

Railway Safety Regulations 1999: Regulation 5

Certificate of Exemption

1. The Office of Rail and Road (ORR) exempts under regulation 6(1) of the Railway Safety Regulations 1999 (the '**Regulations**') the Hinged Door Rolling Stock listed in the Schedule from the requirements of regulation 5(1) of the Regulations, subject to the conditions listed below. In granting this exemption, ORR has carried out a review of the evidence provided by **NYMR PLC (Company Number 02490244)** (the '**Company**') in support of the exemption request, consulted as required by regulation 6(2) and had regard to the matters set out in regulation 6(3) of the Regulations.

2. In this exemption:

"Hinged Door Rolling Stock" means any carriage with hinged doors for use by passengers for boarding and alighting from the train;

"Joint TOC Document" means the document entitled 'Charter Train Managers Operation of Coaching Stock fitted with Secondary Door Locking' prepared by DB Schenker Rail (UK) Limited and West Coast Railway Company Limited;

"Railway" has the same meaning as in the Regulations;

"Safety Management System" has the meaning it has in the Railways and Other Guided Transport Systems (Safety) Regulations 2006 (ROGS);

3. This exemption applies to the Hinged Door Rolling Stock listed in the Schedule (the '**Rolling Stock**') and is granted subject to the following conditions:

(a) The Company must ensure that hinged doors are modified so that:

- (i) they can be securely locked and clearly labelled as not for passenger use; or
- (ii) they are fitted with secondary locks, equivalent to those specified in the Joint TOC Document (and any revisions to it that ORR consents to), which are protected by an anti-tamper device and labelled as being for emergency use only; or
- (iii) they are fitted with secondary door locks that can only be operated by a steward of the company, unless in an emergency.

(b) The following apply when the Rolling Stock is being used for passenger services:

- (i) the Company must ensure that it has and maintains an established Safety Management System which covers the operation of the Rolling Stock;

- (ii) the Company must ensure that competent and adequately trained stewards are provided and are responsible for monitoring hinged doors and passenger behaviour, and for the operation of secondary door locks at all times when passengers are boarding, on-board and alighting the train;
- (iii) the Company must ensure that one steward shall only be responsible for either:
 - (1) the hinged doors in any one of the Rolling Stock, or
 - (2) those hinged doors at one end of the Rolling Stock and those hinged doors at the corresponding end of the immediately adjacent Rolling Stock;
- (iv) the Company must ensure that passenger announcements and briefing notices are used as appropriate to explain to passengers the arrangements set out paragraph 3(a);
- (v) the Company must ensure that the Rolling Stock shall operate at a speed not exceeding 25 mph on infrastructure managed by Network Rail Infrastructure Limited;
- (vi) the Company must ensure that the Rolling Stock only operates on the Grosmont and Whitby route of Network Rail infrastructure.
- (vii) the Company must ensure that passenger loadings do not exceed the total seating capacity available within the relevant Rolling Stock;
- (viii) the Company must ensure that it will undertake, review and maintain platform train interface ('PTI') risk assessments and train dispatch instructions for the route and send these to any station facility owners whose facilities will be used by that passenger service;
- (ix) the Company must ensure that ORR is notified at least 12 weeks in advance and in writing, of any proposed changes from established processes and procedures as set out within the application.
- (x) the Company must ensure that ORR is notified of any changes relating to the Rolling Stock. This includes the withdrawal of and/or acquisition of Hinged Door Rolling Stock.

4. This exemption is valid from 1 April 2023 until 31 March 2028.

5. Under regulation 6(1) of the Regulations, ORR may revoke the whole or any part of this exemption, at any time, in writing.



Signed by authority of ORR

28 March 2023



Schedule

The Hinged Door Rolling Stock to which this exemption applies are:

Vehicle Number	Type	Date Built
1823	Mk1 RMB	1960
1878	Mk1 RMB	1962
3801	Mk1 TSO	1953
3805	Mk1 TSO FF	1953
3860	Mk1 TSO	1953
3872	Mk1 TSO	1954
3948	Mk1 TSO	1954
4198	Mk1 TSO	1953
4252	Mk1 TSO	1956
4290	Mk1 TSO	1956
4455	Mk1 TSO	1956
4597	Mk1 TSO FF	1956
4817	Mk1 TSO	1957
4839	Mk1 TSO	1959
4921	Mk1 TSO	1961
4990	Mk1 TSO	1961
5000	Mk1 TSO	1961
5001	Mk1 TSO FF	1962
5029	Mk1 TSO	1961
9225	Mk1 BSO	1955

9235	Mk1 BSO	1955
9274	Mk1 BSO	1955
15745	Mk1 Corridor Composite	1956
16156	Mk1 Corridor Composite	1961
16191	Mk1 Corridor Composite	1961
21100	Mk1 BCK	1958
35089	Mk1 BSK	1967
99970	Pullman First Buffet	1928
99972	Mk1 Pullman First Kitchen Metcam	1960
99973	Mk1 Pullman RF	1961
99974	Mk1 Pullman First Parlour Metcam	1960

Schedule last updated 28 March 2023