

Railway Safety Regulations 1999: Regulation 4

Certificate of Exemption

1. The Office of Rail Regulation (ORR) exempts under regulation 6(1) of the Railway Safety Regulations 1999 (the Regulations) the Mark I rolling stock listed in the Schedule from the requirements of regulation 4(1) of the Regulations. In granting this exemption, ORR has carried out a review of the evidence provided by **North Yorkshire Moors Railway Enterprises Plc (Company Number 02490244)** (the company) in support of the exemption request, consulted as required by regulation 6(2) and had regard to the matters set out in regulation 6(3) of the Regulations.

2. In this exemption:

“Mark I rolling stock” means rolling stock which has a structural underframe which provides its own longitudinal strength and has a passenger compartment created on the underframe which relies mainly on the underframe for its longitudinal strength;

“operator” means the person having the management of the Mark I rolling stock for the time being;

“railway” has the same meaning as in the Regulations;

“safety management system” has the meaning it has in the Railways and Other Guided Transport Systems (Safety) Regulations 2006 (ROGS).

3. This exemption applies to the Mark I rolling stock listed in the Schedule (‘the rolling stock’) and is granted subject to the following conditions:

(a) The company must ensure that:

- (i) any rolling stock in the Schedule with buckeye couplers are fitted with shelf brackets (except when coupled to a locomotive not fitted with buckeye couplers);
- (ii) any rolling stock in the Schedule with a screw coupling in passenger service is only used at the end of a rake of vehicles; and
- (iii) the rolling stock in the Schedule has unique identifying numbers.

(b) The rolling stock is not used for passenger services on a railway unless the operator of the rolling stock has and maintains a safety management system which covers the operation of the rolling stock;

(c) When formed as a rake, the rolling stock must have the same buffing height (within maintenance limits);

- (d) The rolling stock must not be operated at a speed exceeding 25 mph when used in passenger service.
 - (e) The rolling stock must only be used for passenger services between Battersby Station and Whitby Station on the Esk Valley line
4. This exemption is valid from 24 June 2015 until 31 March 2023.
 5. Under regulation 6(1) of the Regulations, ORR may revoke the whole or any part of this exemption, at any time, in writing.

Signed by authority of ORR

24 June 2015



Schedule

The rolling stock vehicles to which this exemption applies are:

Vehicle Number	Type	Date Built
641	Buffet	1937
3087	Saloon	1909
3669	Brake Third Corridor	1930
23956	Tourist Third Open	1936
43567	Brake Third Open	1935
43654	Restaurant	1935
56856	Tourist Third Open	1938

