



Railways Act 1993

1993 CHAPTER 43

PART I

THE PROVISION OF RAILWAY SERVICES

Enforcement by [F1the Office of Rail and Road] and the [F1Authority]

58 Power to require information etc[F1for purposes of sections 55 and 57A].

- (1) Where it appears to the appropriate [F2authority] that a relevant operator [F3] may have contravened or be contravening—
 - (a) a relevant condition or requirement, or
 - (b) a final or provisional order made by the appropriate authority,the] appropriate [F2authority] may, for any purpose connected with such of [F2its] functions under section 55 [F4or 57A] above as are exercisable in relation to that matter, serve a notice under subsection (2) below on any person.
- (2) A notice under this subsection is a notice signed by the appropriate [F5authority] and—
 - (a) requiring the person on whom it is served to produce, at a time and place specified in the notice, to the appropriate [F5authority] or to any person appointed by the appropriate [F5authority] 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, if he is carrying on a business, to furnish, at a time and place and in the form and manner specified in the notice, to the appropriate [F5authority] such information as may be specified or described in the notice.
- (3) 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.

Changes to legislation: There are currently no known outstanding effects for the Railways Act 1993, Section 58. (See end of Document for details)

- (4) A person who without reasonable excuse fails to do anything required of him by notice under subsection (2) above is guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) A person who intentionally alters, suppresses or destroys any document which he has been required by any notice under subsection (2) 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.
- (6) If a person makes default in complying with a notice under subsection (2) above, the court may, on the application of the appropriate [^{F5}authority], 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.
- (7) 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.

Textual Amendments

- F1** Words in s. 58 sidenote inserted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 33(3)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F2** Word in s. 58(1) substituted (1.2.2001) by 2000 c. 38, s. 215, **Sch. 16 para. 38(2)**; 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, art. 2(2))
- F3** Words in s. 58(1) substituted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 33(2)(a)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F4** Words in s. 58(1) inserted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 33(2)(b)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F5** Word in s. 58(2)(6) substituted (1.2.2001) by 2000 c. 38, s. 215, **Sch. 16 para. 38(3)**; 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, art. 2(2))

Modifications etc. (not altering text)

- C1** S. 58 applied (with modifications) (28.11.2005) by [The Railway \(Licensing of Railway Undertakings\) Regulations 2005](#) (S.I. 2005/3050), reg. 14, **Sch. 3 para. 1(c)**
- C2** Ss. 55-58 applied (25.6.2010) by [The Rail Passengers Rights and Obligations Regulations 2010](#) (S.I. 2010/1504), reg. 17

Changes to legislation:

There are currently no known outstanding effects for the Railways Act 1993, Section 58.