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ANNEX B to Paper HSC/06/22

Rt Hon Alistair Darling MP
Secretary of State
Department for Transport
Great Minster House
76 Marsham Street
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[15] February 2006

The Railways and Other Guided Transport Systems (Safety) Regulations 2006

I am writing to you today on behalf of the Health and Safety Commission regarding the proposed new Railways and Other Guided Transport Systems (Safety) Regulations 2006 (ROGS).

I wrote to you on this subject on 16 March 2005, enclosing draft regulations, but advised that they should not be signed until the Department for Transport had completed its proposals for regulations to implement the interoperability Directives. The Department consulted on interoperability in autumn of last year.

Given the Department's proposed approach to interoperability, i.e. to apply it only to the Trans European Network, the Commission agreed that the Department's consultation include a proposal to extend the scope of the requirements for safety verification in ROGS. We felt this extension of scope would be necessary to ensure that risk would continue to be controlled across the whole mainline railway network. Taking into account views from industry and other interested groups, the ROGS regulations have now been modified to extend the scope of safety verification to the mainline, and to place those requirements into the provisions for a Safety Management System.

On behalf of the Commission, I recommend the enclosed finalised package, which we believe both effectively consolidates the regulatory framework for health and safety on the railways and will continue to ensure that such risks are suitably controlled. I therefore submit the regulations [and ACoP] for signature.

I am copying this letter to [DfT Minister] and [DfT Minister], and to [Minister] at DWP.