

Prohibition Notice



Serial Number P/KB/14062023

Name	West Coast Railway Company Ltd
Address	Jesson Way, Carnforth, Lancashire LA5 9UR
Trading as	West Coast Railway Company Ltd
Inspector's full name	I, Karen Joan Barnes one of His Majesty's Inspectors of Railways, of
Official address	25 Cabot Square, Canary Wharf, London E14 4QZ
Telephone Number	0207 282 2000
	give you notice that I am of the opinion that the following activities namely
	Operation of the scheduled service between Fort William and Mallaig, known as 'The Jacobite' and operated by West Coast Railway Company Limited under its Railways and Other Guided Transport Systems (Safety) Regulations 2006 (As amended) Safety Certificate, valid until 18 September 2023 (the " Activities ").
	Which are being carried on at
Location of premises or place of activity	Between Fort William (inclusive) and Mallaig (inclusive).
	Involve a risk of serious personal injury, and that matters which give rise to that risk are
	That persons may fall from the doors of a train or that any person leaning out of an open window of a moving train may be struck as the train passes infrastructure (including vegetation, rock cuttings and earthworks) close to the train.
	and that those matters involve contravention of the following statutory provisions
	Health and Safety at Work etc. Act 1974, Sections 2(1) and 3(1)
	because

You are failing to ensure the health and safety of your passengers and crew, thus putting them at risk of serious personal injury, as you are not implementing the controls identified in your risk assessment for rolling stock fitted with secondary door locking, in that:

- 1) Passengers are being told by train crew to operate the secondary door locks;
- 2) Stewards are not preventing passengers from operating the secondary door locks;
- 3) Stewards are not preventing passengers from leaning on train doors or from leaning out of the open droplight windows in train doors of moving trains; and
- 4) Secondary door locks are not in the 'locked' position or are being opened by train crew before the train is stationary;

Therefore, creating a risk of persons falling from a train or being struck by infrastructure being passed by the moving train.

and I direct that the Activities specified shall not be carried on by you after 00:01 on Thursday 15 June 2023 unless the contraventions and matters have been remedied.

Signature  Date /Time 14/06/2023 12:00

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

This is not a relevant notice for the purposes of the Environment and Safety Information Act 1988.

Signature  Date 14/06/2023

Notes

- 1.. Failure to comply with this Prohibition Notice is an offence as provided by section 33(1)(g) of the Health and Safety at Work etc Act 1974. Section 33(2) and Schedule 3A of that Act renders an offender liable, on summary conviction, to imprisonment for a term not exceeding 6 months in England and Wales and 12 months in Scotland, or to a fine unlimited in England and Wales or not exceeding £20 000 in Scotland, or both, or, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
2. Except for an immediate Prohibition Notice, an Inspector has power to withdraw a 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. Details of the method of making an appeal can be found on the [GOV.UK](https://www.gov.uk/employment-tribunals/make-a-claim) website at <https://www.gov.uk/employment-tribunals/make-a-claim>. An appeal can be submitted either online at the above website address, or by downloading form ET1 and posting it to either the Employment Tribunal Central Office (England and Wales), PO Box 10218, Leicester, LE1 8EG; or Employment Tribunal Central Office (Scotland), PO Box 27105, Glasgow, G2 9JR. If you do not have access to the Internet, contact the person who issued the Notice and ask to be supplied with a hard copy of form ET1 and guidance note T420: Making a Claim to an Employment Tribunal.

Time limit for appeal

5. A notice of appeal 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.
6. The entering of an appeal does not have the effect of suspending this notice. Application can be made for the suspension of the notice to the Employment Tribunal, but the notice continues in force until a tribunal otherwise directs.
7. An application for suspension of the notice must be in writing and must set out:
(a) the case number of the appeal, if known or particulars sufficient to identify it; and
(b) the grounds on which the application is made (it may accompany the appeal).
8. The rules for the hearing of an appeal are given in The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (SI 2013 No 1237).

Public availability of information on all notices

1. The Office of Rail and Road (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 stored on an electronic database, which is available on ORR's website (www.orr.gov.uk).
2. Information on a notice will not be placed onto the database until after the right of appeal against the notice has expired. Where a Notice is withdrawn or cancelled on appeal no entry will be made. Entries relating to notices served on individuals will be kept on the register for a period of 5 years from the date of issue. Notices served on individuals under the age of 18 will be removed sooner.
3. Information will be withheld where, in ORR's belief, its disclosure would cause harm or prejudice, or be in breach of the law.
4. Personal information is dealt with in accordance with the Data Protection Act 2018. Where disclosure of personal information would be incompatible with the Act it will not be included on the ORR website.
5. 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.