



European Statutory Instruments Committee

House of Commons SW1A 0AA

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Rachel Maclean MP
Parliamentary Under Secretary of State
Department for Transport
Great Minster House
33 Horseferry Road
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24 March 2020

Dear Rachel,

The Railways (Interoperability) (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2020

On 10 March, the Committee considered, and cleared for laying under the negative procedure the above regulations. Further to its consideration, the Committee seeks more information regarding the expected operation of National Technical Specification Notices (NTSNs).

Paragraph 2.11 of the Explanatory Memorandum to the instrument sets out that, “[a]ppropriate fixes to address deficiencies within the TSIs resulting from the UK’s withdrawal from the EU will be made within the NTSNs.” We note that the “Proposed NTSN Change Management Process” document on the Rail Safety and Standards Board (RSSB)’s [website](#) reiterates previous Government commitments to consult with industry and stakeholders regarding decisions on divergence, and suggests that “if an NTSN change under consideration represents a divergence from the associated TSI [Technical Specifications for Interoperability], the DfT will notify Parliament through a Written Ministerial Statement before any final decisions are made.” This document also sets out that the Department is still considering how and how frequently to update the NTSNs.

The Committee requests further information on:

- the criteria that will be used to distinguish changes that constitute a divergence from those that constitute minor amendments; and
- whether the expectation that a Written Ministerial Statement will be made to Parliament where divergence is being considered would continue to apply to all future revisions;

I reiterate that the Committee has already reported its decision that the appropriate procedure for the instrument is to be subject to annulment in pursuance of a resolution of either House of Parliament

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(the negative procedure). The Committee does not intend to revisit this decision but considers that the additional information will be for the convenience of interested Members. To that end we intend to publish this letter and your response. The Committee would be grateful for a response by 21 April.

I am copying this letter to the Chair of the Transport Committee and the Chair of the Secondary Legislation Committee in the House of Lords.

Lows,

Andrew

Andrew Jones

Chair