



The Railways (Access to Training Services) Regulations 2006

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RGD postholder/owner		Robin Tarry – HMRI Legislative Development – Operational Policy	
National Team (where appropriate)		Domestic Legislation	
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<u>Keywords</u>	Access to Training Services		
<u>Summary</u>	This Rail Guidance Document (RGD) provides ORR Rail staff with an overview of the Railways (Access to Training Services) Regulations 2006 which allow railway undertakings applying for a safety certificate, and infrastructure managers and their staff who perform safety critical tasks to have access to training services provided by other bodies.		
<u>Consultation</u>	Domestic Legislation - Martin Jones; ORR Legal - James Mack; Track Access team - Rachael Durrett Area teams – Mervyn Thomas		

Detail

INTRODUCTION

1. The Railways (Access to Training Services) Regulations 2006 <http://www.opsi.gov.uk/si/si2006/20060598.htm> implement Article 13 of the EU Railway Safety Directive, and came into force on 10 April 2006. These Regulations confer on railway undertakings (RUs) applying for a safety certificate, and infrastructure managers (IMs) and their staff who perform safety critical tasks, a right of access to training services provided by other bodies. The scope of the regulations is given in regulation 3. They do not apply to railways which are regarded as non-mainline under the Railways and Other Guided Transport Systems (Safety) Regulations 2006.

OBJECTIVE

2. The objective of the Railways (Access to Training Services) Regulations is to allow:

(i) RUs applying for a safety certificate with a fair and non-discriminatory access to training facilities for train drivers and staff accompanying the train, whenever such training is necessary to fulfil the requirements to obtain a safety certificate.

(ii) IMs and their staff performing vital safety tasks, with fair and non-discriminatory access to training facilities. The definition of 'infrastructure manager' used in the Safety Directive, which is adopted in these regulations, ensures that the rights of access also apply to the staff of contractors who undertake safety critical tasks on behalf of Network Rail.

3. Where the services are provided by only one RU or IM, they must make those services available to others at a reasonable and non-discriminatory price.

TRAINING SERVICES

4. The training services offered must include:

- necessary route knowledge;
 - operating rules and procedures;
 - the signalling and control command system; and
 - emergency procedures,
- in respect of the routes operated.

5. Relevant experience gained with another employer must be taken into account by RUs recruiting train drivers, on-board staff or staff performing safety critical tasks. Employees must be granted access to all relevant documents referring to their training, qualifications or experience.

RIGHT TO APPEAL

6. The Regulations provide RUs, IMs and relevant employers with the right of appeal to the Office of Rail Regulation (ORR) if access afforded by these regulations is denied, or if they believe that the price charged for access to these services is unreasonable or discriminatory.

7. Guidance on the Appeals process is being finalised and a link will be provided in due course. Please contact Martin Jones in the Domestic Legislation team for further information.

Action
(optional)

ACTION BY INSPECTORS

8. In general all inspectors need to be aware of the relationship of these regulations to the ROGS certification process (see paragraph 2(i)).

9. In particular, when account holders/assessors discuss a certificate application with a new mainline operator, they should ensure that where it declares its intention to obtain necessary training for its staff from another RU or IM, that they are aware of their rights under these regulations and have undertaken measures to secure the training while they are applying for their certificate. They should also bring to its attention that should the other RU or IM refuse or prove to be obstructive, there is the right of appeal.

Contacts

Helen Ralphson	Operational Policy Manager
Robin Tarry	Operational Policy Team
David Griffiths	Operational Policy Team
Martin Jones	Domestic Legislation Team