

ONRSR – Supreme Court Proceedings Update

Categories : [News](#)

Date : 8 April, 2021



On 23 October 2020 the RTBU advised members that we launched proceedings in the Supreme Court challenging the Regulator's (ONRSR) decision to provide Hyundai Rotem (who built and test the NIF) with RSNL accreditation.

The Supreme Court proceedings related to whether the consultation requirements (specifically with the RTBU) as part of the accreditation process (as required by s99(3) of the RSNL) had been satisfied.

Those proceedings have now been settled and, as part of that settlement, the RTBU and ONRSR have agreed to form a reference group which will develop material to be published by ONRSR, that

will provide additional and more specific guidance on the consultation obligations under section 99(3) of the RSNL to ensure current operators or applicants will understand, in better detail, how to meet those requirements. It will also provide guidance for other stakeholders (unions, health and safety representatives, and the public) as to what they should expect in relation to consultation as part of a new accreditation or variation to accreditation.

In particular that material will address what evidence should be supplied to the Regulator as part of an application for accreditation or variation to accreditation. It will assist in ensuring that the understanding of the consultation obligation is clear, so that all relevant stakeholders (including unions) are consulted, and the evidence of that consultation is provided to the Regulator.

As part of this process, the Court has made no findings in relation to this case. As part of the settlement, neither the RTBU or ONRSR has conceded their position.

The RTBU and ONRSR have agreed to work collaboratively and maintain a good working relationship on matters of rail safety going forward.