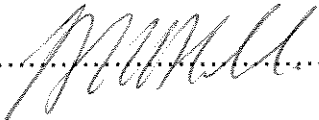
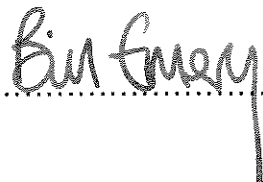


**MEMORANDUM OF UNDERSTANDING BETWEEN
THE OFFICE OF RAIL REGULATION AND THE DEPARTMENT FOR
REGIONAL DEVELOPMENT, NORTHERN IRELAND
RELATING TO RAILWAY SAFETY IN NORTHERN IRELAND**

Signed by B R D White, Director of Ports and Public Transport Division on
behalf of the Department for Regional Development, Northern Ireland:

..........Date: 26/8/07

Signed by Bill Emery, Chief Executive on behalf of the Office of Rail
Regulation:

..........Date: 24 October 07

Purpose

1. This Memorandum of Understanding (MoU) is between the Office of Rail Regulation (ORR) and the Department for Regional Development, Northern Ireland (DRDNI) Further to paragraph (2)(1)(b) of Schedule 3 to the Railways Act 2005 (which gives ORR a duty to assist and encourage persons concerned with matters relevant to furthering railway safety), the purpose of the MoU is to set out a broad framework within which both the:

- nature and extent of the advice and support that ORR gives to DRDNI in connection with the exercise by DRDNI of their functions concerning railway safety in Northern Ireland; and
- conditions under which that advice and support is given,

can be agreed.

2. The advice and support ORR will provide falls into two broad categories:

- as Safety Authority¹ for Great Britain, support to DRDNI in fulfilling its role as the Safety Authority for Northern Ireland; and
- the provision of technical advice and support to DRDNI.

Support for DRDNI's Safety Authority Role

3. ORR recognises that it is sensible (given the extent of the rail system it is responsible for as Safety Authority in Great Britain in comparison to that for which DRDNI is responsible, and the relative resources of each), that it should take the lead for the UK in the development and implementation of common policies, practices and procedures across the EU affecting health and safety on the railways. In carrying out this role, ORR will liaise and exchange information with DRDNI to ensure that the development and promulgation of UK-wide lines-to-take:

- a) reflect the views of each in establishing a consistent and balanced approach to such matters; and
- b) recognise the need of both to properly fulfil their respective roles as Safety Authority and the resource and other constraints under which both operate.

4. With respect to the development of the European railway safety regulatory framework and particularly the activities of the European Railway Agency (ERA) under EC Regulation 881/2004, ORR will co-operate with DRDNI on the:

¹ The role of Safety Authorities in the EU was established in accordance with Directive 2004/49/EC of the European Parliament and of the Council of 29th April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of infrastructure capacity and the levying of charges for the use of infrastructure and safety certification.

- provision of feedback from ORR's representatives attending ERA Working Groups, and the relay of DRDNI views to ERA as required;
- contribution of Northern Ireland's railways to UK assigned Common Safety Targets; and
- reporting on the implementation of other developing European requirements including, inter alia, requirements on Common Safety Methods, Safety Certification, Certification of Maintenance Workshops, Interoperability Registers, Registers of Rolling Stock, etc.,

involving the Department of Transport (DfT) as required (for example, with respect to co-ordination of briefing for DfT's attendance at the EC's Article 21 Committee).

5. ORR and DRDNI carry out the role of the Safety Authority in their respective territories, but occasions may arise where a single UK view needs to be offered to EU institutions and ORR and DRDNI differ as to what that view should be. In such cases the Concordat on Co-ordination of European Policy Issues (supplementary to the Memorandum of Understanding between the United Kingdom Government, Scottish Ministers, the cabinet of the National Assembly for Wales and the Northern Ireland Executive Committee) will apply.

Technical support to DRDNI

6. ORR will provide DRDNI with technical advice and support.

7. The particular railway safety matters on which ORR will provide advice and support to DRDNI will extend, but not necessarily be limited, to helping DRDNI in fulfilling its functions in relation to the:

- a) assessment of safety management systems;
- b) investigation of any railway incident – subject to the need to take into account any investigation that the Rail Accident Investigation Branch (RAIB) might be making into the same incident;
- c) making and amendment of level crossing orders;
- d) safety verification for new or substantially altered works or equipment; and
- e) authorisation of the placing into service of structural subsystems.

8. DRDNI recognises that ORR providing support from technical and other specialists must be measured and reimbursed. The principle will be to recover full costs in accordance with Treasury guidelines but to keep bureaucracy to a minimum.

9. This MoU shall come into immediate effect.

