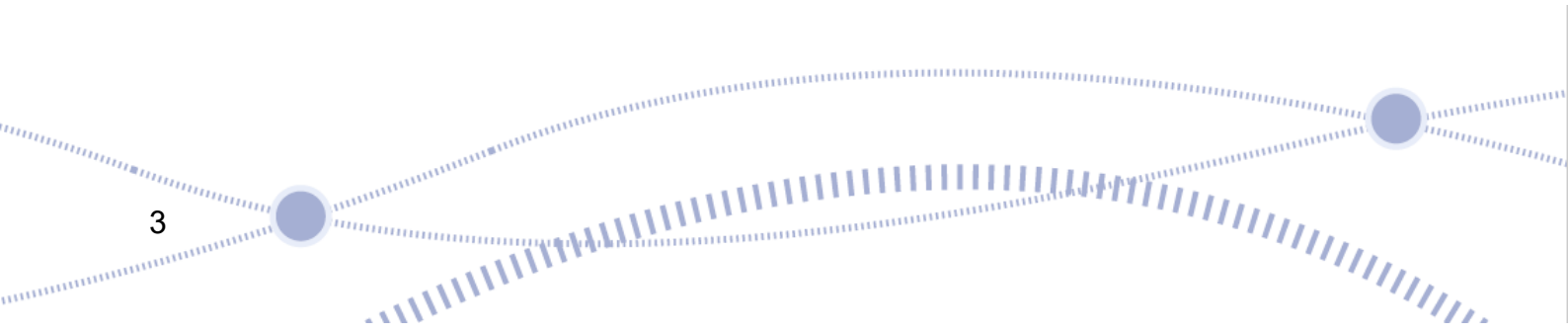
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Contents

Background	4
1. Foreword	6
2. TDLCR requirements and making an application	7
Summary	7
Registers of Recognised Persons (TDLCR, Regulation 23)	7
What is the relationship between the TDLCR requirements and The Railways and Other Guided Transport Systems (Safety) Regulations 2006 ('ROGs')?	8
Who can carry out training and examination of train drivers under TDLCR?	8
How to make an application for recognition	8
What happens once an application for recognition has been received by ORR?	9
What happens when recognition has been granted?	10
How long is recognition valid for and how is it renewed?	11
Keeping information on the register up to date	11
Can ORR remove recognition?	11
What happens if ORR refuses to grant recognition?	11
Training trainers and examiners on new rolling stock or infrastructure	12
3. Training and Examination centres: recognition criteria	13
Summary	13
What are the criteria for recognition as a training and Examination centre?	13
Conflict of Interest	14
4. Operators and Infrastructure Managers	15
Train Driving Certificate	15
5. Overview of the Appeal process against refusal to recognise or against removal from the register of training and examination centres	16
Summary	16

Process16



Background

The Train Driving Licences and Certificates Regulations 2010 (as amended) ('TDLCR') give duties to different organisations and people. We have produced a series of separate guides to explain the duties and responsibilities arising from the TDLCR and how you can take appropriate action. Together these guides form a complete set of guidance. However, please note that the guidance does not cover all aspects of the legislation and that it is the responsibility of the duty holders to ensure compliance with legislation.

There are separate guides covering other elements of TDLCR on our website:

- [for train operators](https://orr.gov.uk/data/assets/pdf_file/0015/41082/tld-guide-for-train-operators.pdf)https://orr.gov.uk/data/assets/pdf_file/0015/41082/tld-guide-for-train-operators.pdf
- for the [medical-and-occupational-psychological-fitness-requirements-for-train-drivers](#).
- for [Suspending or withdrawing a train driving licence](#)
- for [train drivers appealing against decisions made by their employer about the train driving certificate](#) issued to them

We have produced this guidance to assist you in meeting the requirements of the Train Driving Licences and Certificates Regulations 2010 (TDLCR). However, we do not seek to cover every aspect of the legislation. It remains **your** responsibility to ensure that you are compliant with the relevant legislation. Following our exit from the EU please be aware that TDLCR and associated legislation has been amended by the following regulations (and should therefore be read in conjunction with those regulations);

- **the Train Driving Licences and Certificates (Amendment) (EU Exit) Regulations 2019, (S.I. 2019/677) as amended by;**
- **the Railways (Miscellaneous Amendments, Revocations and Transitional Provisions) (EU Exit) Regulations 2020. (S.I. 2019/345) and;**
- **the Railways (Miscellaneous Amendments, Revocations and Transitional Provisions) (EU Exit) Regulations 2020 (S.I. 2020/786).**

This guidance is not intended for use in Northern Ireland.

Office of Rail and Road | Guidance for training and examination centres and training requirements

We periodically update these guides, and you can download the latest version of any of these guides from our [website](#).

1. Foreword

1.1 This guidance sets out the requirements of the Train Driving Licences and Certificates Regulations 2010 (as amended) (TDLCR) for the training and examination of train drivers. It covers:

- Duties of those carrying out driver training and examination;
- What activities the recognised centres can carry out following their recognition by ORR;
- The requirements for being recognised by ORR to carry out driver training and examination and the process to make an application to be placed onto the register;
- The appeal process if an application for recognition is refused or for removal from the register.

2. TDLCR requirements and making an application

Summary

Under TDLCR, railway undertakings and infrastructure managers (hereafter ‘train operators’) are responsible for the training, examination and monitoring of their drivers. Regulation 4 precludes train operators from deploying drivers who are not authorised by the relevant train driving licence and certificate.

Registers of Recognised Persons (TDLCR, Regulation 23)

- 2.1 Under TDLCR Regulation 23, the Office of Rail and Road (ORR) is required to maintain an up-to-date register of centres that have been recognised as competent to carry out the training and examination of train drivers. This register serves as an official record and ensures that only qualified centres are authorised to provide the necessary training and certification for train drivers.
- 2.2 We will grant recognition when we are satisfied that an application demonstrates how the training and examination provision meets the requirements in TDLCR. Therefore, we will assess all applications against the following criteria which are required under regulation 23(3):
 - Independence;
 - Impartiality; and,
 - Competence.
- 2.3 In TDLCR there are several schedules prescribing both the content and approach that is required by a recognised centre. The training course provided must be the equivalent of a vocational ‘Level 3’ qualification

What is the relationship between the TDLCR requirements and The Railways and Other Guided Transport Systems (Safety) Regulations 2006 ('ROGs')?

- 2.4 Driver training and examination are fundamental parts of a train operator's safety management system (SMS) under ROGS (as amended). TDLCR does not place additional requirements on train operators when training, monitoring, and carrying out examinations of drivers. However, TDLCR does prescribe a single, GB-wide, approach to ensure there is a common regime for all mainline driver licensing and certification. Train operators who train their drivers are expected to have a full understanding of the competence requirements and the correct training, assessment and monitoring arrangements must already be in place.

Who can carry out training and examination of train drivers under TDLCR?

- 2.5 Training and examination may be done either in-house by the train operator employing the driver or by an external training provider. In either case, they must be recognised as a training and examination centre by the ORR.

An organisation may be **either** a training centre carrying out training and monitoring of drivers or an examination centre carrying out assessments of drivers. However, in most cases a centre is recognised for **both** training and examination. All training and examination must be carried out impartially, independently and by competent people.

How to make an application for recognition

- 2.6 All current operators with training and examination centres, operating on the GB mainline are already recognised by ORR. However, any new operators will need to satisfy ORR before we can grant recognition. We will discuss with you how you can provide the information we need as part of your wider Safety Management System (SMS) and Competency Management System (CMS) submission and reviews.
- 2.7 External providers should submit their documentation using this application form ([here](#)). Please carefully read this guidance document first as well as TDLCR, including the relevant schedules. You may also contact us to discuss our recognition requirements before deciding whether to apply – mark your email "ORR Recognition enquiry" and send it to TDL.Applications@orr.gov.uk.

What happens once an application for recognition has been received by ORR?

- 2.8 Once we have received your application, an ORR Specialist Inspector ('SI') and an ORR Case Officer will review the application and contact you to discuss the next steps and to arrange a visit to your centre.
- 2.9 If, following an initial review of the documentation, we think that the application is incomplete, we will send you an e-mail requesting the additional information required. This must be provided within 10 working days. Once we have all the required information, the SI will contact you to arrange a mutually convenient date to visit you. We will explain beforehand what we would like to discuss during the visit, as well as any more additional information we might need from you.
- 2.10 Before the visit, the SI will have reviewed your application pack and during the meeting they may ask additional questions regarding your processes and procedures. The SI will also inspect the training facilities to ensure they are fit for purpose and may ask to speak to the trainers/examiners. The SI will be assessing the centre against the criteria in TDLCR (i.e. independence, impartiality, and competence) as well as the relevant schedules in TDLCR.
- 2.11 Following the meeting and completion of a full assessment of the application, the SI will make their final decision on the application. A final report will be prepared by the SI which will be provided to you with the decision letter by the Case Officer. This will usually take approximately 3 weeks after the visit, assuming the information provided is comprehensive and satisfactory.

2.12 The table below explains the application and decision-making steps:

Order of process	Process to be followed
1	Complete the application form. Provide as much detail as possible and send copies of any documents referred to.
2	The application is reviewed by an SI and the Case Officer, within 10 working days of receiving the application.
3	If your application is thought to be incomplete, you will be contacted within 10 working days and advised on what further information is required.
4	If further information is required, this must be provided within 10 working days from the date it is requested.
5	Once the SI has received all the information, they will review it and contact you within 20 working days to arrange to visit the training and examination centre.
6	During the visit, the SI will consider if the centre is fit for purpose and has suitable training rooms, simulators (if applicable) washrooms and meal facilities. Following the visit the SI will prepare their report, and a final decision will be taken within 30 working days.

What happens when recognition has been granted?

Regulation 23(1)

- 2.13 Regulation 23 of TDLCR requires ORR to keep up to date registers and publish details of the examination and training centres recognised as competent to carry out functions in relation to driver training and examination. We publish these details on our webpage Registers of doctors, psychologists and training and examination centres are provided on our webpage [here](#) .
- 2.14 Once ORR has granted recognition, the training and/or examination centre will be added to our register and will be issued with a unique registration number which must be provided on all training documentation forms completed throughout the training or examination of the applicant driver. The recognition number must also be used in correspondence regarding the training and examination centre with ORR.

- 2.15 Keeping this register updated is essential for maintaining TDLCR compliance. Where there are any changes, including for example a change to the name of the centre or any other change to the training and examination provided at the recognised centre, ORR must be notified in advance.

How long is recognition valid for and how is it renewed?

- 2.16 Recognition is not time limited. For in-house training or examination centres run by a train operator, we will monitor continued compliance with the criteria for recognition through the five-yearly safety certification process under the ROGS regulations. For external training and examination centres (that do not come under the scope of ROGS), we will review each centre every five years to ensure that they continue to meet the criteria for recognition. Guidance on the criteria is in chapters 3 and 4. Centres will be advised that their review is due up to 13 months in advance to enable them to prepare for the review visit.

Keeping information on the register up to date

- 2.17 ORR must be advised as soon as possible of any changes to the information that appears on our register (including changes to contact emails -which are held on ORR's internal register) so that we can update the register accordingly.

Can ORR remove recognition?

- 2.18 ORR may decide to remove a training or examination centre from the register of recognised centres if we decide that it no longer meets all the criteria for recognition. This might arise from a five yearly review of the centre, or should we become aware of a concern about the centre's provision at any time. If this is the case, we will write to the training or examination centre informing it of our decision and providing our reasons. The training or examination centre may appeal under the process set out in chapter 5.

What happens if ORR refuses to grant recognition?

- 2.19 If we decide not to grant an application for recognition, our letter will set out the reasons. When the centre is notified of the decision and receives the report, they can reapply for recognition once they have rectified the relevant issues from the SI report

- 2.20 If the applicant believes that we should have granted recognition, then the applicant may appeal against the decision and a summary of the appeal process is set out in Chapter 5.

Training trainers and examiners on new rolling stock or infrastructure

- 2.21 There is a requirement for all trainers and examiners to maintain their competencies and be in possession of a valid train driving licence and train driving certificate covering the routes and rolling stock that they are training/examining. Where new rolling stock is introduced, we expect trainers and examiners to undergo familiarisation to acquire professional knowledge on new rolling stock before they begin any training of drivers. This may be done on a test track, in a simulator or through the rolling stock manufacturer. They must be signed as competent on their certificate before they can provide training on the rolling stock. Operators will include this process within their internal policies.

Reg 4 (12) A person who is training to be train driver (“the trainee driver”) may drive a train without being authorised to do so by a train driving licence and a train driving certificate provided that an authorised driver—

(a) accompanies and supervises the trainee driver in the cab whilst the trainee driver drives the train, and

(b) complies with the requirements of paragraph (5) as if the authorised driver was the driver of the train.

Reg 4 (13) Subject to paragraph (14), in paragraph (12) “authorised driver” means a train driver who is authorised to drive the train by a train driving licence and a train driving certificate issued by the railway undertaking, or infrastructure manager, for whom the train is driven relating to the type of train driven and the infrastructure driven on.

- 2.22 Where new infrastructure has been installed, ideally it is expected that familiarisation and development of competence for trainers and examiners to happen before the new infrastructure has been brought into use. However, if this is not possible, trainers and examiners could access simulators to obtain competence.

3. Training and Examination centres: recognition criteria

Summary

This section outlines the recognition criteria which training and examination centres must meet.

What are the criteria for recognition as a training and Examination centre?

- 3.1 The ORR SI will complete an in-depth assessment of the centre, its facilities, training plan, qualified instructors, and examiners.
- 3.2 To be recognised, all training and examination centres must demonstrate that their centre's training scheme, training documents, people and processes meet the criteria for ORR recognition provided for in TDLCR, which is:
- Independence;
 - Impartiality; and,
 - Competence.
- 3.3 TDLCR regulations 29 and 30 are specific regarding the training required – provided below:

Each railway undertaking and infrastructure manager that employs train drivers must ensure that their training—

(a)complies with the requirements of, and takes into account the guidance given in, Schedule 7;

(b)includes instruction on train driving licences and covers the general professional knowledge, and meets the objectives, set out in Schedule 3;

(c)includes instruction on train driving certificates, and covers the professional knowledge, and meets the objectives, set out in Schedules 4 and 5; and

(d) meets the requirements for continuous training which—

(i) are set up to ensure that staff competencies are maintained; and

(ii) form part of the safety management system of the railway undertaking or infrastructure manager.

30.— (1) Subject to paragraph (2), a person may only provide training intended to enable a another—

(a) to pass the examination required by regulation 8(2)(f),

(b) to satisfy the condition in regulation 9(2)(b), or

(c) to pass the examinations required by regulation 9(2)(c),

(2) Training relating to infrastructure knowledge, including route knowledge and operating rules and procedures, may only be provided by a recognised trainer.

The requirements of the legislation above **MUST** be met by training and examination centres and the SI will clarify the training curriculum during the site visit.

Conflict of Interest

- 3.4 Training and Examination Centres must ensure there is no conflict of interest in the process. The instructor who has trained the driver cannot be involved in the examination of the driver.

4. Operators and Infrastructure Managers

Train Driving Certificate

- 4.1 The process of obtaining a certificate is contained in regulation 11 TDLCR. It is vital that operators and infrastructure managers have a transparent process detailing how a driver obtains their certificate.
- 4.2 Operators and infrastructure managers have a responsibility to make changes to driver certificates as required under regulations 11.3 and 11.4.

11 (3) Each railway undertaking and infrastructure manager must update a train driving certificate issued by it whenever the holder has obtained additional authorisations from it relating to rolling stock or infrastructure.

11 (4) Where satisfied that a train driving certificate should be issued, updated or renewed the railway undertaking or infrastructure manager must issue it as a single original certificate.

- 4.3 Independent training and examination centres will not issue driver certificates, they will be contracted by an operator or infrastructure manager to provide training as required by TDLCR, that contract is agreed by the relevant parties. [OBJ]

5. Overview of the Appeal process against refusal to recognise or against removal from the register of training and examination centres

Summary

If the applicant believes that their application should have been accepted or disagrees with a decision to remove recognition, they may submit an appeal.

Process

- 5.1 **Appeal Process Overview:** Appeals are processed within two months and are handled by individuals not involved in the original decision.
- 5.2 **Appeal Submission:** Appeals should be addressed to the ORR's Director of Railway Safety. A Case Officer will be appointed to manage the appeal, and the applicant will be notified of this. All correspondence will go through the Case Officer.
- 5.3 **Case Team Formation:** A team including the Director of Railway Safety or their nominated chair, an ORR legal adviser, ORR specialist adviser, and the Case Officer will review the appeal.
- 5.4 **Decision to Proceed:** The case team decides within 10 working days whether to proceed with the appeal, depending on the completeness of the submitted information.
- 5.5 **Outcome Notification:** The Case Officer will inform the appellant of the decision within 3 working days of the case team meeting.
- 5.6 **Further Representations:** If the appeal proceeds, the appellant has 20 working days to provide additional information.
- 5.7 **Decision Making:** The case team aims to reach a decision within 10 working days after the representation period, through two formal meetings.

- 5.8 **Final Decision:** The decision is signed by the Director or their delegate and communicated to the appellant along with any necessary actions.



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