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Railway Safety Directorate  
Office of Rail Regulation  
One Kemble Street  
London  
WC2A 4AN

Your ref:

Our ref:  
NRS10-039

Date:  
May 2010

Dear Stefano,

### **Consultation on the Railways and Guided Transport (Miscellaneous Amendments) Regulations 2010**

Thank you for the opportunity to contribute to the above named consultation.

Transport Scotland are generally supportive of the measures being proposed to ensure the revised Railway Safety Directive and the CSI directive are transposed into UK law by summer 2010. In particular, we are strongly supportive of the Railways Accident Investigation Branch (RAIB) being the investigating body for accidents on tramways in Scotland. This move would establish uniformity across the UK and harness the wide ranging experience of RAIB.

In relation to Regulation 4(5) I strongly believe that when safety is an issue it should be extended to all participating parties, including volunteers. I think that it is rational that anyone carrying out work on the railways should be competent and fit to perform that work and that regulations are based on risk factors and not employment status.

I agree that the current position on the exclusions from the ROGS are reasonable and feel that it would be sensible not to change these. However, I think that it would be beneficial to name the excluded heritage operators and review them on a regular basis.

With regards to Regulation 4(3), it would be appropriate to have a target date, as it will enable clarity for the entity in charge of maintenance (ECM). However, it is important that the date is accepted as achievable and accepted by the key stakeholders.

I hope that these comments are helpful, and we would be happy to work with the ORR as you take these proposed amendments forward. If you have any questions about this response, in the first instance please direct them to my colleague Gordon MacLeod ([gordon.macleod@transportscotland.gsi.gov.uk](mailto:gordon.macleod@transportscotland.gsi.gov.uk)).

Yours sincerely

**Jonathan Pugh**  
Head of Rail Regulations and Standards