

# Railways Act 1993

## 1993 CHAPTER 43

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An Act to provide for the appointment and functions of a Rail Regulator and a Director of Passenger Rail Franchising and of users' consultative committees for the railway industry and for certain ferry services; to make new provision with respect to the provision of railway services and the persons by whom they are to be provided or who are to secure their provision; to make provision for and in connection with the grant and acquisition of rights over, and the disposal or other transfer and vesting of, any property, rights or liabilities by means of which railway services are, or are to be, provided; to amend the functions of the British Railways Board; to make provision with respect to the safety of railways and the protection of railway employees and members of the public from personal injury and other risks arising from the construction or operation of railways; to make further provision with respect to transport police; to make provision with respect to certain railway pension schemes; to make provision for and in connection with the payment of grants and subsidies in connection with railways and in connection with the provision of facilities for freight haulage by inland waterway; to make provision in relation to tramways and other guided transport systems; and for connected purposes.

[5th November 1993]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows—

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### Extent

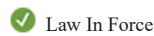
Preamble: England, Wales, Scotland

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## PART I

### THE PROVISION OF RAILWAY SERVICES

#### *Introductory*



## 8.— Licences.

(1) Subject to the following provisions of this section—

(a) the Secretary of State after consultation with [ the [ Office of Rail and Road ]<sup>2</sup> ]<sup>1</sup> [...]<sup>3</sup>, or

(b) [ the [ Office of Rail and Road ]<sup>2</sup> ]<sup>1</sup> with the consent [ , or in accordance with a general authority, of the Secretary of State [...]<sup>3</sup> , ]<sup>4</sup>

may grant to any person a licence authorising the person to be the operator of such railway assets, or of railway assets of such a class or description, as may be specified in the licence.

(2) Any general authority given to [ the [ Office of Rail and Road ]<sup>2</sup> ]<sup>1</sup> under subsection (1)(b) above [ ; ]<sup>5</sup> [

(a) [...]<sup>6</sup>

(b) may include a requirement for [ the [ Office of Rail and Road ]<sup>2</sup> ]<sup>1</sup> either to consult the Secretary of State, or a requirement to obtain [ its ]<sup>1</sup> approval before granting a licence; but a failure to comply with such a requirement shall not affect the validity of the licence. ]<sup>5</sup>

(3) Any application for a licence—

(a) shall be made in the prescribed manner;

(b) shall be accompanied by such fee (if any) as may be prescribed in the case of a licence of the description in question; and

(c) shall, if the Secretary of State so requires, be published by the applicant in the prescribed manner and within such period as may be notified to the applicant by the Secretary of State;

and, on any such application, the Secretary of State or, as the case may be, [ the [ Office of Rail and Road ]<sup>2</sup> ]<sup>1</sup> may either grant or refuse the licence.

(4) Before granting a licence, the Secretary of State or [ the [ Office of Rail and Road ]<sup>2</sup> ]<sup>1</sup> shall give notice—

(a) stating that he [ or it ]<sup>7</sup> proposes to grant the licence,

(b) stating the reasons why he [ or it ]<sup>7</sup> proposes to grant the licence, and

(c) specifying the time (not being less than 28 days from the date of publication of the notice) within which representations or objections with respect to the proposed licence may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

(5) A notice under subsection (4) above shall be given by publishing the notice in such manner as the Secretary of State or [ the [ Office of Rail and Road ]<sup>2</sup> ]<sup>1</sup> considers appropriate for bringing it to the attention of persons likely to be affected by the grant of the licence.

(6) A licence shall be in writing and, unless previously revoked or surrendered in accordance with any terms contained in the licence, shall continue in force for such period as may be specified in or determined by or under the licence; and a licence shall not be capable of being surrendered [ unless [ the [ Office of Rail and Road ]<sup>2</sup> ]<sup>1</sup> [ consents ]<sup>9</sup> to the surrender ]<sup>8</sup> —

(a) a passenger licence;

(b) a network licence;

(c) a station licence; or

(d) a light maintenance depot licence.

(7) As soon as practicable after the granting of a licence, the grantor shall send a copy—

- (a) in the case of a licence granted by the Secretary of State, to [ the [ Office of Rail and Road ]<sup>2</sup> ]<sup>1</sup> [...] <sup>3</sup> [...] <sup>10</sup> ; or
- (b) in the case of a licence granted by [ the [ Office of Rail and Road ]<sup>2</sup> ]<sup>1</sup> to the [ Secretary of State ] <sup>12</sup> ] <sup>11</sup> [...] <sup>10</sup> .
- (8) Any power to make regulations by virtue of subsection (3) above shall only be exercisable by the Secretary of State after consultation with [ the [ Office of Rail and Road ]<sup>2</sup> ]<sup>1</sup> [...] <sup>3</sup> .
- (9) Different fees may be prescribed under subsection (3) above in respect of licences authorising a person to be the operator of railway assets of different classes or descriptions.
- (10) [...] <sup>13</sup>
- (11) Any sums received by the Secretary of State or [ the [ Office of Rail and Road ]<sup>2</sup> ]<sup>1</sup> under this section shall be paid into the Consolidated Fund.

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#### Notes

- <sup>1</sup> Words substituted by Railways and Transport Safety Act 2003 c. 20 Sch.2(1) para.3 (July 5, 2004)
- <sup>2</sup> Words substituted by Office of Rail Regulation (Change of Name) Regulations 2015/1682 Sch.1(1) para.1(d) (October 16, 2015)
- <sup>3</sup> Words repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)
- <sup>4</sup> Words substituted by Transport Act 2000 c. 38 Sch.17(I) para.4(2)(b) (February 1, 2001: shall apply in relation to any licence or licence exemption granted before the coming into force of Sch.17 part I only from the coming into force of a scheme made under Sch.28, para.2 of 2000 c.38)
- <sup>5</sup> Words and s.8(a) and (b) substituted for words by Transport Act 2000 c. 38 Sch.17(I) para.4(3) (February 1, 2001: shall apply in relation to any licence or licence exemption granted before the coming into force of Sch.17 part I only from the coming into force of a scheme made under Sch.28, para.2 of 2000 c.38)
- <sup>6</sup> Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)
- <sup>7</sup> Words inserted by Railways and Transport Safety Act 2003 c. 20 Sch.2(1) para.5 (July 5, 2004)
- <sup>8</sup> Words substituted by Transport Act 2000 c. 38 Sch.17(I) para.4(4) (February 1, 2001: shall apply in relation to any licence or licence exemption granted before the coming into force of Sch.17 part I only from the coming into force of a scheme made under Sch.28, para.2 of 2000 c.38)
- <sup>9</sup> Words substituted by Railways Act 2005 c. 14 Sch.1(1) para.3(3) (July 24, 2005)
- <sup>10</sup> Words repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (April 1, 2006 as SI 2006/266)
- <sup>11</sup> Words inserted by Transport Act 2000 c. 38 Sch.17(I) para.4(5)(b) (February 1, 2001: shall apply in relation to any licence or licence exemption granted before the coming into force of Sch.17 part I only from the coming into force of a scheme made under Sch.28, para.2 of 2000 c.38)
- <sup>12</sup> Word substituted by Railways Act 2005 c. 14 Sch.1(1) para.3(4)(b) (July 24, 2005)
- <sup>13</sup> Repealed by Transport Act 2000 c. 38 Sch.31(IV) para.1 (February 1, 2001 as SI 2001/57)

#### Commencement

Pt I s. 8(1)-(11): April 1, 1994 (SI 1994/571 art. 5)

#### Extent

Pt I s. 8(1)-(11): England, Wales, Scotland

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