

RDG Guidance Note: Rail Emergency Management – Legal & Regulatory Register

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About this Document

Explanatory Note

The Rail Delivery Group is not a regulatory body and compliance with Guidance Notes or Approved Codes of Practice is not mandatory; they reflect good practice and are advisory only. Users are recommended to evaluate the guidance against their own arrangements in a structured and systematic way, noting that parts of the guidance may not be appropriate to their operations. It is recommended that this process of evaluation and any subsequent decision to adopt (or not adopt) elements of the guidance should be documented. Compliance with any or all the contents herein, is entirely at an organisation's own discretion.

Other Guidance Notes or Approved Codes of Practice are available on the [Rail Delivery Group \(RDG\) website](#).

Executive Summary

The UK railway faces a range of threats, hazards and operational challenges that have the potential to jeopardise its ability to run services safely, and securely and to uphold customer confidence. Effective emergency management capability has never been more critical. This guidance note has been developed to support recommendations arising from the industry Rail Resilience Project (RRP) Emergency Management Review in that it describes the format of and use of the Rail Emergency Management Legal and Regulatory Register. It sets out how the Register will be maintained, updated, and communicated and provides guidance for rail infrastructure managers, passenger train and freight operators (the 'rail entity' or 'rail entities') with responsibility for the local implementation and management of legal and regulatory obligations.

Issue Record

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0.1	19/01/2023	First Draft
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This document is reviewed on a regular 2-year cycle.

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The RRPWG and RRSG have representatives from the following Stakeholder groups:

- Train Operators
- Infrastructure Manager (Network Rail)
- TfL, TfW, Transport Scotland
- BTP
- DfT
- ORR
- GBRTT

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1. The Legal & Regulatory Register

1.1 Using this document

This guidance document supplements and should be read in conjunction with the Rail Emergency Management: Legal and Regulatory Register (hereafter Register). The Register provides a single point of reference for the identification of emergency planning legal and regulatory /duties/ requirements (hereafter Obligations) that each passenger train and freight operating company running passenger or freight trains on, or infrastructure owner and manager of, mainline GB rail infrastructure (hereafter Rail Entity) must be compliant with due to the specific activities that they carry out. The register also provides a summary of key legislation relevant to emergency management (even where there is no legal or regulatory duty placed on Rail Entities within that legislation) and highlights key definitions provided for in the legislation.

This guidance document supports the register by outlining:

1. What the Register contains, the scope of the legal and regulatory obligations documented within it and how to navigate around it; (Section 1 of this document)
2. How to use the Register: How to use the Register as a management tool for compliance (Section 2 of this document).
3. How to review and maintain the Register: responsibilities for the maintenance, upkeep of the Register and communication of changes to the legal and regulatory control environment (Section 3 of this document)

1.2 About the Register

The register documents the emergency management legal and regulatory obligations placed upon a Rail Entity or Entities.

As the UK's primary legislative framework for emergency management Obligations are set out in primary and secondary legislation, alongside statutory guidance and relevant regulations - sometimes referred to as quasi-legislation.

The scope of the Register is restricted to the obligations arising from three kinds of document:

Types of duties contained within the Register ¹	
Primary legislation (Main laws passed by the legislative bodies of the UK)	Acts are pieces of statutory legislation that have been passed by either the UK Parliament, Scottish Parliament, Welsh Parliament or Northern Ireland Assembly. Breaching of an act creates liability enforceable in court.
Secondary legislation (Also known as 'subordinate legislation')	Secondary legislation (also called 'subordinate legislation') is delegated legislation made by a person or body under authority contained in primary legislation. Most of the secondary legislation is classified as UK Statutory Instruments (and Scottish Statutory Instruments). There are three main types of Statutory Instrument: 'Orders', 'Regulations', 'Rules'. However, there is no limit imposed on the descriptions that may be given to Statutory Instruments. Statutory Instruments are supplementary to acts. They link to existing acts, and they are designed to aid a person to apply the principles of the primary act.
Regulation and quasi-legislation (also known as 'statutory guidance')	Regulation and quasi-legislation (also known as 'statutory guidance') Statutory guidance (also known as 'Codes of

¹ For more information see UK Government 'Understanding legislation' website:
<https://www.legislation.gov.uk/understanding-legislation>

<p>Statutory guidance (also known as 'Codes of Practice') sits below acts and statutory instruments. A breach of statutory guidance is not necessarily an offence, and any enforcement action would need to be directly linked back to the primary act offence. Regulatory enforcement action may include sanction, redress and restitution powers, including public censure, financial penalty, prohibition, suspension or restriction orders.</p>	<p>'Practice') sits below acts and statutory instruments. A breach of statutory guidance is not necessarily an offence, and any enforcement action would need to be directly linked back to the primary act offence. Regulatory enforcement action may include sanction, redress and restitution powers, including public censure, financial penalty, prohibition, suspension or restriction orders.</p>
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Where the scope of legislation and regulation has a broader application than purely emergency management the coverage within the Register is restricted to emergency management Obligations only. The summary tab outlines the legislation considered and notes whether there is a legal obligation arising.

Where conflicts arise between primary legislation, secondary legislation, and statutory guidance with regard to interpretation - the more stringent definition of the Obligation should be implemented.

1.3 Navigation

Structure of the Register	
Introduction and Document Control (First tab)	This tab details the version status and defines applicable emergency management legislation and regulation by type.
Summary of Legislation (Second tab)	This tab details the scope of the information contained within the Register and describes the key emergency management legislative and regulatory framework in place in the UK. URL links (within Column C of the spreadsheet) to individual primary and secondary legislation, and quasi-legislation/regulation.
Definitions (Third tab):	To aid understanding and clarity, within the context of the GB rail infrastructure, emergency management definitions and origins are provided; and for reference URL links (within Column E of the spreadsheet) are also provided to the exact data definition source.
Obligations (Duties) (Fourth tab)	This tab constitutes the main tool by which an operator/infrastructure manager can determine their compliance against legal and regulatory duties. This section is split into two parts:
Columns B to Y (shown with headers)	<p>Identify the specific Obligations and data source, legislative and regulatory jurisdiction, Rail Entity application, and where the obligation sits on the emergency management lifecycle.</p> <p>Columns B, C, D, E and G detail the date of identification, name, type and origin.</p> <p>Column F provides a dropdown menu to enable search of legislative and regulatory jurisdiction; domains can be searched as follows: England, England and Wales, England and Wales and Scotland, Scotland, or UK.</p> <p>Columns H, I, J, K, L and Y contain an extract of the Obligations that Rail Entities need to comply with and detail the precise reference paragraph and source within the regulatory and legislative framework. To aid further understanding URL links are provided (within Column E of the spreadsheet) to the source legislation or regulation.</p> <p>Columns N, O, and P enable the Rail Entity to understand what Obligations apply to their particular sector of the rail industry, the data can be sorted or filtered for application to train operating companies, freight operating companies or infrastructure managers.</p> <p>Columns Q to W aligns the Obligations with the Integrated Emergency Management (IEM) lifecycle; and provides an understanding of their application in the following categories – anticipation, assessment,</p>

	prevention, preparation, response, and recovery.
Columns X to AH (shown with blue headers).	Provide the compliance traceability record. It enables a simple gap analysis to be undertaken by Rail Entities to assess the current level of control effectiveness of their local management system in meeting the requirements of the Obligations detailed with the Register. Further details on how operators/infrastructure managers should use this section of the document are provided in section 2 of this guidance

1.4 Thematic Coding

Within the 'Obligations (Duties)' (Fourth Tab, Columns N, O, and P) obligations have been thematically encoded by their relevance to the concept of Integrated Emergency Management (IEM). IEM comprises six related activities that collectively support the wider UK approach to emergency management outlined by the Civil Contingencies Act (2004):

Anticipation	The need to 'horizon scan' for new hazards or threats that may cause potential emergencies.
Assessment	The analysis of emergencies to understand their likelihood of occurrence and impact (incorporating health and economic elements).
Prevention	Activities to reduce the likelihood or impacts of an emergency.
Preparation	Developing and validating emergency plans to test response arrangements for known risks and unforeseen events.
Response	The decisions and actions taken to deal with the immediate effects of an emergency.
Recovery	The process of rebuilding, restoring, and rehabilitating the community following an emergency.

Additionally, obligations have been encoded as relevant to 'co-operation' as it forms the bases of a significant proportion of obligations:

Co-Operation	The need to work collaboratively with rail industry and/or emergency management partners to ensure the successful delivery of one or more IEM phases. In this context, co-operation is inclusive of multi-agency working, information sharing and interoperability.
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2. Using the Register to Manage Compliance

2.1 Benefits of Managing Compliance using the Register

Within the 'Obligations (Duties)' Tab Columns Z to AH, shown with blue headers, provide the 'compliance traceability record' that can be used as a tool to manage their compliance with emergency management obligations.

This compliance traceability record does not replace the need for a broader management system for compliance. Each Rail Entity is responsible for developing and maintaining local management systems to effectively manage and demonstrate compliance with legal and regulatory obligations.

Rail Entities may use the Register to trace (or map) their own compliance against their rail emergency management obligations.

It enables a simple gap analysis to be undertaken by Rail Entities to assess the current level of control effectiveness of their local management system in meeting the requirements of the Obligations detailed with the Register. This will inform any control improvement plans that may be necessary.

2.2 What is Compliance Traceability?

Compliance traceability is the process of understanding how the organisation's risk control environment relates to underlying compliance obligations. Compliance traceability:

- Increase understanding of how controls help to meet legal and regulatory obligations
- Provides a single view of compliance that can be called upon by control owners, internal assurance colleagues and other interested parties e.g. the ORR.
- Can act as a trigger for deeper compliance assessment and/or control environment improvements where gaps are identified.

Ultimately, linking regulation and legislation to business processes should support the better management of non-compliance risk and therefore lessen negative outcomes risk to rail users.

2.3 Ownership of Compliance Traceability

The Rail Entity should assign the responsibility for managing the completion and maintenance of the Register (and the compliance traceability record within) to the job role that has either responsibility for overall emergency management and/or managing organisational legal and regulatory compliance.

2.4 Maintenance of Compliance Traceability

The compliance traceability record should be reviewed annually or immediately if there is any change to applicable legislation or regulation. Triggers for the review may include:

- Notification from Rail Delivery Group that there has been an update to the register and publications to members
- The Rail Entity through its own compliance risk horizon scanning process identifies any changes to obligations (note if this does occur it would be prudent to share this change with Rail Delivery Group so the master version of the Register can be updated and re-distributed across the industry).
- Any significant alterations to the Rail Entity's emergency management system and its associated risk controls.

2.5 Using the Compliance Traceability Record

Within the 'Obligations (Duties)' Tab Columns X to AF, shown with blue headers provide the 'compliance traceability record'.

Column	Purpose	Guidance to complete
Columns X and Y: 'Applicability'	"Is this duty applicable to the organisation?"	This question requires a Yes or No answer. Reasons the Obligation may not apply include limitation by geography and/or rail entity type. If selecting No, the user is required to enter a free text explanation of why they believe the obligation is not applicable.
Column Z	What existing controls and policies/procedures are in place to comply with this obligation? (list all that apply including any unique identifiers)'	List here all risk controls and relevant policies/procedures that have a material role in contributing to the organisation's compliance with the obligation in question. Where available, unique identifiers, such as control IDs and document reference numbers, should be entered to assist with cross-referencing.
Column AA	'What evidence can be provided to demonstrate control effectiveness?'	List here all risk controls and relevant policies/procedures that have a material role in contributing to the organisation's compliance with the Obligation in question. Where available, unique identifiers, such as control IDs and document reference numbers, should be entered to assist any future cross-referencing requirements.
Column AB	existing controls are not in place or insufficient, then what should be created?'	Upon review of the Obligation and supporting control environment, it may be apparent that the necessary controls are insufficient and/or not established. Should this be the case then a brief outline should be entered to explain what controls are required and/or how existing controls will be enhanced. An entry in this field should typically trigger a broader set of management actions to manage the non-compliance risk. This should be done in accordance with the organisation's management system – typically actions include the creation of a risk/issue, remediation plan and associated management reporting.
Column AC:	Who is the accountable Person(s) for this obligation? (Job Title)'	List here the Job Titles of all roles that hold overall accountability for compliance with the Obligation in question. Job roles listed here would usually be considered part of the organisation's top management. If more than one job title is listed, then be sure to specify the distinct aspect of the Obligation that each job title is accountable for.
Column AD	Who is the responsible Person(s) for this obligation? (Who administers the requirement that must be complied with) (Job Title)'	List here the Job Titles of all roles that hold responsibility for compliance with the Obligation in question. If more than one job title is listed, then be sure to specify the distinct aspect of the Obligation that each job title is responsible for.
Columns AE and AF	Who completed this Compliance Traceability Record?'	List here the name and job title of the person that has entered/last reviewed this 'compliance traceability record' and the date the content was added/amended.

3. Maintaining the Register

3.1 Rail Delivery Group Responsibilities

Rail Delivery Group are responsible for:

- The review and update of the Register and this Guidance Note.
- Reviews should be undertaken annually or immediately if there is any change to applicable legislation or regulation.
- Maintaining an appropriate horizon scanning process to identifying emerging legislation and compliance risks.
- Maintaining an effective change notification process to alert Rail Entities of changes to legal and regulatory obligations.

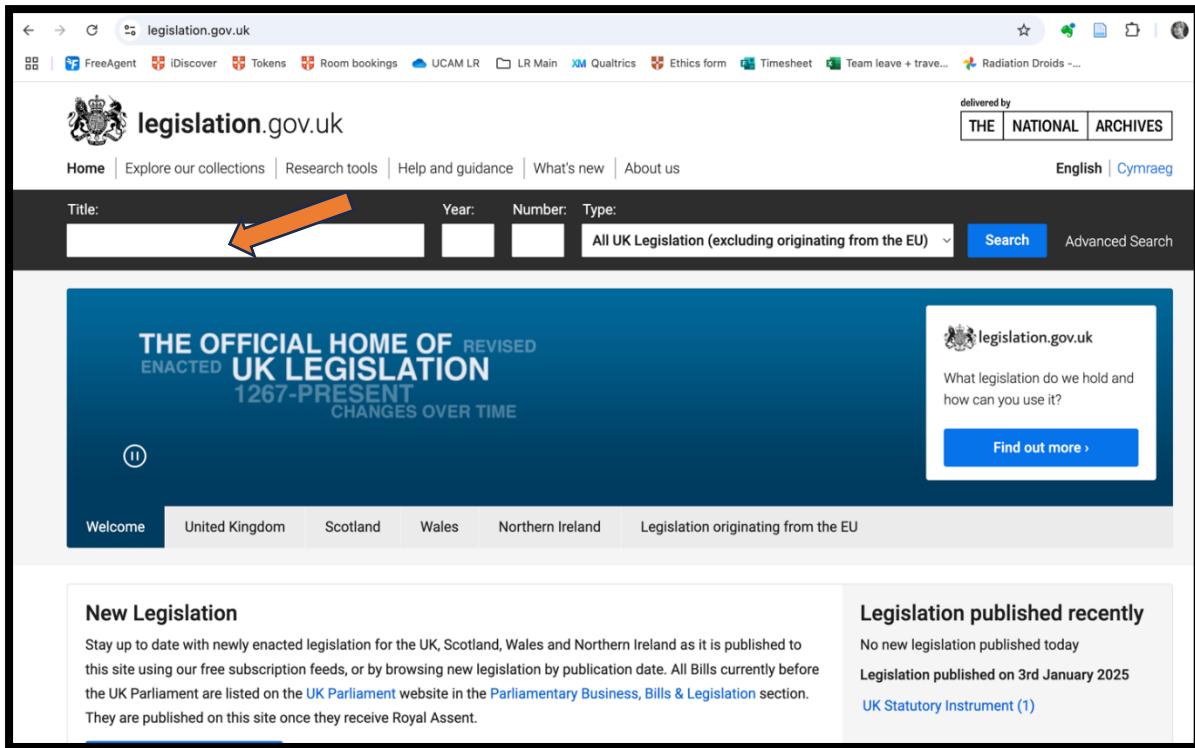
3.2 Review Process

A suggested process for this annual review is to:

- Review summarised legislative instruments/guidance documents listed in the second tab and determine if any have been amended or superseded since the last version.
- For any which have been amended/superseded/withdrawn, determine:
 - What has changed in the source document
 - Are there any new obligations?
 - Are there any new definitions provided?
 - Is there more context provided in the wording which would be helpful to highlight to Rail Entities?
 - Determine what needs to be changed in the Register
 - Does the register entry need to be removed?
 - Does the register entry need to be amended (e.g. are there new obligations or points of significance for the rail industry that need highlighting?)
 - Which parts of the register are impacted by the change?
- Disseminate the updated Register to all applicable Rail Entities making sure to notify them of the changes that have been made to it.

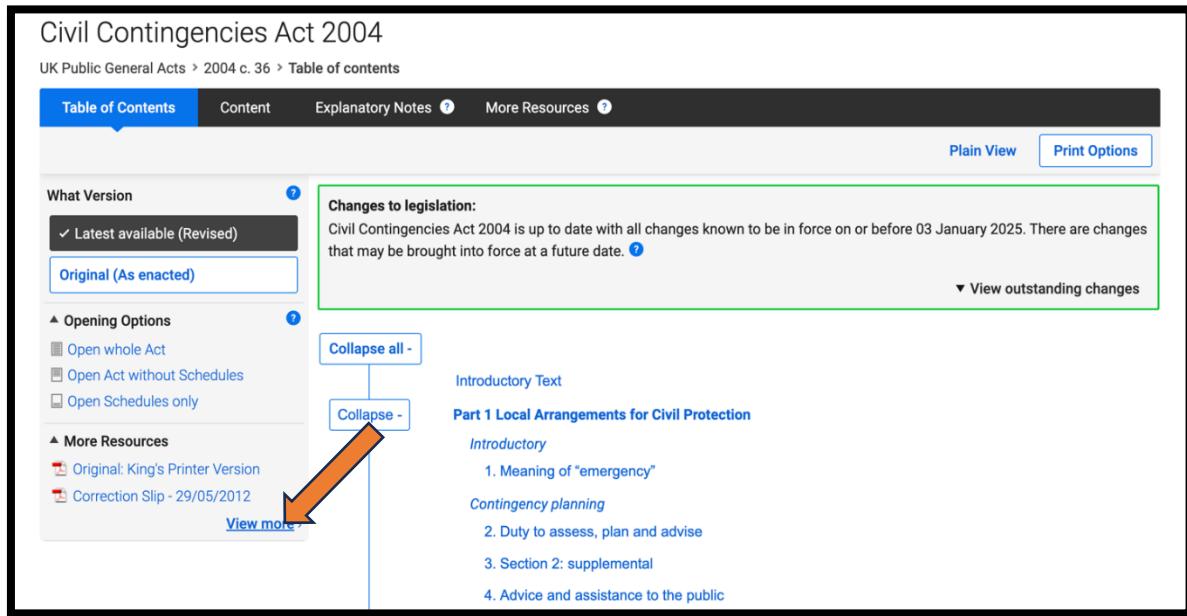
2.5 Identify changes to Legislation.

Visit www.legislation.gov.uk/ and type in the search bar the name of the instrument you want to review. This action should be undertaken for each instrument in the Legal & Regulatory Register.



The screenshot shows the homepage of legislation.gov.uk. At the top, there is a search bar with fields for 'Title', 'Year', 'Number', and 'Type', and a dropdown menu set to 'All UK Legislation (excluding originating from the EU)'. Below the search bar is a large banner with the text 'THE OFFICIAL HOME OF REVISED ENACTED UK LEGISLATION 1267-PRESENT CHANGES OVER TIME'. To the right of the banner is a sidebar with the text 'legislation.gov.uk', 'What legislation do we hold and how can you use it?', and a 'Find out more' button. The main content area has tabs for 'Welcome', 'United Kingdom', 'Scotland', 'Wales', 'Northern Ireland', and 'Legislation originating from the EU'. Below these tabs, there are two boxes: 'New Legislation' and 'Legislation published recently'.

From the main home page for a relevant instrument (in this case the Civil Contingencies Act (2004)), click on 'View more' hyperlink to open a new webpage with more information about the legislation in question.



The screenshot shows the 'Civil Contingencies Act 2004' page. At the top, there is a 'Table of Contents' tab, followed by 'Content', 'Explanatory Notes', and 'More Resources'. Below the tabs, there is a 'What Version' section with a dropdown menu showing 'Latest available (Revised)' (selected) and 'Original (As enacted)'. To the right of this is a 'Changes to legislation' box, which states that the act is up to date with changes known to be in force on or before 03 January 2025. Below this box is a 'View outstanding changes' link. On the left, there is a sidebar with 'Opening Options' (including 'Open whole Act', 'Open Act without Schedules', and 'Open Schedules only') and 'More Resources' (including 'Original: King's Printer Version' and 'Correction Slip - 29/05/2012'). At the bottom of the sidebar is a 'View more' link. The main content area shows the 'Introductory Text' and 'Part 1 Local Arrangements for Civil Protection' sections, with numbered points 1 through 4.

From the new webpage that it opens, scroll down to 'List of all changes' section and click on the links to view the changes in the CCA which affect other instruments, and all the changes to other instruments which impact on the CCA.

Original Print PDF of King's Printer Version

This is the original PDF of the as enacted version that was used to publish the official printed copy. It therefore does not include any changes made by correction slips issued after it was published. Correction slips if issued will be listed separately under 'Associated Documents' and will have been applied to the HTML version viewable via the content tab.

[Download Original Print PDF](#)

Associated Documents

 [Explanatory Note](#)

 [Correction Slip - 29/05/2012](#) 11kB

Impact Assessments

There are no associated impact assessment for this legislation.

List of all changes (made to the revised version after 2002) :

Link(s) to the Changes to Legislation facility which provides access to lists detailing changes made by all legislation enacted from 2002 - present to the revised legislation held on legislation.gov.uk, along with details about those changes which have and have not been applied by the legislation.gov.uk editorial team to this legislation item. Details of changes are only available back to 2002. Changes made before 2002 are already incorporated into the text of the revised legislation on legislation.gov.uk

[Affecting the Civil Contingencies Act 2004](#)

[Made by the Civil Contingencies Act 2004 affecting other Legislation](#)



Determine whether the changes that are made are relevant to the UK rail industry in the discharge of responsibilities related to emergency management and resilience. If they are relevant, then add the instrument to the Legal and regulatory Register as a new line and note in the appropriate column any relevant information.

Rail Delivery Group



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