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STATUTORY INSTRUMENTS

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**1994 No. 857**

**TRANSPORT**

**The Railways Act 1993 (Consequential  
Modifications) Order 1994**

<i>Made</i>	- - - -	<i>22nd March 1994</i>
<i>Laid before Parliament</i>		<i>22nd March 1994</i>
<i>Coming into force</i>	- -	<i>1st April 194</i>

Whereas it appears to the Secretary of State to be necessary or expedient in consequence of the provisions of the Railways Act 1993(1) and instruments made under or by virtue of that Act to make the modifications set out in the Schedule hereto to the existing provisions referred to therein;

Now therefore the Secretary of State, in exercise of powers conferred on him by section 153 of the Railways Act 1993(2), hereby makes the following Order:—

1. This Order may be cited as the Railways Act 1993 (Consequential Modifications) Order 1994 and shall come into force on 1st April 1994.
2. The provisions of the Schedule hereto shall have effect.

Signed by authority of the Secretary of State for Transport

Department of Transport  
22nd March 1994

*Roger Freeman*  
Minister of State,

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(1) 1993 c. 43.  
(2) See section 151(1) for the definition of “modifications”.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## SCHEDULE

Article 2

1. The Railways Clauses Consolidation Act 1845(3) shall be amended by inserting, at the end of each of sections 115 (engines to be approved by the company), 116(b) (penalty on persons using improper engines), 117 (carriages to be constructed to company's regulations), 118 (regulations to be in writing, and apply also to company's carriages), 119(c) (penalty on persons using improper carriages) and 120 (owner's name etc to be registered and exhibited on carriages, if required), the following—

“Nothing in this section shall apply to the bringing or use of any rolling stock on track comprised in a network, the person having the management of which for the time being is the holder of a network licence; and in this section “rolling stock”, “track”, “network” and “holder of a network licence” shall be construed in accordance with Part I of the Railways Act 1993.”

2. The Railways Clauses Consolidation (Scotland) Act 1845(4) shall be amended by inserting, at the end of each of sections 108 (engines to be approved by the company), 109 (penalty on persons using improper engines), 110 (carriages to be constructed to company's regulations), 111 (regulations to be in writing, and apply also to company's carriages), 112 (penalty on persons using improper carriages) and 113 (owner's name etc to be registered and exhibited on carriages, if required), the following—

“Nothing in this section shall apply to the bringing or use of any rolling stock on track comprised in a network, the person having the management of which for the time being is the holder of a network licence; and in this section “rolling stock”, “track”, “network” and “holder of a network licence” shall be construed in accordance with Part I of the Railways Act 1993.”

3. Section 2 of the Regulation of Railways Act 1868(5) (interpretation of terms) shall be amended by inserting in the definition of the term “company” after the words “or in conjunction with any other purpose)” the words “or any person having the management of a railway or a train for the time being”.

4. The Regulation of Railways Act 1871(6) shall be amended as follows—

- (a) in section 2(g) (interpretation), in the definition of the term “company”, after the words “or in conjunction with any other purpose)” there shall be inserted the words “or any person having the management of a railway, station or train for the time being”;
- (b) in section 3(h) (Board of Trade may appoint inspectors of railways) for the words “any railway and of making any inquiry with respect to any railway or into the cause of any railway accident” there shall be substituted the words “any railway or station and of making any inquiry with respect to any railway or station or into the cause of any railway accident or any accident at any station”;
- (c) in section 4(i) (powers of inspectors of railways) for subsection (1) there shall be substituted the following subsection—
 

“(1) He may enter and inspect any railway or station and any works, buildings or offices belonging thereto and may inspect any stock, plant or machinery used in connection with any railway or station;”and
- (d) in section 6(j) (companies to make returns of accidents to Board of Trade)—
  - (i) for the words “Where in or about” to “working any railways” inclusive, there shall be substituted the following—

(3) 1845 c. 20 (8 & 9 Vict.).

(4) Section 116 was amended by section 46 of, and Schedule 7 to, the Justices of the Peace Act 1949 (c. 101) (12, 13 & 14 Geo. 6).

(5) Section 119 was amended by section 46 of, and Schedule 7 to, the Justices of the Peace Act 1949.

(6) 1845 c. 33 (8 & 9 Vict.).

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“Where in or about any railway or station or any works or buildings connected therewith, or any building or place (whether open or closed) occupied by a company having the management of a railway or station, any of the following accidents takes place in the course of the working of the railway or station”;

(ii) for the words “the company working such railway, and also, if the accident happen to a train belonging to any other company”, there shall be substituted the following—

“the company having the management of the railway or station, and, also, if the accident happens to a train operated by any other company.”

5. Section 5 of the Regulation of Railways Act 1889(7)(penalty for avoiding paying of fare) shall be amended by inserting at the end the following subsection—

“(5) In this section—

- (a) “railway company” includes an operator of a train, and
- (b) “operator”, in relation to a train, means the person having the management of that train for the time being.”.

6. Section 125 of the Transport Act 1968(8)(powers of inspectors of railways as respects persons other than railway companies and their staff) shall be amended by inserting at the end the following subsection—

“(5) In this section, “railway company” shall bear the same meaning as the term “company” bears in the Regulation of Railways Act 1871.”.

7. Paragraph 2(2)(f) of the Schedule to the Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations 1986(9) shall be amended by inserting after the words “the British Railways Board” the words “or any holder of a network licence (within the meaning of Part I of the Railways Act 1993) which is a company wholly owned by the Crown (within the meaning of that Act),”.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order modifies certain statutory provisions in consequence of the provisions of the Railways Act 1993 and instruments made under or by virtue of that Act. The provisions amended are:

- (a) the Railways Clauses Consolidation Act 1845 (c. 20, 8 & 9 Vict.): it is provided that sections 115 to 120 do not apply to rolling stock used on track comprised in a network operated by the holder of a network licence under the Railways Act 1993;
- (b) the Railways Clauses Consolidation (Scotland) Act 1845 (c. 33, 8 & 9 Vict.): similar provision is made in relation to sections 108 to 113;
- (c) the Regulation of Railways Act 1868 (c. 119, 31 & 32 Vict.): the definition of “company” is extended to include any person having the management of a railway or train;

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(7) 1868 c. 119 (31 & 32 Vict.).

(8) 1871 c. 78 (34 & 35 Vict.).

(9) Section 2 was amended by section 43 of, and paragraph 1 of Schedule 6 to, the Channel Tunnel Act 1987 (c. 53).

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- (d) the Regulation of Railways Act 1871 (c. 78, 34 & 35 Vict.): the definition of “company” is extended to include any person having the management of a railway, station or train, amendments are made to sections 3, 4 and 6 to include, where appropriate, references to stations, and other minor amendments are made;
- (e) the Regulation of Railways Act 1889 (c. 57, 52 & 53 Vict.): section 5 is amended to define “railway company” to include a person having the management of a train;
- (f) the Transport Act 1968 (c. 73): provision is made so that the definition of the term “company” in the Regulation of Railways Act 1871 applies to the term “railway company” in section 125;
- (g) the Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations 1986 (S.I.1986/1456, which modify the application of Council Regulations (EEC) No. 3820/85 and No. 3821/85, both of 20th December 1985, in respect of certain transport operations): a reference to a vehicle being used by any holder of a network licence under the Railways Act 1993 which is a company wholly owned by the Crown is included in the list, in the Schedule, of vehicles exempted from regulations 2 and 4.