



Railways Act 1993

1993 CHAPTER 43

PART I

THE PROVISION OF RAILWAY SERVICES

Railway administration orders, winding up and insolvency

[^{F1}64A Financial assistance by Scottish Ministers [^{F2}or Welsh Ministers]

- (1) Where a railway administration order is for the time being in force in relation to a Scottish protected railway company [^{F3}or a Welsh protected railway company, the Scottish Ministers or the Welsh Ministers (as the case may be)] may—
 - (a) make grants or loans to the company of such sums as appear to them to be appropriate for the purpose of facilitating the achievement of the purposes of the order; or
 - (b) agree to indemnify a relevant person in respect of—
 - (i) liabilities incurred by that person in connection with the carrying out by the railway administrator of his functions under the order; and
 - (ii) loss or damage incurred by that person in that connection.
- (2) The Scottish Ministers [^{F4}or the Welsh Ministers (as the case may be)] may guarantee—
 - (a) the repayment of the principal of any sum borrowed by a Scottish protected railway company [^{F5}or Welsh protected railway company] in relation to which a railway administration order is in force when the guarantee is given;
 - (b) the payment of interest on a sum so borrowed; and
 - (c) the discharge of any other financial obligation in relation to a sum so borrowed.
- (3) A grant, loan, indemnity or guarantee under this section may be made or given in whatever manner, and on whatever terms and subject to whatever conditions, the Scottish Ministers [^{F6}or the Welsh Ministers (as the case may be)] consider appropriate.

*Changes to legislation: There are currently no known outstanding effects
for the Railways Act 1993, Section 64A. (See end of Document for details)*

- (4) The terms on which a grant may be made under this section include, in particular, terms requiring the whole or a part of the grant to be repaid to the Scottish Ministers [^{F7}or the Welsh Ministers (as the case may be)] if there is a contravention of the other terms on which the grant is made.
- (5) The terms on which a loan may be made under this section include, in particular, terms requiring—
- (a) the loan to be repaid at such times and by such methods, and
 - (b) interest to be paid on the loan at such rates and at such times,
- as the Scottish Ministers [^{F8}or the Welsh Ministers (as the case may be)] may from time to time direct.
- (6) The power of the Scottish Ministers [^{F9}and the Welsh Ministers] under this section to agree to indemnify a relevant person—
- (a) is confined to a power to agree to indemnify that person in respect of liabilities, loss and damage incurred or sustained by him as a relevant person; but
 - (b) includes power to agree to indemnify persons (whether or not they are identified or identifiable at the time of the agreement) who subsequently become relevant persons.
- (7) A person is a relevant person for the purposes of this section if he is—
- (a) the railway administrator;
 - (b) an employee of the railway administrator;
 - (c) a member or employee of a firm of which the railway administrator is a member;
 - (d) a member or employee of a firm of which the railway administrator is an employee;
 - (e) a member of a firm of which the railway administrator was an employee or member at a time when the order was in force;
 - (f) a body corporate which is the employer of the railway administrator; or
 - (g) an officer, employee or member of such a body corporate.
- (8) In this section—
- (a) references to the railway administrator, in relation to a railway administration order, are references to the person appointed to achieve the purposes of the order and, where two or more persons are so appointed, are to be construed as references to any one or more of them; and
 - (b) the references to a firm of which a person was a member or employee at a particular time include references to a firm which holds itself out to be the successor of a firm of which he was a member or employee at that time.
- (9) If sums are paid out by the Scottish Ministers [^{F10}or the Welsh Ministers] in respect of an indemnity or guarantee under this section, the company in relation to which the indemnity or guarantee was given must pay [^{F11}the Scottish Ministers or the Welsh Ministers (as the case may be)] —
- (a) such amounts in or towards the repayment to them of those sums as they may direct; and
 - (b) interest, at such rates as they may direct, on amounts outstanding under this subsection.

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- (10) Payments to the Scottish Ministers [^{F12}or the Welsh Ministers] under subsection (9) must be made at such times and in such manner as they may determine.
- (11) Subsection (9) does not apply in the case of a sum paid by the Scottish Ministers [^{F13}or the Welsh Ministers] for indemnifying a person in respect of a liability to the company in relation to which the railway administration order in question was made.]

Textual Amendments

- F1** S. 64A inserted (16.10.2005) by Railways Act 2005 (c. 14), ss. 50(2), 60; S.I. 2005/2812, art. 2(1), Sch. 1
- F2** Words in s. 64A heading inserted (14.10.2018 at 2.00 a.m.) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), Sch. para. 20(2)
- F3** Words in s. 64A(1) substituted (14.10.2018 at 2.00 a.m.) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), Sch. para. 20(3)
- F4** Words in s. 64A(2) inserted (14.10.2018 at 2.00 a.m.) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), Sch. para. 20(4)(a)
- F5** Words in s. 64A(2)(a) inserted (14.10.2018 at 2.00 a.m.) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), Sch. para. 20(4)(b)
- F6** Words in s. 64A(3) inserted (14.10.2018 at 2.00 a.m.) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), Sch. para. 20(5)
- F7** Words in s. 64A(4) inserted (14.10.2018 at 2.00 a.m.) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), Sch. para. 20(5)
- F8** Words in s. 64A(5) inserted (14.10.2018 at 2.00 a.m.) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), Sch. para. 20(5)
- F9** Words in s. 64A(6) inserted (14.10.2018 at 2.00 a.m.) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), Sch. para. 20(6)
- F10** Words in s. 64A(9) inserted (14.10.2018 at 2.00 a.m.) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), Sch. para. 20(7)(a)
- F11** Words in s. 64A(9) substituted (14.10.2018 at 2.00 a.m.) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), Sch. para. 20(7)(b)
- F12** Words in s. 64A(10) inserted (14.10.2018 at 2.00 a.m.) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), Sch. para. 20(8)
- F13** Words in s. 64A(11) inserted (14.10.2018 at 2.00 a.m.) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), Sch. para. 20(8)

Changes to legislation:

There are currently no known outstanding effects for the Railways Act 1993, Section 64A.