



# Railways Act 1993

## 1993 CHAPTER 43

### PART I

#### THE PROVISION OF RAILWAY SERVICES

##### *Information*

- 80 Duty of certain persons to furnish information to the <sup>[F1]</sup>Secretary of State, <sup>[F2]</sup>the Welsh Ministers,] the Scottish Ministers or <sup>[F3]</sup>the Office of Rail and Road]] on request.**
- (1) <sup>[F4]</sup>Licence holders] shall be under a duty to furnish to the <sup>[F1]</sup>Secretary of State, <sup>[F5]</sup>the Welsh Ministers,] the Scottish Ministers or <sup>[F3]</sup>the Office of Rail and Road]] in such form and manner as <sup>[F6]</sup>he, they or it] may by notice request such information as <sup>[F6]</sup>he, they or it] may so request, being information which the <sup>[F1]</sup>Secretary of State, <sup>[F5]</sup>the Welsh Ministers,] the Scottish Ministers or <sup>[F3]</sup>the Office of Rail and Road]] considers necessary for the purpose of facilitating the performance of any <sup>[F7]</sup>functions of the Secretary of State, <sup>[F5]</sup>the Welsh Ministers,] the Scottish Ministers or (as the case may be) that Office] under this Part <sup>[F8]</sup>, the Transport Act 2000 or the Railways Act 2005 or any other function or activity of his, theirs or its in relation to railway services].
- <sup>[F9]</sup>(1A) Holders of <sup>[F10]</sup>railway undertaking licences]]<sup>[F11]</sup>, and holders of relevant European licences,] shall be under a duty to furnish to <sup>[F3]</sup>the Office of Rail and Road]] in such form and manner as it may by notice request such information as it may so request, being information which <sup>[F3]</sup>the Office of Rail and Road]] considers necessary for the purpose of facilitating the performance of any of its functions under <sup>[F12]</sup>the Railway (Licensing of Railway Undertakings) Regulations 2005].]
- (2) A request under subsection (1) <sup>[F13]</sup>or (1A)] above must be complied with within such time (being not less than 28 days from the making of the request) as may be specified in the request.
- (3) <sup>[F14]</sup>If a request under subsection (1) above] is not complied with, the <sup>[F1]</sup>Secretary of State, <sup>[F5]</sup>the Welsh Ministers,] the Scottish Ministers or <sup>[F3]</sup>the Office of Rail and

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Road]] may serve a notice under subsection (4) below on the person from whom the information was requested under subsection (1) above.

[<sup>F15</sup>(3A) If a request under subsection (1A) above is not complied with, [<sup>F3</sup>the Office of Rail and Road] may serve a notice under subsection (4) below on the person from whom the information was requested under subsection (1A) above.]

(4) A notice under this subsection is a notice signed by the [<sup>F1</sup>Secretary of State, [<sup>F5</sup>the Welsh Ministers,] the Scottish Ministers or [<sup>F3</sup>the Office of Rail and Road]] and—

- (a) requiring the person on whom it is served to produce, at a time and place specified in the notice, to the [<sup>F1</sup>Secretary of State [<sup>F16</sup>, the Welsh Ministers], the Scottish Ministers or [<sup>F3</sup>the Office of Rail and Road]] or to any person appointed by the Franchising Director for the purpose, any documents which are specified or described in the notice and are in that person’s custody or under his control; or
- (b) requiring that person to furnish, at a time and place and in the form and manner specified in the notice, to the Franchising Director such information as may be specified or described in the notice. [<sup>F17</sup>In its application to a notice served by virtue of subsection (3A) above this subsection has effect with the omission of the references to the Secretary of State and the Scottish Ministers.]

(5) No person shall be required under this section to produce any documents which he could not be compelled to produce in civil proceedings in the court or, in complying with any requirement for the furnishing of information, to give any information which he could not be compelled to give in evidence in any such proceedings.

<sup>F18</sup>(6) .....

(7) A person who intentionally alters, suppresses or destroys any document which he has been required by any notice under subsection (4) above to produce is guilty of an offence and shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine.

(8) If a person makes default in complying with a notice under subsection (4) above, the court may, on the application of the [<sup>F1</sup>Secretary of State, [<sup>F19</sup>the Welsh Ministers,] the Scottish Ministers or [<sup>F3</sup>the Office of Rail and Road]] [<sup>F20</sup>in the case of a request under subsection (1) above, or [<sup>F3</sup>the Office of Rail and Road] in the case of a request under subsection (1A) above], make such order as the court thinks fit for requiring the default to be made good; and any such order may provide that all the costs or expenses of and incidental to the application shall be borne by the person in default or by any officers of a company or other association who are responsible for its default.

(9) Any reference in this section to the production of a document includes a reference to the production of a legible and intelligible copy of information recorded otherwise than in legible form; and the reference to suppressing a document includes a reference to destroying the means of reproducing information recorded otherwise than in legible form.

(10) In this section “the court” means the High Court, in relation to England and Wales, and the Court of Session, in relation to Scotland.

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### Textual Amendments

- F1** Words in s. 80 substituted (24.7.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 33(1)**; S.I. 2005/1909, **art. 2**, Sch
- F2** Words in s. 80 heading inserted (13.6.2018) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(2)(b)(vi), **Sch. para. 26(2)**
- F3** Words in s. 80 substituted (16.10.2015) by The Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), reg. 1(2), **Sch. para. 1(xx)**
- F4** Words in s. 80(1) substituted (1.2.2001) for s. 80(1)(a)-(c) by 2000 c. 38, s. 252, **Sch. 27 para. 38(a)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F5** Words in s. 80(1)(3)(4) inserted (13.6.2018) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(2)(b)(vi), **Sch. para. 26(3)**
- F6** Words in s. 80(1) substituted (24.7.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 33(2)(a)**; S.I. 2005/1909, **art. 2**, Sch
- F7** Words in s. 80(1) substituted (24.7.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 33(2)(b)**; S.I. 2005/1909, **art. 2**, Sch
- F8** Words in s. 80(1) substituted (24.7.2005) by Railways Act 2005 (c. 14), ss. 54, 60, **Sch. 11 para. 12**; S.I. 2005/1909 {art. 2}, Sch.
- F9** S. 80(1A) inserted (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050), art. 3, **Sch. 1 para. 3(7)(a)**
- F10** Words in s. 80(1A) substituted (31.12.2020) by The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/700), regs. 1(2), **22(5)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in s. 80(1A) inserted (31.1.2022 at 11.00 p.m.) by The Railway (Licensing of Railway Undertakings) (Amendment) Regulations 2021 (S.I. 2021/1105), regs. 1(3), **10(4)**
- F12** Words in s. 80(1A) substituted (31.12.2020) by The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/700), regs. 1(2), **22(5)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in s. 80(2) inserted (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050), art. 3, **Sch. 1 para. 3(7)(b)**
- F14** Words in s. 80(3) substituted (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050), art. 3, **Sch. 1 para. 3(c)**
- F15** S. 80(3A) inserted (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050), art. 3, **Sch. 1 para. 3(7)(d)**
- F16** Words in s. 80(4)(a) inserted (13.6.2018) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(2)(b)(vi), **Sch. para. 26(4)**
- F17** Words in s. 80(4) added (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050), art. 3, **Sch. 1 para. 3(7)(e)**
- F18** S. 80(6) repealed (1.2.2001) by 2000 c. 38, ss. 252, 274, Sch. 27 para. 38(b), **Sch. 31 Pt. IV**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F19** Words in s. 80(8) inserted (13.6.2018) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(2)(b)(vi), **Sch. para. 26(5)**
- F20** Words in s. 80(8) inserted (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050), art. 3, **Sch. 1 para. 3(7)(f)**

### Modifications etc. (not altering text)

- C1** S. 80 applied (with modifications) (28.11.2005) by The Railways Infrastructure (Access and Management) Regulations 2005 (S.I. 2005/3049), **reg. 31**
- C2** S. 80 applied (with modifications) (29.7.2016) by The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 (S.I. 2016/645), regs. 1(1), **35**, **36** (with reg. 4)
- C3** S. 80 modified (31.12.2020) by The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/700), regs. 1(2), **41**; 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

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