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PROSPECTIVE

## SCHEDULE

Change of name of the Office of Rail Regulation: consequential amendments

### PART 2

#### Amendments to secondary legislation

##### Other enactments

**10.** In the following enactments and in the headings referred to, for a reference to the Office of Rail Regulation substitute a reference to the Office of Rail and Road—

- (a) regulation 8(3) of the Dangerous Substances (Notification and Marking of Sites) Regulations 1990(1) (enforcing authority);
- (b) regulation 2 of the Railway Safety (Miscellaneous Provisions) Regulations 1997(2) (interpretation);
- (c) regulation 3 of the Health and Safety (Enforcing Authority) Regulations 1998(3) (local authorities to be enforcing authorities in some cases);
- (d) regulation 28(1) of the Working Time Regulations 1998(4) (enforcement);
- (e) regulation 2(1) of the Railway Safety Regulations 1999(5) (interpretation);
- (f) the following provisions of the Radiation (Emergency Preparedness and Public Information) Regulations 2001(6) and, in the case of regulation 18A, the heading preceding it—
  - (i) regulation 18A (modifications relating to the Office of Rail Regulation), and
  - (ii) regulation 18B(2)(b) (modifications relating to the Office of Nuclear Regulation);
- (g) regulation 16A of the Control of Substances Hazardous to Health Regulations 2002(7) (modifications relating to the Office of Rail Regulation) and the heading preceding it;
- (h) regulation 2(1) of the Control of Vibration at Work Regulations 2005(8) (interpretation);
- (i) article 26(3) of the Regulatory Reform (Fire Safety) Order 2005(9) (enforcement of order);
- (j) regulation 2(1) of the Control of Noise at Work Regulations 2005(10) (interpretation);

(1) [S.I. 1990/304](#), amended by [S.I. 2014/469](#); there are other amending instruments but none is relevant.

(2) [S.I. 1997/553](#), amended by [S.I. 2006/557](#); there are other amending instruments but none is relevant.

(3) [S.I. 1998/494](#), amended by [S.I. 2006/557](#), there are other amending instruments but none is relevant.

(4) [S.I. 1998/1833](#), relevant amending instruments are [S.I. 2003/1684](#), [2006/557](#).

(5) [S.I. 1999/2244](#), amended by [S.I. 2006/557](#); there are other amending instruments but none is relevant.

(6) [S.I. 2001/2975](#), relevant amending instruments are [S.I. 2006/557](#), [2014/469](#).

(7) [S.I. 2002/2677](#), amended by [S.I. 2006/557](#); there are other amending instruments but none is relevant.

(8) [S.I. 2005/1093](#), amended by [S.I. 2014/469](#).

(9) [S.I. 2005/1541](#), amended by the Energy Act 2013, paragraph 89 of Schedule 12, and [S.I. 2008/960](#); there are other amending instruments but none is relevant.

(10) [S.I. 2005/1643](#), amended by [S.I. 2014/469](#); there are other amending instruments but none is relevant.

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- (k) regulation 2(1) of the Railways (Accident Investigation and Reporting) Regulations 2005(11) (interpretation);
- (l) regulation 2(1) of the Railway (Licensing of Railway Undertakings) Regulations 2005(12) (interpretation);
- (m) the following provisions of the Channel Tunnel (International Arrangements) Order 2005(13) and, in the case of article 4A, the heading preceding it—
  - (i) article 2 (interpretation), and
  - (ii) article 4A (role of the Office of Rail Regulation);
- (n) regulation 5 of the Railways (Access to Training Services) Regulations 2006(14) (appeal to the regulatory body);
- (o) the following provisions of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006(15) and, in the case of regulation 5A, the heading preceding it—
  - (i) regulation 3 (enforcing authority),
  - (ii) regulation 4(4) (exceptions),
  - (iii) regulation 5A (assignment of responsibility for enforcement in cases of uncertainty: the Office of Rail Regulation), and
  - (iv) regulation 7 (transitional provisions);
- (p) row 25 of the table in Schedule 5 to the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(16) (those to be served with a copy of the application and documents);
- (q) article 15 of the London Gateway Logistics and Commercial Centre Order 2007(17) (maintenance of approved works, etc.);
- (r) articles 4 (enforcement of the Regulation) and 5 (access to training facilities) of the Channel Tunnel (Safety) Order 2007(18);
- (s) article 44(2) of the London Gateway Port Harbour Empowerment Order 2008(19) (power to operate and use railways);
- (t) the following provisions of the Supply of Machinery (Safety) Regulations 2008(20) and, in the case of paragraph 7 of Schedule 5, the heading preceding it—
  - (i) regulation 2(2) (interpretation),
  - (ii) regulation 21(2)(a) (non-compliance with CE marking requirements), and
  - (iii) paragraphs 3 and 6 to 8 of Schedule 5 (enforcement);
- (u) the following provisions of the Cross-border Railway Services (Working Time) Regulations 2008(21)—
  - (i) regulation 9(2)(b) (records),
  - (ii) regulation 10(1) (enforcement),

(11) [S.I. 2005/1992](#), amended by [S.I. 2006/557](#); there are other amending instruments but none is relevant.

(12) [S.I. 2005/3050](#), to which there are amendments not relevant to these Regulations.

(13) [S.I. 2005/3207](#).

(14) [S.I. 2006/598](#).

(15) [S.I. 2006/557](#), relevant amending instruments are [S.I. 2007/1573](#), [2008/2323](#), [2014/469](#).

(16) [S.I. 2006/1466](#), to which there are amendments not relevant to these Regulations.

(17) [S.I. 2007/2657](#).

(18) [S.I. 2007/3531](#), to which there are amendments not relevant to these Regulations.

(19) [S.I. 2008/1261](#), to which there are amendments not relevant to these Regulations.

(20) [S.I. 2008/1597](#), to which there are amendments not relevant to these Regulations.

(21) [S.I. 2008/1660](#). Schedule 2 was amended by the Protection of Freedoms Act 2012 (c.9), paragraph 14(1) of Schedule 2, and Part 2 of Schedule 10. There are also amending instruments but none is relevant.

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- (iii) regulation 15(1) (prosecutions by inspectors), and
- (iv) Schedule 2 (enforcement);
- (v) regulation 32 of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009(22) (enforcement);
- (w) Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009(23);
- (x) Schedule 2 to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010(24);
- (y) regulations 3 (rail vehicles first used after 31st December 1998) and 6 (enforcement) of the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010(25);
- (z) the following provisions of the Train Driving Licences and Certificates Regulations 2010(26)—
  - (i) regulation 2 (interpretation),
  - (ii) regulation 3(1A) (application and extent),
  - (iii) regulation 38(5) (enforcement), and
  - (iv) paragraph 2(d)(iv) of Schedule 2 (contents of the licence);
- (aa) regulation 1(2) of the Control of Artificial Optical Radiation at Work Regulations 2010(27) (citation, commencement and interpretation);
- (bb) the following provisions of the Rail Passengers' Rights and Obligations Regulations 2010(28) and, in the case of regulation 13, the heading preceding it—
  - (i) regulation 3(1) (interpretation), and
  - (ii) regulation 13 (enforcement body: the Office of Rail Regulation);
- (cc) Schedule 1 to the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011(29) (consultation and notification);
- (dd) regulation 2(1) of the Control of Asbestos Regulations 2012(30) (interpretation);
- (ee) regulation 4(1)(h) of the Town and Country Planning (Local Planning) (England) Regulations 2012(31) (duty to co-operate);
- (ff) article 3 of the Postal Services Act 2011 (Disclosure of Information) Order 2012(32) (prescription of bodies and persons);
- (gg) paragraph 28(2) of Schedule 7 to the Network Rail (Ipswich Chord) Order 2012(33) (protective provisions);
- (hh) paragraph 11 of Schedule 2 to the Network Rail (North Doncaster Chord) Order 2012(34) (alteration, reconstruction or replacement of level crossings);

(22) [S.I. 2009/1348](#), amended by [S.I. 2014/469](#); there are other amending instruments but none is relevant.

(23) [S.I. 2009/2264](#), amended by [S.I. 2013/522](#); there are other amending instruments but none is relevant.

(24) [S.I. 2010/104](#), amended by [S.I. 2013/522](#); there are other amending instruments but none is relevant.

(25) [S.I. 2010/432](#), to which there are amendments not relevant to these Regulations.

(26) [S.I. 2010/724](#), amended by [S.I. 2013/950](#).

(27) [S.I. 2010/1140](#), amended by [S.I. 2014/469](#).

(28) [S.I. 2010/1504](#), to which there are amendments not relevant to these Regulations.

(29) [S.I. 2011/2055](#), amended by [S.I. 2013/522](#); there are other amending instruments but none is relevant.

(30) [S.I. 2012/632](#), amended by [S.I. 2014/469](#); there are other amending instruments but none is relevant.

(31) [S.I. 2012/767](#), to which there are amendments not relevant to these Regulations.

(32) [S.I. 2012/1128](#), to which there are amendments not relevant to these Regulations.

(33) [S.I. 2012/2284](#).

(34) [S.I. 2012/2635](#).

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- (ii) regulation 2(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013<sup>(35)</sup> (interpretation);
- (jj) regulations 9(1) and 18(1) of the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013<sup>(36)</sup> (allocation of enforcement responsibility);
- (kk) the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 2014<sup>(37)</sup> (prescribed persons);
- (ll) regulation 6(4) of the Construction (Design and Management) Regulations 2015<sup>(38)</sup> (notification);
- (mm) Schedule 1 to the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015<sup>(39)</sup> (statutory parties);
- (nn) article 5 of the Channel Tunnel (International Arrangements) (Charging Framework and Transfer of Economic Regulation Functions) Order 2015<sup>(40)</sup> (supplemental provisions and savings);
- (oo) the following provisions of the Railways Infrastructure (Access and Management) (Amendment) Regulations 2015<sup>(41)</sup>—
  - (i) paragraph 5(5) (establishing, determining and collecting the charges),
  - (ii) paragraph 7(3) (international cooperation), and
  - (iii) paragraph 8(1) (enforcement).

#### Commencement Information

- II** Sch. para. 10 in force at 16.10.2015, see [reg. 1\(2\)](#)

<sup>(35)</sup> S.I. 2013/1471, to which there are amendments not relevant to these Regulations.

<sup>(36)</sup> S.I. 2013/1506, amended by S.I. 2014/469; there are other amending instruments but none is relevant.

<sup>(37)</sup> S.I. 2014/2418, to which there are amendments not relevant to these Regulations.

<sup>(38)</sup> S.I. 2015/51.

<sup>(39)</sup> S.I. 2015/462.

<sup>(40)</sup> S.I. 2015/785.

<sup>(41)</sup> S.I. 2015/786.

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**Changes and effects yet to be applied to :**

- Sch. para. 10 coming into force by [S.I. 2015/1682 reg. 1\(2\)](#)