



Responsibility for the regulation of health and safety on the railways was transferred from the Health and Safety Commission (HSC) and Health and Safety Executive (HSE) to the Office of Rail Regulation (ORR) on 1 April 2006.

This document was originally produced by HSC/E but responsibility for the subject/work area in the document has now moved to ORR.

If you would like any further information, please contact the ORR's Correspondence Section - [contact.cct@orr.gsi.gov.uk](mailto:contact.cct@orr.gsi.gov.uk)

## TRAIN OPERATORS' CERTIFICATE

### THE RAILWAY SAFETY REGULATIONS 1999 (S.I.1999/2244)

#### Certificate of Exemption

1. In pursuance of the power conferred on it by regulation 6(1) of the Railway Safety Regulations 1999 ("the Regulations"), having consulted as required by regulation 6(2) of the Regulations and having had regard as provided in regulation 6(3) of the Regulations, the Health and Safety Executive ("the Executive") hereby grants the exemption contained in paragraph 3, subject to the condition set out in paragraph 5.

2 In this certificate -

"Network Rail" means Network Rail Infrastructure Limited whose registered office is situated at 40 Melton Street London NW1 2EE;

"relevant speed restriction" means a speed restriction -

(a) which is in place for no longer than 12 months from-

(i) the date of its commencement; or

(ii) 2nd January 2004,

whichever is the later;

(b) which is used in accordance with special procedures established by Network Rail;

(c) where the approach to the part of the railway where that speed restriction is in place is an approach within paragraph (b) of the definition of "relevant approach" in regulation 2(1) of the Regulations; and

(d) which is not a temporary speed restriction;

"temporary speed restriction" has the same meaning as in the Regulations'

3. Subject to paragraph 4, any person who operates a train shall be exempt from the prohibition contained in regulation 3(1) of the Regulations that no person shall operate a train on a railway unless a train protection system is in service in relation to that train and railway.

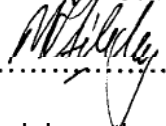
4. Paragraph 3 shall only apply in respect of a relevant speed restriction which is in place on a railway for which Network Rail is the infrastructure controller.

5 This exemption is subject to the following condition -

[ The definition in the Regulations is in regulation 2(2) as follows; "temporary speed restriction" means a speed restriction which is in place for no longer than 3 months and is used in accordance with special procedures established by the infrastructure controller.

nothing contained in this exemption shall permit a person to take out of service a train protection system installed in a train which that person operates.

6. This exemption shall take effect immediately on the signing hereof and is granted subject to the power of the Executive to revoke the exemption in writing at any time pursuant to regulation of the regulations.

Signed by  .....

who has been duly authorised by the Executive to sign in that behalf.

Date: 24 December 2003