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OFFICE of  
**RAIL REGULATION**

6 October 2005

## **ORR health and safety enforcement policy statement**

We are seeking your views on whether the approach set out in the enclosed health and safety enforcement policy statement is likely to continue to be effective in helping protect, in a way that is consistent with other health and safety enforcing authorities, those who may be exposed to risks from the way work is carried out in a railway context.

In parallel, we will be consulting shortly on an enforcement policy for economic regulation. This consultation exercise is separate because, although bringing regulation of all aspects of the rail industry together under ORR as a single public regulator will streamline the regulatory system, its enforcement powers will derive from separate and very different legislation. In addition, HSC's health and safety enforcement policy statement, on which the ORR policy is based, is well known and established.

The Railways Act 2005 transfers policy responsibilities from the Health and Safety Commission (HSC) and Executive (HSE) to ORR in respect of "railway safety purposes" ("Railway safety purposes" means in essence the proper construction, and safe operation of rail transport systems, locomotives, rolling stock or other vehicles used on such systems.)

Regulations transferring enforcement responsibilities from HSE to ORR are under development by the Department for Transport (DfT) and we expect to assume our full role as health, safety and economic regulator in the first quarter of 2006.

We support the principle that rail related activities must meet the same health and safety standards as equivalent activities elsewhere, and that these standards should be enforced in a consistent manner by regulators. An important first step for ORR in ensuring consistent health and safety standards has been to develop our health and safety enforcement policy, setting out the general principles and approach to be followed by our staff. This will also help to provide clarity and a degree of certainty for stakeholders.

### **Health and safety enforcement policy**

We have prepared the enclosed draft enforcement policy statement in conjunction with help and advice from HSE. There is no substantive change from the existing HSC policy statement under which all health and safety enforcement currently operates, other than

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reflecting the change in enforcing authority. It therefore reflects the policy under which inspectors in Her Majesty's Railway Inspectorate (HMRI) currently enforce, and will enable us to deliver a consistent and seamless approach to railway health and safety regulation in future.

We have adopted the principles of the Better Regulation Task Force – proportionality, accountability, consistency, transparency and targeting, and this policy reflects those principles. It also provides information about how we will take account of the public interest when considering prosecution.

### **Future review**


It is essential that we have an agreed health and safety enforcement policy in place for immediate adoption once we take up our new role as combined regulator. It will then be important to review both our health and safety and economic enforcement policies as we gain in knowledge about the benefits of combined regulation. We will be seeking stakeholder input to future review of the policies.

If you have any particular comments on the draft policy that you would wish to make we would be glad to receive them. Please respond by the end of November to:

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Yours faithfully

A handwritten signature in blue ink that reads "Bill Emery". The signature is written in a cursive style with a small flourish at the end.

**Bill Emery**