

To those who responded to the consultative document
'Proposals for the Railways (Safety Case) Regulations 2000'

July 2001

**Proposed amendment to the Railway (Safety Case) Regulations 2000:
emergency escape from trains**

1 I am writing on behalf of the Health and Safety Commission to seek your views on a simple amendment to the Railways (Safety Case) Regulations 2000 concerning escape from trains in an emergency. This arises from Lord Cullen's Part 1 Report following the Ladbroke Grove Rail Inquiry, which was published on 19 June.

2 The relevant recommendations in Lord Cullen's report are:

"62 The scope of Schedule 1 to the Railways (Safety Case) Regulations 2000 should be extended so as to include explicitly the arrangements which the duty holder has established in regard to facilities, instructions and signs for the escape of persons in an emergency."

"63 The provisions in the schedule as to evacuation and escape should be supported by adequate guidance from the HSE."

3 Paragraph 15 to Schedule 1 of the Railways (Safety Case) Regulations currently requires:

"Particulars of the arrangements the duty holder has established -

(a) [...]

(b) [...]

(c) for the provision of equipment and arrangements for the evacuation of persons in an emergency from trains operated by the duty holder".

4 The intention of this provision was to cover individual escape as well as organised evacuation. Indeed, the HSE Guidance publication on the Regulations covers such matters as the provision of suitable hammers and instructions on their use, and the automatic release of doors in the event of collision - things which are generally associated with "escape" rather than "evacuation".

5 The Commission therefore proposes that paragraph 15(c) of Schedule 1 to the Railways (Safety Case) Regulations 2000 be amended by inserting the words "and escape" after "evacuation". The paragraph would then read:

“Particulars of the arrangements the duty holder has established... for the provision of equipment and arrangements for the evacuation *and* escape of persons in an emergency from trains operated by the duty holder”.

We regard this as a clarification of the existing Regulations, not as a change of policy.

6 Guidance supporting the Regulations would make clear that “equipment and arrangements” includes facilities, instructions and signs for escape, as mentioned in Lord Cullen’s recommendation, as well as other matters such as training for on-board staff.

7 This is an area in which knowledge and thinking continues to develop. There is a difficult balance to be struck between, on the one hand, facilitating escape (in the rare cases where it is appropriate and necessary), and on the other hand avoiding the severe risks which can result from action taken in panic. The possibility of escape equipment being vandalised is also an important factor. HSE is contributing to this important debate and keeping developments under close review. The existing formal HSE Guidance will be developed in due course, in parallel with the developing thinking in this area.

8 We propose to handle this amendment at the same time as other amendments to the 2000 Regulations which were proposed in March in the Commission’s consultative letter on the proposed Railway Safety Regulations 2001, the responses to which are now being considered.

9 The Commission would welcome your comments on the above proposal. Please send them by no later than **Tuesday 7 August 2001** to:

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