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## DRAFT STATUTORY INSTRUMENTS

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### 2019 No.

## The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019

### PART 2

#### Amendments to the Railways (Licensing of Railway Undertakings) Regulations 2005

##### Amendments

3. The 2005 Regulations are amended in accordance with this Part.

##### Regulation 2 (interpretation)

4. In regulation 2(1) (interpretation)—
- (a) omit the definitions of the “the 1995 Directive”, “the 2012 Directive”, “EEA State” and “European licence”;
  - (b) at the appropriate place, insert—  
““railway undertaking licence” means a licence, granted by the ORR to a railway undertaking pursuant to these Regulations, which authorises the undertaking to provide such train services as may be specified in the licence;”.

##### Regulation 4 (scope)

- 5.—(1) Regulation 4 (scope) is amended as follows.
- (2) In paragraph (1)—
- (a) after “train services” insert “in Great Britain”;
  - (b) omit “and are established or to be established in an EEA state”;
- (3) In paragraph (3)—
- (a) in sub-paragraph (a), omit “including a cross-border conurbation,”;
  - (b) in sub-paragraph (b), omit “, including a cross-border region”.

##### Part 2 (European licences)

6. In the heading of Part 2 (European licences), for “European” substitute “Railway Undertaking”.

##### Regulation 5 (prohibition of unlicensed provision of services)

7. In regulation 5 (prohibition of unlicensed provision of services)—
- (a) in paragraph (1), for “European” substitute “railway undertaking”;
  - (b) omit paragraph (4).

### **Regulation 6 (appointment of licensing authority and grant of European licences)**

**8.**—(1) Regulation 6 (appointment of licensing authority and grant of European licences) is amended as follows.

- (2) In the heading, for “European” substitute “railway undertaking”.
- (3) In paragraph (1)—
  - (a) omit “designated as”;
  - (b) for “European” substitute “railway undertaking”.
- (4) In paragraph (2)—
  - (a) for “European” substitute “railway undertaking”;
  - (b) omit “and inform the Commission of those procedures”.
- (5) In paragraph (3)—
  - (a) in the words before sub-paragraph (a), for “European” substitute “railway undertaking”;
  - (b) omit sub-paragraph (a) (including the “and” at the end of that sub-paragraph).
- (6) In paragraph (4), for “European” substitute “railway undertaking”.
- (7) Omit paragraph (4A).
- (8) In paragraphs (7) to (11), for “European”, in each place it occurs, substitute “railway undertaking”.
- (9) In paragraph (12)—
  - (a) for “European licence” substitute “railway undertaking licence”;
  - (b) for “European Commission” substitute “Secretary of State”.
- (10) In paragraph (14), for “European” substitute “railway undertaking”.

### **Regulation 7 (validity of European licences)**

- 9.** In regulation 7 (validity of European licences)—
- (a) in the heading, for “European” substitute “railway undertaking”;
  - (b) in paragraphs (1) and (2), for “European”, in both places it occurs, substitute “railway undertaking”.

### **Regulation 8 (monitoring, suspension and revocation of European licences)**

**10.**—(1) Regulation 8 (monitoring, suspension and revocation of European licences) is amended as follows.

- (2) In the heading, for “European” substitute “railway undertaking”.
- (3) In paragraph (1)—
  - (a) omit “Subject to paragraph (5),”;
  - (b) for “European” substitute “railway undertaking”.
- (4) In paragraphs (3) and (4), for “European”, in both places it occurs, substitute “railway undertaking”.
- (5) Omit paragraph (5).
- (6) In paragraphs (6) to (11) and (13), for “European”, in each place it occurs, substitute “railway undertaking”.
- (7) In paragraph (14)—

- (a) for “European licence” substitute “railway undertaking licence”;
- (b) for “European Railway Agency” substitute “Secretary of State”.

**Regulation 9 (prohibition on operating trains without a statement of national regulatory provisions)**

11. In regulation 9 (prohibition on operating trains without a statement of national regulatory provisions)—

- (a) in paragraph (1), for “European” substitute “railway undertaking”;
- (b) omit paragraph (5).

**Regulation 10 (statements of national regulatory provisions)**

12. In regulation 10 (statements of national regulatory provisions), in paragraphs (1) and (2)(b), for “European”, in both places it occurs, substitute “railway undertaking”.

**Regulation 11 (conditions of statements of national regulatory provisions)**

13. In regulation 11 (conditions of statements of national regulatory provisions)—

- (a) in paragraph (1), for “European” substitute “railway undertaking”;
- (b) in paragraph (4) omit sub-paragraph (a) (including the “or” at the end of that sub-paragraph).

**Regulation 12 (referral for Commission’s opinion)**

14. Omit regulation 12 (referral for Commission’s opinion).

**Regulation 17 (general duties of the Rail Passengers’ Council)**

15. In regulation 17 (general duties of the Rail Passengers’ Council)—

- (a) in paragraph (1), for “European”, in each place it occurs, substitute “railway undertaking”;
- (b) omit paragraph (2).

**Regulation 19 (duties of the London Transport Users’ Committee)**

16. In regulation 19 (duties of the London Transport Users’ Committee)—

- (a) in paragraph (1), for “European”, in both places it occurs, substitute “railway undertaking”;
- (b) omit paragraph (2).

**Regulation 21 (review)**

17. In regulation 21 (review) omit paragraph (2).

**Schedule 2 (qualifications for European licence)**

18. In Schedule 2 (qualifications for European licence)—

- (a) in the heading of the Schedule, for “European” substitute “railway undertaking”;
- (b) in paragraphs 1, 6 and 11(1), for “European”, in each place it occurs, substitute “railway undertaking”.

**Schedule 4 (transitional provisions relating to existing licences and licence exemptions)**

**19.**—(1) Schedule 4 (transitional provisions relating to existing licences and licence exemptions) is amended as follows.

- (2) In paragraph 2, for “Paragraphs 3 and 4 apply” substitute “Paragraph 4 applies”.
- (3) Omit paragraph 3.
- (4) In paragraph 5, for “Paragraphs 6 and 7 apply” substitute “Paragraph 7 applies”.
- (5) Omit paragraphs 6 and 8.