



Railways Act 1993

1993 CHAPTER 43

PART III

MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS

Safety, emergencies, security etc.

119 Security: power of Secretary of State to give instructions.

- (1) The Secretary of State may from time to time give—
 - (a) to any person who is the owner or operator of a relevant asset, or
 - (b) to any person who provides railway services,such instructions as the Secretary of State considers appropriate for the purpose of ensuring that relevant assets within Great Britain, or persons or property on or in any such relevant asset, are protected against acts of violence.
- (2) An instruction may be given to any person who appears to the Secretary of State to be about to become such a person as is mentioned in paragraph (a) or (b) of subsection (1) above, but an instruction given to a person by virtue of this subsection shall not take effect until he becomes such a person and, in relation to an instruction so given, the provisions of this section shall apply with the necessary modifications.
- (3) Without prejudice to the generality of subsection (1) above, an instruction may, in particular, require the person to whom it is given ("the recipient")—
 - (a) not to cause or permit any persons, or any designated persons, or more than a specified number of persons or designated persons, to enter any relevant asset or any designated relevant asset, or not to cause or permit them to do so unless they submit to a search or unless or until some other specified condition is complied with;
 - (b) not to cause or permit any goods, or any designated goods, or more than a specified quantity of goods or designated goods, to be brought or loaded on to or into any relevant asset or any designated relevant asset, or not to do so

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- unless the goods in question are subjected to a search or unless or until some other specified condition is complied with;
- (c) to run no trains, or to restrict the running of trains, or to run no train unless it is subjected to a search, or unless or until some other specified condition is complied with;
 - (d) to secure the carrying out of a search of—
 - (i) any designated relevant assets, or
 - (ii) any persons or designated persons who, or any goods or designated goods which, are on or in any such assets;
 - (e) to furnish to the Secretary of State such information as he may require for the purpose mentioned in subsection (1) above;
 - (f) to prepare plans specifying action to be taken by the recipient and his servants or agents—
 - (i) in the event that an act of violence of a specified description occurs, or
 - (ii) in times when there is an increased likelihood of such acts occurring, and to conduct, at specified intervals, exercises in connection with the implementation of such plans;
 - (g) to employ specified numbers of suitably trained staff for the purpose of preventing the occurrence of acts of violence;
 - (h) to meet specified requirements with respect to the construction of, or to make specified modifications to—
 - (i) any relevant assets, or any designated relevant assets, of which the recipient is the owner or operator, or
 - (ii) any apparatus or equipment, or any designated apparatus or equipment, on or in any such assets.
- (4) Where an instruction requires the carrying out of a search, it may also specify—
- (a) the kind of search which is to be carried out;
 - (b) the manner in which the search is to be carried out; and
 - (c) the persons, or the class or description of persons, who are to carry out the search.
- (5) Where any person refuses to submit himself or any goods in his possession to a search required by an instruction, any person authorised to carry out that search may take any steps that are necessary, including the use of reasonable force—
- (a) to prevent the person concerned from entering the relevant asset in relation to which the search is being carried out; or
 - (b) to eject him, and any goods in his possession, from that asset;
- but this subsection is without prejudice to any other powers of the person carrying out the search.
- [^{F1}(5A) The Secretary of State may give an instruction under this section for the protection of a relevant asset that is wholly in Scotland, or of persons or property on or in such an asset, only if—
- (a) the asset would be a relevant asset even if railway did not have its wider meaning for the purposes of this section; or
 - (b) the instruction is given in the interests of national security.

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- (5B) In subsection (5A) the reference to an instruction given in the interests of national security includes a reference to any instruction given for the purpose of ensuring that protection against terrorism is provided to the asset, persons or property in question.]
- (6) An instruction—
- (a) shall be in writing;
 - (b) shall specify the time at which, or the period within which, it is to be complied with, and the period during which it is to have effect;
 - (c) may be varied or revoked by the Secretary of State.
- (7) No instruction shall have effect in relation to any rolling stock which is for the time being in use in police service or in the service of the armed forces of the Crown.
- (8) A person who is the owner or operator of a relevant asset or who provides railway services shall be under a duty to comply with an instruction given to him under this section, notwithstanding the requirements of any other enactment or instrument relating to him or to—
- (a) the use of, or the exercise of rights over, the relevant asset,
 - (b) the management of the relevant asset, or
 - (c) the railway services,
- as the case may be, and notwithstanding any other duty or obligation to which he may be subject.
- (9) A person who without reasonable excuse fails to do anything required of him by an instruction is guilty of an offence and shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment, to a fine or to a term of imprisonment not exceeding two years, or to both.
- (10) No proceedings shall be instituted in England and Wales in respect of an offence under subsection (9) above except by or with the consent of the Secretary of State or the Director of Public Prosecutions.
- (11) In this section—
- “act of violence” means—
 - (a) any act which constitutes, or
 - (b) any potential act which, if carried out, would constitute,the offence of murder, attempted murder, manslaughter, culpable homicide, assault, real injury or malicious mischief, or an offence under section 18, 20, 21, 22, 23, 24, 28 or 29 of the Offences against the Person Act 1861, under section 2 of the ^{M2}Explosive Substances Act 1883 or under section 1 of the ^{M3}Criminal Damage Act 1971;
 - “designated” means specified in an instruction, or of a class or description so specified;
 - “instruction” means an instruction given under this section, and any reference to an instruction includes a reference to an instruction as varied under subsection (6)(c) above;
 - “operator” and “owner” have the same meaning as in section 118 above;
 - “relevant asset” has the same meaning as in section 118 above, and any reference to such an asset includes a reference to any part of any such asset;
 - “specified” means specified in an instruction;

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[^{F2}“terrorism” has the same meaning as in the Terrorism Act 2000 (c. 11)
(see section 1 of that Act);]

and, subject to that, expressions used in this section and in Part I above have the same
meaning in this section as they have in that Part^{F3} with “railway” having its wider
meaning for the purposes of this section.]

Textual Amendments

- F1** S. 119(5A)(5B) inserted (8.6.2005) by Railways Act 2005 (c. 14), **ss. 54(2), 60**; S.I. 2005/1444, **art. 2(1), Sch. 1**
- F2** S. 119(11): definition of "terrorism" inserted (8.6.2005) by Railways Act 2005 (c. 14), **ss. 54(3), 60**; S.I. 2005/1444, **art. 2(1), Sch. 1**
- F3** Words in s. 119(11) inserted (8.6.2005) by Railways Act 2005 (c. 14), **ss. 54(1), 60**; S.I. 2005/1444, **art. 2(1), Sch. 1**
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Marginal Citations

- M1** 1861 c. 100.
M2 1883 c. 3.
M3 1971 c. 48.

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