



# Railways Act 1993

## 1993 CHAPTER 43

### PART III

#### MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS

##### *Supplemental*

#### **143 Regulations and orders.**

- (1) Any power under this Act to make regulations, and any power of the Secretary of State [<sup>F1</sup>or the Scottish Ministers under this Act to make orders (except the power to make provisional or final orders under section 55)] , shall be exercisable by statutory instrument.
- (2) Any statutory instrument—
  - (a) which contains (whether alone or with other provisions) regulations or an order under this Act made by the Secretary of State, other than an order under section 136(8) above or section 154(2) below, and
  - (b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any power conferred by this Act to make regulations, and any power conferred by this Act on the Secretary of State [<sup>F2</sup>or the Scottish Ministers to make an order (other than a provisional or final order under section 55)] , includes power, exercisable in the same manner, to make such incidental, supplemental, consequential or transitional provision as may appear necessary or expedient to the authority by whom the power to make the regulations or order is exercisable.
- (4) Any power under this Act to make regulations, and any power of the Secretary of State [<sup>F3</sup>or the Scottish Ministers under this Act to make an order (other than a provisional or final order under section 55)] , may be exercised—

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- (a) in relation to all cases to which the power extends, or in relation to those cases subject to specified exceptions, or in relation to any specified cases or classes or descriptions of case;
- (b) so as to make, as respects the cases in relation to which it is exercised, different provision for different cases or for different classes or descriptions of case.

#### Textual Amendments

- F1** Words in s. 143(1) substituted (E.W.S.) (24.7.2005 for certain purposes and 16.10.2005 in so far as not already in force) by *Railways Act 2005 (c. 14)*, ss. 54, 60, **Sch. 11 para. 15(a)**; S.I. 2005/1909, **art. 2, Sch.**; S.I. 2005/2812, **art. 2(1)**, Sch. 1
- F2** Words in s. 143(3) substituted (E.W.S.) (24.7.2005 for certain purposes and 16.10.2005 in so far as not already in force) by *Railways Act 2005 (c. 14)*, ss. 54, 60, **Sch. 11 para. 15(b)**; S.I. 2005/1909, **art. 2, Sch.**; S.I. 2005/2812, **art. 2(1)**, Sch. 1
- F3** Words in s.143(4) substituted (E.W.S.) (24.7.2005 for certain purposes and 16.10.2005 in so far as not already in force) by *Railways Act 2005 (c. 14)*, ss. 54, 60, **Sch. 11 para. 15(c)**; S.I. 2005/1909, **art. 2, Sch.**; S.I. 2005/2812, **art. 2(1)**, Sch. 1

#### 144 Directions.

- (1) It shall be the duty of any person to whom a direction is given under this Act to comply with and give effect to that direction; <sup>F4</sup> . . . <sup>F5</sup> . . . .
- (2) Without prejudice to any right which any person may have to bring civil proceedings in respect of any contravention or apprehended contravention of any direction given under this Act, compliance with any such direction shall be enforceable by civil proceedings, by the person by whom the direction was given, for an injunction or interdict or for any other appropriate relief.
- (3) Any power conferred by this Act to give a direction shall, unless the context otherwise requires, include power to vary or revoke the direction.
- (4) Any direction given under this Act shall be in writing.

#### Textual Amendments

- F4** Words in s. 144(1) repealed (1.2.2001) by 2000 c. 38, s. 274, **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**)
- F5** Words in s. 144(1) repealed (24.7.2005 for E.W. and otherwise prosp.) by *Railways Act 2005 (c. 14)*, ss. 59, 60, **Sch. 13 Pt. 1** (with s. 14(4)(5), **Sch. 11 para. 11(2)**); S.I. 2005/1909, **art. 2, Sch.**

#### 145 General restrictions on disclosure of information.

- (1) Subject to the following provisions of this section, no information with respect to any particular business which—
  - (a) has been obtained under or by virtue of any of the provisions of this Act; and
  - (b) relates to the affairs of any individual or to any particular business,
 shall, during the lifetime of that individual or so long as that business continues to be carried on, be disclosed without the consent of that individual or the person for the time being carrying on that business.

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- (2) Subsection (1) above does not apply to any disclosure of information which is made—
- (a) for the purpose of facilitating the carrying out by the Secretary of State, <sup>[F6]</sup>the Scottish Ministers, <sup>[F7]</sup>the Office of Rail Regulation, <sup>F8</sup> . . . or the <sup>[F9]</sup>Competition Commission of any of his or, as the case may be, their functions under this Act <sup>[F10]</sup>, the Transport Act 2000 or the Railways Act 2005];
  - <sup>[F11]</sup>(aa) for the purpose of facilitating the carrying out or carrying on by the Secretary of State or the Scottish Ministers of any other functions or activities of his or theirs in relation to railways or railway services;]
  - (b) for the purpose of facilitating the carrying out by—
    - (i) any Minister of the Crown,
    - <sup>F12</sup>[(ii) the Office of Fair Trading;]
    - (iii) the <sup>[F9]</sup> Competition Commission],
    - <sup>[F13]</sup>(iv) the Office of Communications,]
    - (v) the Director General of Gas Supply,
    - (vi) the Director General of Water Supply,
    - (vii) the Director General of Electricity Supply,
    - (viii) the Civil Aviation Authority,
    - (ix) the Insolvency Practitioners Tribunal, or
    - (x) a local weights and measures authority in Great Britain,of any of his or, as the case may be, their functions under any of the enactments or instruments specified in subsection (3) below;
  - <sup>[F14]</sup>(c) for the purpose of enabling or assisting the Secretary of State, the Treasury or the Financial Services Authority to exercise any powers conferred by or under the Financial Services and Markets Act 2000 or by the enactments relating to companies or insolvency;
  - (ca) for the purpose of enabling or assisting any inspector appointed under enactments relating to companies to carry out his functions;]
  - (d) for the purpose of enabling or assisting an official receiver to carry out his functions under the enactments relating to insolvency or for the purpose of enabling or assisting a recognised professional body for the purposes of section 391 of the <sup>M1</sup>Insolvency Act 1986 to carry out its functions as such;
  - (e) for the purpose of facilitating the carrying out by <sup>F15</sup>... the Health and Safety Executive of any of its functions under any enactment or of facilitating the carrying out by any enforcing authority, within the meaning of Part I of the <sup>M2</sup>Health and Safety at Work etc. Act 1974, of any functions under a relevant statutory provision, within the meaning of that Act;
  - (f) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of any of his functions under any enactment;
  - (g) <sup>F16</sup> . . . . .
  - <sup>[F17]</sup>(ga) for the purpose of facilitating the carrying out by the Office of Rail Regulation of any of its functions under any instrument made for the purpose of implementing Council Directive [95/18/EC](#) dated 19th June 1995 on the licensing of railway undertakings, as amended by Directive [2001/13/EC](#) dated 26th February 2001 and Directive [2004/49/EC](#) dated 29th April 2004, both of the European Parliament and of the Council;]
  - <sup>[F18]</sup>(gb) for the purpose of facilitating the carrying out by the Office of Rail Regulation of any of its functions under any instrument made for the purpose

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of implementing Council Directive [91/440/EEC](#) dated 29 July 1991 on the development of the Community's railways, as amended by Directive [2001/12/EC](#) dated 26 February 2001 [<sup>F19</sup>, Directive [2004/51/EC](#) dated 29 April 2004 and Directive [2007/58/EC](#) dated 23 October 2007, all] of the European Parliament and of the Council, and Directive [2001/14/EC](#) dated 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure, as amended by Directive [2004/49/EC](#) dated 29 April 2004 [<sup>F20</sup> and Directive [2007/58/EC](#) dated 23 October 2007, all] of the European Parliament and of the Council;]

- (h) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;
- (j) for the purposes of any civil proceedings brought under or by virtue of this Act or any of the enactments or instruments specified in subsection (3) below; or
- (k) in pursuance of a Community obligation.

(3) The enactments and instruments referred to in subsection (2) above are—

- (a) the <sup>M3</sup>Trade Descriptions Act 1968;
- (b) the <sup>M4</sup>Fair Trading Act 1973;
- (c) the <sup>M5</sup>Consumer Credit Act 1974;
- <sup>F21</sup>(d) .....
- <sup>F21</sup>(e) .....
- (f) the <sup>M6</sup>Estate Agents Act 1979;
- (g) the <sup>M7</sup>Competition Act 1980;
- (h) the <sup>M8</sup>Telecommunications Act 1984;
- (j) the <sup>M9</sup>Airports Act 1986;
- (k) the <sup>M10</sup>Gas Act 1986;
- (l) the <sup>M11</sup>Insolvency Act 1986;
- (m) the <sup>M12</sup>Consumer Protection Act 1987;
- (n) the <sup>M13</sup>Electricity Act 1989;
- (o) the <sup>M14</sup>Property Misdescriptions Act 1991;
- (p) the <sup>M15</sup>Water Industry Act 1991;
- (q) the <sup>M16</sup>Water Resources Act 1991;
- <sup>F22</sup>(qq) the Competition Act 1998.]
- <sup>F23</sup>(qr) Part I of the Transport Act 2000;]
- <sup>F24</sup>(qs) the Enterprise Act 2002;]
- <sup>F25</sup>(qt) the Communications Act 2003;]
- <sup>F26</sup>(qu) any subordinate legislation made for the purpose of securing compliance with Directive [2005/29/EC](#) of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market]
- <sup>F27</sup>(r) any subordinate legislation made for the purpose of securing compliance with Directive [2006/114/EC](#) of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising.]

(4) The Secretary of State may by order provide that subsections (2) and (3) above shall have effect subject to such modifications as are specified in the order.

(5) Nothing in subsection (1) above shall be construed—

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- (a) as limiting the matters which may be published under section 71 above or may be included in, or made public as part of, a report of [<sup>F7</sup>the Office of Rail Regulation], [<sup>F8</sup>. . .], the [<sup>F9</sup>Competition Commission], [<sup>F28</sup>or the [<sup>F29</sup>Passengers' Council]] under any provision of Part I above;
- (b) as applying to any information—
  - (i) which has been so published or has been made public as part of such a report; or
  - (ii) which has otherwise been made available to the public by virtue of being disclosed in any circumstances in which, or for any purpose for which, disclosure is not precluded by this section.

[<sup>F30</sup>(5A) Subsection (1) above does not prevent the transfer of records in accordance with section 3(4) of the <sup>M17</sup>Public Records Act 1958.]

- (6) Any person who discloses any information in contravention of this section 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 imprisonment for a term not exceeding two years or to a fine or to both.

[<sup>F31</sup>(6A) Information obtained by the Regulator in the exercise of functions which are exercisable concurrently with [<sup>F32</sup>the Office of Fair Trading] under Part I of the Competition Act 1998 is subject to [<sup>F33</sup>Part 9 of the Enterprise Act 2002 (Information)] (disclosure) and not to subsections (1) to (6) of this section.]

(7) <sup>F34</sup> .....

#### Textual Amendments

- F6** Words in s. 145(2)(a) inserted (8.6.2005) by [Railways Act 2005 \(c. 14\)](#), ss. 54, 60, **Sch. 11 para. 16(1)(a)(i)**; S.I. 2005/1444, **art. 2(1)**, Sch. 1
- F7** Words in s. 145 substituted (5.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. 16, 120, {Sch. 2 para. 3(a) Table}; S.I. 2004/827, **art. 4(g)**
- F8** Words in s. 145 repealed (1.12.2006) by [Railways Act 2005 \(c. 14\)](#), ss. 59, 60, **Sch. 13 Pt. 1** (with s. 14(4)(5), **Sch. 11 para. 11(2)**); S.I. 2006/2911, **art. 2**, Sch. (subject to the transitional and saving provisions in **arts. 3-7**)
- F9** Words in s. 145(2)(a)(b)(iii)(5)(a) substituted (1.4.1999) by S.I. 1999/506, **art. 33(b)**
- F10** Words in s. 145(2)(a) substituted (8.6.2005) by [Railways Act 2005 \(c. 14\)](#), ss. 54, 60, **Sch. 11 para. 16(1)(a)(ii)**; S.I. 2005/1444, **art. 2(1)**, Sch. 1
- F11** S. 145(2)(aa) inserted (8.6.2005) by [Railways Act 2005 \(c. 14\)](#), ss. 54, 60, **Sch. 11 para. 16(1)(b)**; S.I. 2005/1444, **art. 2(1)**, Sch. 1
- F12** S. 145(2)(b)(ii) substituted (1.4.2003) by [2002 c. 40](#), ss. 278, 279, **Sch. 25 para. 30(14)(a)**; S.I. 2003/766, {art. 2}, Sch. (with transitional and transitory provision in art. 3)
- F13** S.145(2)(b)(iv) substituted (25.7.2003 for certain purposes and 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411(2)(3), {Sch. 17 para. 127(2)} (with transitional provisions in Sch. 18); S.I. 2003/1900, **art. 2(1)**, Sch. 1; S.I. 2003/3142, **art. 3**
- F14** S. 145(2)(c)(ca) substituted (1.12.2001) for s. 145(2)(c) by S.I. 2001/3649, **arts. 1, 343**
- F15** Words in s. 145(2)(e) omitted (1.4.2008) by virtue of [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), art. 1, **Sch. 3** (with art. 21, Sch. 2)
- F16** S. 145(2)(g) omitted (28.11.2005) by virtue of [The Railways Infrastructure \(Access and Management\) Regulations 2005 \(S.I. 2005/3049\)](#), reg. 2(4), **Sch. 1 para. 4(e)(i)**
- F17** S. 145(ga) inserted (28.11.2005) by [The Railway \(Licensing of Railway Undertakings\) Regulations 2005 \(S.I. 2005/3050\)](#), reg. 3, **Sch. 1 para. 3(9)**

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- F18** S. 145(gb) inserted (28.11.2005) by The Railways Infrastructure (Access and Management) Regulations 2005 (S.I. 2005/3049), reg. 2(4), **Sch. 1 para. 4(e)(ii)**
- F19** Words in s. 145(2)(gb) substituted (3.6.2009) by The Railways Infrastructure (Access and Management) (Amendment) Regulations 2009 (S.I. 2009/1122), reg. 1(1)(a), **Sch. para. 1(2)(a)(i)**
- F20** Words in s. 145(2)(gb) substituted (3.6.2009) by The Railways Infrastructure (Access and Management) (Amendment) Regulations 2009 (S.I. 2009/1122), reg. 1(1)(a), **Sch. para. 1(2)(a)(ii)**
- F21** S. 145(3)(d)(e) repealed (1.3.2000) by 1998 c. 41, ss. 66(5), 74(3), Sch. 10 Pt. IV para. 15(9)(a), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**
- F22** S. 145(3)(qq) inserted (11.1.1999) by 1998 c. 41, s. 66(5), **Sch. 10 Pt. IV para. 15(9)(b)** (with s. 73); S.I. 1998/3166, art. 2, **Sch.**
- F23** S. 145(3)(qr) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. IV para. 23**
- F24** S. 145(3)(qs) inserted (1.4.2003) by 2002 c. 40, ss. 278, 279, **Sch. 25 para. 30(14)(b)**; S.I. 2003/766, {art. 2}, Sch. (with transitional and transitory provision in art. 3)
- F25** S.145(3)(qt) inserted (25.7.2003 for certain purposes and 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21) , ss. 406, 411(2)(3), {Sch. 17 para. 127(3)} (with transitional provisions in Sch. 18); S.I. 2003/1900, **art. 2(1)**, Sch. 1; S.I. 2003/3142, **art. 3**
- F26** S. 145(3)(qu) inserted (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 1, **Sch. 2 para. 52(a)** (with reg. 28(2)(3))
- F27** S. 145(3)(r) substituted (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 1, **Sch. 2 para. 52(b)** (with reg. 28(2)(3))
- F28** Words in s. 145(5) substituted (24.7.2005) by Railways Act 2005 (c. 14), ss. 54, 60, **Sch. 11 para. 16(2)**; S.I. 2005/1909 {art. 2}, Sch.
- F29** Words in s. 145(5)(a) substituted (25.2.2010) by The Passengers' Council (Non-Railway Functions) Order 2010 (S.I. 2010/439), art. 1, **Sch. para. 6(6)**
- F30** S. 145(5A) inserted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 41(3)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F31** S. 145(6A) inserted (1.3.2000) by 1998 c. 41, ss. 66(5), **Sch. 10 Pt. IV para. 15(10)** (with s. 73); S.I. 2000/344, art. 2, **Sch.**
- F32** Words in s. 145(6A) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, **Sch. 25 para. 30(14)(c)(i)**; S.I. 2003/766, {art. 2}, (with transitional and transitory provision in art. 3), Sch.
- F33** Words in s. 145(6A) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, **Sch. 25 para. 30(14)(c)(ii)**; S.I. 2003/766, {art. 2}, (with transitional and transitory provision in art. 3), Sch.
- F34** S. 145(7) repealed (24.7.2005) by Railways Act 2005 (c. 14), ss. 59, 60, **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, **art. 2**, Sch.

#### Modifications etc. (not altering text)

- C1** S. 145 applied (28.11.2005) by The Railways Infrastructure (Access and Management) Regulations 2005 (S.I. 2005/3049), **reg. 39**  
S. 145 applied (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050), **reg. 18**
- C2** S. 145 restricted (31.10.2003) by Railways and Transport Safety Act 2003 (c. 20), s. 115(2)(j); S.I. 2003/2681, **art. 2(b)**
- C3** S. 145(1) restricted (25.5.2005) by The Railways Act 2005 (Transitional Provisions and Savings) Order 2005 (S.I. 2005/1738), **art. 5**
- C4** S. 145(2): disclosure powers extended (14.12.2001) by 2001 c. 24, s. 17, **Sch. 4 Pt. I para. 34**
- C5** S. 145(3) modified by The Wireless Telegraphy (Pre-Consolidation Amendments) Order 2006 (S.I. 2006/1391), art. 2, **Sch. para. 7(3)(d)** (coming into force in accordance with art. 1 of the amending S.I.)

#### Commencement Information

- II** S. 145 wholly in force at 1.4.1994; s. 145 not in force at Royal Assent see s. 154(2); s. 145(1)-(6) (except for the purposes of subsections 5(a) and 5(b)(i)) in force at 24.12.1993 by S.I. 1993/3237, **art. 2(1)**; s. 145 in force at 1.4.1994 insofar as not already in force by S.I. 1994/571, **art. 5**

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#### **Marginal Citations**

- M1** 1986 c. 45.
- M2** 1974 c. 37.
- M3** 1968 c. 29.
- M4** 1973 c. 41.
- M5** 1974 c. 39.
- M6** 1979 c. 38.
- M7** 1980 c. 21.
- M8** 1984 c. 12.
- M9** 1986 c. 31.
- M10** 1986 c. 44.
- M11** 1986 c. 45.
- M12** 1987 c. 43.
- M13** 1989 c. 29.
- M14** 1991 c. 29.
- M15** 1991 c. 56.
- M16** 1991 c. 57.
- M17** 1958 c. 51.

#### **146 Making of false statements etc.**

- (1) If any person, in giving any information or making any application under or for the purposes of any provision of this Act, or of any regulations made under this Act, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he 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.
- (2) No proceedings shall be instituted in England and Wales in respect of an offence under this section except by or with the consent of the Secretary of State or the Director of Public Prosecutions.

#### **147 Offences by bodies corporate or Scottish partnerships.**

- (1) Where a body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (3) Where a Scottish partnership is guilty of an offence under this Act in Scotland and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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#### Extent Information

**E1** For extent of s. 147, see [s.154\(2\)\(f\)\(4\)](#)

### 148 Proceedings in Scotland.

- (1) Subject to subsection (2) below, summary proceedings for an offence under this Act which is triable either on indictment or summarily may be commenced within a period of six months from the date on which evidence sufficient in the opinion of the procurator fiscal to warrant proceedings came to his knowledge.
- (2) No such proceedings shall be commenced by virtue of this section more than three years after the commission of the offence.
- (3) For the purposes of this section, a certificate signed by or on behalf of the procurator fiscal and stating the date on which evidence sufficient in his opinion to warrant proceedings came to his knowledge shall be conclusive evidence of that fact.
- (4) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.
- (5) Subsection (3) of <sup>F35</sup>section 136 of the Criminal Procedure (Scotland) Act 1995] (which relates to the date of commencement of proceedings) shall apply for the purposes of this section as it applies for the purposes of that section.
- (6) This section extends to Scotland only.

#### Textual Amendments

**F35** Words in [s. 148\(5\)](#) substituted (1.4.1996) by [1995 c. 40, s. 5, Sch. 4 para. 88](#)

### 149 Service of documents.

- (1) Any document required or authorised by virtue of this Act to be served (whether the expression “serve” or the expression “give” or “send” or any other expression is used) on any person may be served—
  - (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address; or
  - (b) if the person is a body corporate, by serving it in accordance with paragraph (a) above on the secretary of that body; or
  - (c) if the person is a partnership, by serving it in accordance with paragraph (a) above on a partner or a person having the control or management of the partnership business.
- (2) For the purposes of this section and section 7 of the <sup>M18</sup>Interpretation Act 1978 (which relates to the service of documents by post) in its application to this section, the proper address of any person on whom a document is to be served shall be his last known address, except that—
  - (a) in the case of service on a body corporate or its secretary, it shall be the address of the registered or principal office of the body;



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- (b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the address of the principal office of the partnership;

and for the purposes of this subsection the principal office of a company constituted under the law of a country or territory outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.

- (3) If a person to be served by virtue of this Act with any document by another has specified to that other an address within the United Kingdom other than his proper address (as determined in pursuance of subsection (2) above) as the one at which he or someone on his behalf will accept documents of the same description as that document, then, in relation to that document, that address shall be treated as his proper address for the purposes of this section and for the purposes of the said section 7 in its application to this section, instead of that determined in accordance with subsection (2) above.
- (4) This section shall not apply to any document in relation to the service of which provision is made by rules of court.
- (5) In this section—

“local authority” includes [<sup>F36</sup>a metropolitan county passenger transport authority][<sup>F36</sup>an Integrated Transport Authority for an integrated transport area in England ][<sup>F37</sup>and a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009];

“secretary”, in relation to a local authority, means the proper officer within the meaning of the <sup>M19</sup>Local Government Act 1972 or (in relation to a local authority in Scotland) the <sup>M20</sup>Local Government (Scotland) Act 1973;

“serve” shall be construed in accordance with subsection (1) above.

#### Textual Amendments

**F36** Words in s. 149(5) substituted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 4 para. 58\(4\)](#); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

**F37** Words in s. 149(5) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(6\), Sch. 6 para. 86](#); S.I. 2009/3318, art. 2(c)

#### Modifications etc. (not altering text)

**C6** S. 149 applied (31.5.1994) by [S.I. 1994/1432, art. 1\(4\)](#)

S. 149 applied (E.W.) (7.10.2001) by [S.I. 2001/3352, rule 9.9](#)

#### Marginal Citations

**M18** 1978 c. 30.

**M19** 1972 c. 70.

**M20** 1973 c. 65.

### [<sup>F38</sup>149A] Service of documents under sections 118 to 120: additional provisions

- (1) Any document required or authorised by virtue of sections 118 to 120 or this section of this Act to be given or served by the Secretary of State to or on any person may also be given or served, where—
- (a) an address for service using electronic communications has been given by that person and not withdrawn in accordance with subsection (6), and

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- (b) that person has agreed to accept service by electronic communications of documents in a certain form and has not withdrawn that agreement in accordance with that subsection,
- by using electronic communications to send the document in that form to that person at that address.
- (2) A document given to or served on a person in accordance with subsection (1) must be in a form sufficiently permanent to be used for subsequent reference.
- (3) Where a document is given to or served on a person in accordance with subsection (1), the document is, unless the contrary is proved, to be deemed to have been given to or served on that person at the time at which the electronic communication is transmitted except where transmission is made outside that person's normal business hours, in which case it is to be taken to have been given or served on the next working day, and in this subsection, "working day" means any day other than—
- (a) a Saturday or a Sunday;
  - (b) Christmas Day or Good Friday; or
  - (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 (c. 80) in any part of the United Kingdom.
- (4) A document required or authorised by virtue of sections 118 to 120 of this Act to be given or served by the Secretary of State is also to be treated as given or served where—
- (a) that person and the Secretary of State have agreed to his having access to documents of a particular description and in a certain form on a web site (instead of their being given to or served on him in any other way specified in this section or section 149);
  - (b) that person has not withdrawn his agreement in accordance with subsection (7);
  - (c) the document in question is a document to which the agreement applies;
  - (d) the Secretary of State has given that person a notice, in a manner agreed between them for the purpose—
    - (i) stating that the document has been published on a web site maintained by or on behalf of the Secretary of State;
    - (ii) setting out the address of that web site; and
    - (iii) setting out the place on that web site where the document may be accessed and how it may be accessed by that person; and
  - (e) the published document is in a form sufficiently permanent to be used for subsequent reference.
- (5) Where a document is given to or served on a person in accordance with subsection (4), the document is, unless the contrary is proved, to be deemed to have been given to or served on that person at the same time as the notice required to be given under subsection (4)(d) is given.
- (6) A person who has supplied the Secretary of State with an address for service using electronic communications and has agreed to accept service of documents in a certain form in accordance with subsection (1) may give notice to the Secretary of State withdrawing that address or that agreement or both.
- (7) A person who has an agreement with the Secretary of State under subsection (4)(a) may give notice to the Secretary of State withdrawing that agreement.

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- (8) A withdrawal under subsection (6) or (7) shall take effect on the later of—
  - (a) the date specified by the person in the notice; and
  - (b) the date which is fourteen days after the date on which the notice is given.
- (9) Oral notice is not sufficient for the purposes of subsection (6) or (7).
- (10) This section shall not apply to any document in relation to the service of which provision is made by the rules of the court.
- (11) In this section—
  - “address”, in relation to electronic communications, means any number or address used for the purposes of such communications;
  - “electronic communication” has the same meaning as in the Electronic Communications Act 2000 (c. 7).]

**Textual Amendments**

**F38** S. 149A inserted (30.9.2006) by The Transport Security (Electronic Communications) Order 2006 (S.I. 2006/2190), {art. 6}

**150 Crown application.**

- (1) The following provisions of this Act bind the Crown—
  - (a) sections 17 to [F39]22C];
  - (b) sections [F40]55(1) to (7) and (9) to (11), sections 56 and 57 and section 58(1) to (3), (6) and (7)];
  - (c) sections 59 to 62;
  - <sup>F41</sup>(d) .....
  - (e) subject to, and in accordance with, section 48 of the <sup>M21</sup>Health and Safety at Work etc. Act 1974, section 117 (other than subsection (5)) so far as affecting or relating to provisions of, or regulations under, Part I of that Act which bind the Crown;
  - (f) section 118, except subsections (7) and (8);
  - (g) sections 119 to 121, except sections 120(4) and (5) and 121(4) to (6);
  - (h) section 122;
  - (j) section 144, so far as relating to other provisions of this Act which bind the Crown;
  - (k) Schedule 4;
  - (l) Schedule 6, to the extent that it applies, amends or modifies the operation of provisions of the <sup>M22</sup>Insolvency Act 1986 which bind the Crown so far as affecting or relating to the matters specified in paragraphs (a) to (e) of section 434 of that Act;
  - (m) Schedule 7;
  - <sup>F41</sup>(n) .....
  - (o) the amendments and repeals made by Schedules 12 and 14, to the extent that the enactments to which they relate bind the Crown.
- (2) Nothing in subsection (1) above so far as relating—
  - (a) to sections 55 to 58 above, or

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- (b) to section 144 above, so far as relating to those sections, shall authorise proceedings to be brought against Her Majesty in her private capacity.
- (3) Subsection (2) above shall be construed as if section 38(3) of the <sup>M23</sup>Crown Proceedings Act 1947 (interpretation of references in that Act to Her Majesty in her private capacity) were contained in this Act.

<sup>F41</sup>(4) .....

#### Textual Amendments

- F39** Word in s. 150(1)(a) substituted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 42(2)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F40** Words in s. 150(1)(b) substituted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 42(3)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F41** S. 150(1)(d)(n)(4) repealed (1.2.2001) by 2000 c. 38, s. 274, **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)

#### Commencement Information

- I2** S. 150 wholly in force at 1.4.1994; s. 150 not in force at Royal Assent see s. 154(2); s. 150(1)-(3) in force at 24.12.1993 by S.I. 1993/3237, **art. 2(1)**; s. 150 in force at 1.4.1994 insofar as not already in force by S.I. 1994/571, **art. 5**

#### Marginal Citations

- M21** 1974 c. 37.  
**M22** 1986 c. 45.  
**M23** 1947 c. 44.

## 151 General interpretation.

- (1) In this Act, unless the context otherwise requires—
- [<sup>F42</sup>“the Authority” means the Strategic Rail Authority;]
  - “the Board” means the British Railways Board;
  - “body corporate” has the meaning given by [<sup>F43</sup>section 1173(1) of the Companies Act 2006];
  - “company” means any body corporate;
  - “contravention”, in relation to any direction, condition, requirement, regulation or order, includes any failure to comply with it and cognate expressions shall be construed accordingly;
  - “debentures” includes debenture stock;
  - [<sup>F44</sup>“the Franchising Director” means the Director of Passenger Rail Franchising;]
  - “functions” includes powers, duties and obligations;
  - “local authority” means any county council, [<sup>F45</sup>county borough council,] district council, <sup>F46</sup>... or London borough council, the Common Council of the City of [<sup>F47</sup>London,] the Council of the Isles of Scilly [<sup>F48</sup>or any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];
  - “modifications” includes additions, alterations and omissions and cognate expressions shall be construed accordingly;

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F49 .....

“notice” means notice in writing;

“publicly owned railway company” means a company which is wholly owned by the Crown and which carries on, or is to carry on,—

- (a) an undertaking derived, or to be derived, (whether wholly or partly and whether directly or indirectly) from, or from some part of, an undertaking carried on by the Board or a wholly owned subsidiary of the Board; or
- (b) an undertaking in the course of which the company uses, or will use, any property, rights or liabilities acquired, or to be acquired, (whether directly or indirectly) from the Board or a wholly owned subsidiary of the Board;

F50 .....

“securities” has the meaning given by [F51]section 74(5) of the Financial Services and Markets Act 2000];

“shares” includes stock;

“subsidiary” has the meaning given by [F52]section 1159 of the Companies Act 2006];

F44 .....

“wholly owned subsidiary” has the meaning given by [F52]section 1159 of the Companies Act 2006].

- (2) For the purposes of this Act, a company shall be regarded as “wholly owned by the Crown” at any time when it has no members other than—
  - (a) the Secretary of State, the [F53]Authority] or a Government department,
  - (b) a company which is itself wholly owned by the Crown, or
  - (c) a person acting on behalf of the Secretary of State, the [F53]Authority], a Government department or such a company.
- (3) [F54]For the purposes of this Act, a company shall be regarded as “wholly owned by the [F53]Authority]” at any time when it has no members other than—
  - (a) the [F53]Authority],
  - (b) a company which is itself wholly owned by the [F53]Authority], or
  - (c) a person acting on behalf of the [F53]Authority] or such a company.]
- (4) Any consent or approval under or by virtue of this Act shall be given in writing.
- (5) For the purposes of this Act any class or description may be framed by reference to any matters or circumstances whatever.
- (6) Nothing in this Act affects the operation of the M24]Transfer of Undertakings (Protection of Employment) Regulations 1981, in their application in relation to the transfer of an undertaking, or part of an undertaking, within the meaning of those Regulations.
- (7) Nothing in this Act, and nothing done under it, shall prejudice or affect the operation of any of the relevant statutory provisions (whenever made) as defined in Part I of the M25]Health and Safety at Work etc. Act 1974.
- (8) Subsection (7) above is without prejudice to section 117 above.

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- (9) The provisions of section 3 of the <sup>M26</sup>Administration of Justice (Scotland) Act 1972 (power of arbiter to state case to Court of Session) shall not apply in relation to any determination under this Act made by an arbiter.

#### Textual Amendments

- F42** S. 151: definition of "the Authority" repealed (E.W.S.) (1.12.2006) by [Railways Act 2005 \(c. 14\)](#), ss. 59, 60, [Sch. 13 Pt. 1](#) (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); S.I. 2006/2911 {art. 2}, Sch. (subject to the transitional and saving provisions in arts. 3-7)
- F43** Words in s. 151(1) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 143\(6\)\(a\)](#) (with art. 10)
- F44** Definitions of "the Franchising Director" and "transfer scheme" in s. 151(1) repealed (1.2.2001) by [2000 c. 38, s. 274, 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](#))
- F45** Words in definition of "local authority" in s. 151(1) inserted (1.4.1996) by [1994 c. 19, s. 66\(6\), Sch. 16 para. 107](#) (with s. 66(7), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, [art. 4](#)
- F46** Words in definition of "local authority" in s. 151(1) repealed (1.4.1996) by [1994 c. 39, s. 180\(1\)\(2\), Sch. 13 para. 184\(3\)\(a\), Sch. 14](#); S.I. 1996/323, [art. 4\(1\)\(d\)](#)
- F47** Word in definition of "local authority" in s. 151(1) substituted (1.4.1994) by [1994 c. 39, s. 180\(1\), Sch. 13 para. 184\(3\)\(b\)](#)
- F48** Words in definition of "local authority" inserted (1.4.1994) by [1994 c. 39, s. 180\(1\), Sch. 13 para. 184\(3\)\(c\)](#)
- F49** S. 151: definition of "Monopolies Commission" repealed (1.4.1999) by S.I. 1999/506, [art. 33\(c\)](#)
- F50** S. 151(1): definition of "the Regulator" repealed (5.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. 16, 118, 120, [Sch. 2 para. 17, Sch. 8](#); S.I. 2004/827, [art. 4\(i\)](#)
- F51** Words in the definition of "securities" in s. 151(1) substituted (1.12.2001) by S.I. 2001/3649, [arts. 1, 344](#)
- F52** Words in s. 151(1) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 143\(6\)\(b\)](#) (with art. 10)
- F53** Words in s. 151(2)(a)(c)(3)(a)-(c) substituted (1.2.2001) by [2000 c. 38, s. 215, Sch. 16 para. 53](#); S.I. 2001/57, art. 3(1), [Sch. 2 Pt. I](#) (subject to savings and transitional provisions in [Sch. 2 Pt. II](#)) (which S.I. was amended by S.I. 2001/115)
- F54** S. 151(3) repealed (E.W.S.) (1.12.2006) by [Railways Act 2005 \(c. 14\)](#), ss. 59, 60, [Sch. 13 Pt. 1](#) (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); S.I. 2006/2911, [art. 2](#), Sch. (subject to the transitional and saving provisions in [arts. 3-7](#))

#### Commencement Information

- I3** S. 151 wholly in force at 6.1.1994; s. 151 not in force at Royal Assent see s. 154(2); s. 151(1) in force for specified purposes and s. 151(5) wholly in force at 24.12.1993 by S.I. 1993/3237, [art. 2\(1\)](#); S. 151 in force insofar as not already in force at 6.1.1994 by S.I. 1993/3237, [art. 2\(2\)](#)

#### Marginal Citations

- M24** S.I. 1981/1794.  
**M25** 1974 c. 37.  
**M26** 1972 c. 59.

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## 152 Minor and consequential amendments, transitional provisions and repeals.

(1) The enactments mentioned in Schedule 12 to this Act shall have effect with the amendments there specified (being minor amendments and amendments consequential on provisions of this Act).

<sup>F55</sup>(2) .....

(3) The enactments mentioned in Schedule 14 to this Act (which include some that are spent or no longer of practical utility) are hereby repealed to the extent specified in the third column of that Schedule.

### Textual Amendments

**F55** S. 152(2) repealed (1.2.2001) by 2000 c. 38, s. 274, 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)

### Commencement Information

**I4** S. 152 partly in force; s. 152 not in force at Royal Assent see s. 154(2); s. 152(1)(3) in force for specified purposes at 6.1.1994 by S.I. 1993/3237, art. 2(2); s. 152(3) in force for specified purposes at 8.3.1994 by S.I. 1994/571, art. 2; s. 152(3) in force for further specified purposes at 31.3.1994 by S.I. 1994/571, art. 4; s. 152(1)-(3) in force for specified purposes at 1.4.1994 by S.I. 1994/571, art. 5; s. 152(3) in force for specified purposes at 15.7.1994 by S.I. 1994/1648, art. 2

## 153 Power to make consequential modifications in other Acts etc.

(1) The Secretary of State may by order make such modifications of existing provisions as appear to him to be necessary or expedient in consequence of the provisions of this Act, or of any instrument made under or by virtue of this Act, being modifications in respect of—

- (a) any reference in an existing provision to the Board or any subsidiary of the Board;
- (b) any reference (in whatever terms) in an existing provision to any railway, railway service or railway undertaking;
- (c) any reference (in whatever terms) in an existing provision to any person who—
  - (i) provides a railway service, or
  - (ii) carries on a railway undertaking,or who is authorised to do so under or by virtue of any enactment;
- (d) any reference in an existing provision to any enactment amended or repealed by or under this Act;
- (e) any existing provision, so far as appearing to the Secretary of State to be of no further practical utility, having regard to the provisions of this Act;
- (f) any other inconsistency between an existing provision and this Act.

(2) In this section—

“existing provision” means a provision contained in any Act (whether public general or local) passed, or in subordinate legislation made, before the relevant date;

“railway” has its wider meaning, within the meaning of Part I above;

“railway service” has the same meaning as in Part I above;

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“the relevant date”, in relation to any modification, means the date of the coming into force of the provision of this Act on which the modification is consequential;

“subordinate legislation” has the same meaning as in the <sup>M27</sup>Interpretation Act 1978.

#### Marginal Citations

**M27** 1978 c. 30.

### 154 Short title, commencement and extent.

- (1) This Act may be cited as the Railways Act 1993.
- (2) Except for section 1 and Schedule 1 (which come into force on the passing of this Act), this Act shall come into force on such day as may be specified in an order made by the Secretary of State; and different days may be so specified—
  - (a) for different provisions;
  - (b) for different purposes of the same provision; and
  - (c) for different areas within the United Kingdom.
- (3) The following provisions of this Act extend to Northern Ireland—
  - [<sup>F56</sup>(a) section 36(1), (4) and (5);]
  - (b) subsections (1), (2), (4) and (5) of section 66;
  - [<sup>F57</sup>(c) sections 124 and 129(3);]
  - (d) section 131;
  - (e) section 134;
  - (f) sections 143, 144, 146, 147(1) and (2) and 149 to 152, so far as relating to provisions of this Act which so extend;
  - (g) section 153;
  - (h) this section;
  - (j) paragraphs 6, 7 and 8 of Schedule 1, paragraph 10 of Schedule 2 and paragraph 9 of Schedule 3;
  - (k) Schedules 8 and 9;
  - (l) Schedule 11;
  - (m) the amendments and repeals made by Schedules 12 and 14, other than those relating to—
    - (i) section 6 of the <sup>M28</sup>Regulation of Railways Act 1889,
    - (ii) the <sup>M29</sup>Railway Fires Act 1905, and
    - (iii) the <sup>M30</sup>Railway Fires Act (1905) Amendment Act 1923,
 to the extent that the enactments to which they relate so extend.
- (4) Except as provided in subsection (3) above, this Act does not extend to Northern Ireland.

#### Textual Amendments

**F56** S. 154(3)(a) substituted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 44(2)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in **Sch. 2 Pt. II**)



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**F57** S. 154(3)(c) substituted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 44(3)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)

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**Marginal Citations**

**M28** 1889 c. 57.

**M29** 1905 c. 11.

**M30** 1923 c. 27.

**Status:**

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**Changes to legislation:**

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