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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 532**

**The Railways Regulations (Northern Ireland) 2003**

**PART I**  
**PRELIMINARY**

**Citation and commencement**

1. These Regulations may be cited as the Railways Regulations (Northern Ireland) 2003 and shall come into operation on 6th January 2004.

**Interpretation**

2.—(1) In these Regulations –

“access and transit rights” or “transit rights” means access and transit rights or transit rights in relation to railway infrastructure;

“appeal panel” means a panel appointed pursuant to regulation 12(4) for the purpose of determining appeals under paragraph (1) of that regulation;

“the Council Directives” means Council Directive No. [91/440/EEC](#) of 29th July 1991 on the development of the Community’s railways<sup>(1)</sup>, Council Directive No. [95/18/EC](#) of 19th June 1995 on the licensing of railway undertakings<sup>(2)</sup> and Council Directive No. [95/19/EC](#) of 19th June 1995 on the allocation of railway infrastructure capacity and the charging of infrastructure fees<sup>(3)</sup>;

“the Department” means the Department for Regional Development;

“EEA State” means a State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993<sup>(4)</sup>;

“infrastructure fees” means the fees charged by the infrastructure manager pursuant to regulation 6(1);

“international licence” means a licence granted to a railway undertaking pursuant to these Regulations (valid throughout the territory of any EEA State) by which the capacity of the railway undertaking as such is recognised and which authorises the undertaking to provide in and between EEA States such international services or international combined transport goods services as may be specified in the licence;

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(1) O.J. No. L237, 24.8.91, p. 25; the text of the Directive is subject to the amendments in a corrigendum published in O.J. No. L305, 6.11.91, p. 22

(2) O.J. No. L143, 27.6.95, p. 70. Added to Annex XIII of the EEA Agreement by Article 1 of the Decision of the EEA Joint Committee No. 71/95 of 15th December 1995 (O.J. No. L57, 7.3.96, p. 37)

(3) O.J. No. L143, 27.6.95, p. 75. Added to Annex XIII of the EEA Agreement by Article 1 of the Decision of the EEA Joint Committee No. 70/95 of 15th December 1995 (O.J. No. L57, 7.3.96, p. 37)

(4) Cm 2073 and Cm 2183

“stations” means any land or other property which consists of premises used as, or for the purposes of, or otherwise in connection with, a railway passenger station or railway passenger terminal (including any approaches, forecourt, cycle store or car park), whether or not the land or other property is, or the premises are, also used for other purposes.

(2) Expressions used in these Regulations and in the Council Directives have the meanings given by the Council Directives, except that the definition of “railway infrastructure” shall be taken to include stations.

(3) The Interpretation Act (Northern Ireland) 1954<sup>(5)</sup> shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

### **Scope**

3.—(1) Subject to paragraph (2) these Regulations apply to –

- (a) the management of railway infrastructure and the allocation of railway infrastructure capacity in Northern Ireland;
- (b) the rail transport activities in Northern Ireland of and the charging of infrastructure fees to railway undertakings established or to be established in an EEA State and international groupings which they form; and
- (c) the licensing of such undertakings and groupings in respect of international services and international combined transport goods services which they operate.

(2) These Regulations do not apply to railway undertakings whose activities are limited to the operation of urban, suburban or regional services.

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(5) 1954 c. 33 (N.I.)