

Improvement Notice

Serial number I/ SJT/16/12/2013/1

Name The Somerset & Dorset Joint Railway Company Limited

Address Midsomer Norton Station, Silver Street, Midsomer Norton, Radstock, Somerset, BA3 2EY

Trading as

Inspector's full name I,
Stephen John Turner

Official address one of Her Majesty's Inspectors of Railways, of
The Office of Rail Regulation, Grosvenor House, 14, Bennetts Hill, Birmingham, B2 5RS

Telephone number 0207 282 3765 or 07771 667029

Location of premises or place of activity hereby give you notice that I am of the opinion that at
Your above address and throughout your premises / railway curtilage

you, as a transport operator and person wholly or partly in control of the premises

Are contravening in circumstances that make it likely that the contravention will continue or be repeated the following relevant statutory provisions

Health and Safety at Work etc Act 1974 Section 4(2)
The Railways and Other Guided Transport Systems (Safety) Regulations 2006, Regulation 4(1)(a), 4(2)(a) and 6(1)

The reasons for my said opinion are

That you, as a heritage railway, are operating rail vehicles on railway infrastructure without having established and maintained a Safety Management System meeting the requirements set out in Regulation 6 and Schedule 1 of the above Regulations such that members of the public and / or working members / volunteers may be exposed to risk:eg the absence of a suitable traction and rolling stock maintenance standards and inspection regime possibly leading to safety related failure(s) and / or the lack of a robust Competency Management System to determine staff competency leading to operator error(s) in safety critical roles

and I require you to remedy those contraventions, or as the case may be, the matters occasioning them, by 21st March 2014

and I direct that the measures specified in the schedule which forms part of this Notice shall be taken to remedy those contraventions or matters*.

Signature

Date 16th December 2013

An inspector appointed by an instrument in writing made under section 19 of the Health & Safety at Work etc Act 1974.

This is a relevant notice for the purposes of the Environment and Safety Information Act 1988.

Signature

Date 16th December 2013

Notes

1. Failure to comply with this Improvement Notice is an offence as provided by section 33(1)(g) of the Health and Safety at Work etc Act 1974 and section 33(2) and Schedule 3A of this Act renders the offender liable on summary conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding £20,000, or both, or, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
2. An Inspector has power to withdraw an Improvement Notice, or to extend the period specified in the Notice, before the end of the period specified in it. If you wish this to be considered you should apply to the Inspector who issued the Notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this Notice.
3. The issue of this Notice does not relieve you of any legal liability for failing to comply with any statutory provisions referred to in the Notice or to perform any other statutory or common law duty resting on you.
4. You can appeal against this Notice to an Employment Tribunal. All Employment Tribunal appeals are subject to a fee that should be enclosed with the submission. Details of the method of completing and submitting a notice of appeal are contained in leaflet T420 and form ET1. A copy of the leaflet will be provided by the Inspector with this Notice. Copies are also available from the Employment Tribunal Public Enquiry Line (Tel: 0845 795 9775) or online at <http://www.justice.gov.uk/forms/hmcts/employment>.

Time limit for appeal

5. A notice of appeal, together with the relevant fee, must be sent to the Employment Tribunal within 21 days from the date of service on the appellant of the Notice, or Notices appealed against, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days. If posted the appeal should be sent by recorded delivery.
6. The entering of an appeal suspends the Improvement Notice until the appeal has been determined, but does not automatically alter the date given in this Notice by which the matters contained in it must be remedied.
7. The rules for the hearing of an appeal are given in The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 (SI 2004 No 1861), and the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2001 (SI 2001 No 1171) for England and Wales and the Employment Tribunals (Constitution and Rules of Procedure) (Scotland) Regulations 2001 (SI 2001 1170) for Scotland to the extent those Regulations remain in force.

PUBLIC AVAILABILITY OF INFORMATION ON ALL ENFORCEMENT NOTICES

8. ORR for its own purposes, records and monitors trends in the enforcement action it takes, and in the convictions and penalties imposed by the Courts. It is ORR's policy that this information should be brought to the public's attention. ORR also has a statutory obligation under the Environment and Safety Information Act 1988 to maintain a public register of certain notices. Details from this notice will therefore be placed on the ORR website (www.rail-reg.gov.uk).
9. Information on a notice will not be placed on the ORR website until after the right of appeal against the notice has expired. No entry will be made where a notice is suspended during appeal proceedings or withdrawn or cancelled on appeal. Entries relating to notices served on individuals will be kept on the ORR website for a period of 5 years from the date of issue.
10. Information may be withheld where, in ORR's belief, its disclosure would cause harm or prejudice, or be in breach of the law.
11. Personal information is dealt with in accordance with the Data Protection Act 1998. Where disclosure of personal information would be incompatible with the Act it will not be included on the ORR website.
12. If you are not satisfied with the information contained in the entry you have a further right to appeal to ORR in the first instance.

Schedule

Serial No I/ SJT/16/04/2013/1

The Somerset & Dorset Joint Railway Company Limited
Midsomer Norton Station
Silver Street
Midsomer Norton
Radstock
Somerset
BA3 2EY

The following should be taken to comply with this Improvement Notice:

- a) prepare and implement a Safety Management System that is adequate to ensure that the relevant statutory provisions, which make provision in relation to safety, will be complied with in relation to your operation; and
- b) the Safety Management System meets the requirements and contains the elements set out in Schedule 1 of the Railways and Other Guided Transport Systems (Safety) Regulations 2006, adapted to the character, extent and other characteristics of your operation

OR

- c) Any other equally acceptable means of compliance with this Improvement Notice

Stephen Turner
HM Inspector of Railways

16th December 2013

Signature

Date:

16th December 2013