



# Railways Act 1993

## 1993 CHAPTER 43

### PART I

#### THE PROVISION OF RAILWAY SERVICES

*Registers and reports of [<sup>F1</sup>the Office of Rail and Road] and the [<sup>F1</sup>Authority]*

#### **72 Keeping of register by [<sup>F1</sup>the Office of Rail and Road].**

- (1) [<sup>F1</sup>The Office of Rail and Road] shall, at such premises and in such form as [<sup>F2</sup>it] may determine, maintain a register <sup>F3</sup> . . . .
- (2) Subject to subsection (3) and to any direction given under subsection (4) below, [<sup>F1</sup>the Office of Rail and Road] shall cause to be entered in the register—
  - (a) in relation to licences [<sup>F4</sup>and [<sup>F5</sup>railway undertaking] licences], the provisions of—
    - (i) every licence<sup>F6</sup>, every licence exemption and every [<sup>F5</sup>railway undertaking] licence;
    - (ii) every assignment of a licence of which notice is received by [<sup>F1</sup>the Office of Rail and Road];
    - (iii) every modification or revocation of a licence [<sup>F7</sup>, every][<sup>F8</sup>requirement to modify conditions of a licence imposed on [<sup>F1</sup>the Office of Rail and Road] by the Authority][<sup>F9</sup>, and every modification or revocation of a [<sup>F5</sup>railway undertaking] licence];
    - (iv) every revocation of a licence exemption [<sup>F10</sup>and every requirement to revoke a licence exemption imposed on [<sup>F1</sup>the Office of Rail and Road] by the Authority];
    - (v) every requirement imposed, or consent or approval given, by [<sup>F1</sup>the Office of Rail and Road] under a licence [<sup>F11</sup>or [<sup>F5</sup>railway undertaking] licence];
    - (vi) every requirement imposed, or consent or approval given, under a licence by any person (other than [<sup>F1</sup>the Office of Rail and Road]) who is a qualified person, within the meaning of section 9(3) above,

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- for the purpose in question, being a requirement, consent or approval whose provisions have been notified to <sup>F1</sup>the Office of Rail and Road] pursuant to a condition of the licence;
- (vii) every final or provisional order <sup>F12</sup>made by <sup>F1</sup>the Office of Rail and Road] in relation] to a licence, every revocation of such an order and every notice given by <sup>F1</sup>the Office of Rail and Road] under section 55(6) above that he is satisfied that he does not need to make such an order;
- <sup>F13</sup>(viii) every scheme made by the Secretary of State under section 7A(4) above or paragraph 2 of Schedule 28 to the Transport Act 2000;]
- <sup>F14</sup>(ix) every penalty imposed by <sup>F1</sup>the Office of Rail and Road] under section 57A above;
- (x) every statement of policy published by <sup>F1</sup>the Office of Rail and Road] under that section;]
- and notice of every surrender of a licence <sup>F15</sup>or <sup>F5</sup>railway undertaking] licence];
- (b) in relation to access agreements, access contracts and installation access contracts, the provisions of—
- (i) every facility exemption granted under section 20(3) above;
- (ii) every direction to enter into an access contract or an installation access contract;
- (iii) every access agreement;
- (iv) every amendment (however described) of an access agreement;
- (v) every general approval given under section <sup>F16</sup>18(1)(c), 19(3)(c) or] 22(3) above which is for the time being in force;
- <sup>F17</sup>(va) every direction under section 22A above;
- (vb) every notice given by or to <sup>F1</sup>the Office of Rail and Road] or the <sup>F18</sup>CMA] under Schedule 4A to this Act;]
- (vi) every document issued or made by <sup>F1</sup>the Office of Rail and Road] under an access agreement;
- <sup>F19</sup>(c) .....
- (d) in relation to experimental passenger services, within the meaning of <sup>F20</sup>Part 4 of the Railways Act 2005], the provisions of—
- <sup>F21</sup>(i) every designation under section 36 of that Act of a service as experimental;
- (ii) every notice under section 37(1) or (2) of that Act of the proposed discontinuance of a service designated as experimental;]
- <sup>F22</sup>(da) in relation to closures, the provisions of—
- (i) every closure ratification notice or closure non-ratification notice (within the meaning of Part 4 of the Railways Act 2005) issued by it;
- (ii) every closure requirement imposed by it;]
- (e) the provisions of every railway administration order and of every discharge of such an order.
- (3) In entering any provision in the register, <sup>F1</sup>the Office of Rail and Road] shall have regard to the need for excluding, so far as that is practicable, the matters specified in section 71(2)(a) and (b) above.

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- (4) If it appears to the Secretary of State that the entry of any provision in the register would be against the public interest or the commercial interests of any person, he may direct <sup>F1</sup>the Office of Rail and Road] not to enter that provision in the register.
- (5) Where an access agreement is entered into or amended, the facility owner or installation owner concerned shall send a copy of the access agreement or amendment to <sup>F1</sup>the Office of Rail and Road] not later than 14 days after the date on which the access agreement is entered into or the amendment is made, as the case may be.
- (6) A person who fails to comply with subsection (5) above is guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) The contents of the register shall be available for inspection by the public during such hours and subject to the payment of such fee as may be specified in an order made by the Secretary of State.
- (8) Any person may, on the payment of such fee as may be specified in an order so made, require <sup>F1</sup>the Office of Rail and Road] to supply him with a copy of, or extract from, any part of the register, being a copy or extract which is certified by <sup>F1</sup>the Office of Rail and Road] to be a true copy or extract.
- (9) The contents of the register shall be available for inspection at any time by the <sup>F23</sup>Authority], without payment of any fee; and the <sup>F23</sup>Authority] may require <sup>F1</sup>the Office of Rail and Road], without payment of any fee, to supply <sup>F24</sup>it] with a copy of, or extract from, any part of the register, being a copy or extract which is certified by <sup>F1</sup>the Office of Rail and Road] to be a true copy or extract.
- (10) Any reference in this section to “assignment” shall be construed in Scotland as a reference to assignment.
- (11) Any sums received by <sup>F1</sup>the Office of Rail and Road] under this section shall be paid into the Consolidated Fund.

#### Textual Amendments

- F1** Words in s. 72 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(ss)**
- F2** Word in s. 72 substituted (5.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. 16, 120, {Sch. 2 para. 3(b) Table}; [S.I. 2004/827](#), **art. 4(g)**
- F3** Words in s. 72(1) 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.
- F4** Words in s. 72(2)(a) inserted (28.11.2005) by [The Railway \(Licensing of Railway Undertakings\) Regulations 2005 \(S.I. 2005/3050\)](#), reg. 3, **Sch. 1 para. 3(6)(a)**
- F5** Words in s. 72(2)(a) 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(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in s. 72(2)(a)(i) substituted (28.11.2005) by [The Railway \(Licensing of Railway Undertakings\) Regulations 2005 \(S.I. 2005/3050\)](#), reg. 3, **Sch. 1 para. 3(6)(b)**
- F7** Words in s. 72(2)(a)(iii) substituted (28.11.2005) by [The Railway \(Licensing of Railway Undertakings\) Regulations 2005 \(S.I. 2005/3050\)](#), reg. 3, **Sch. 1 para. 3(6)(c)**
- F8** Words in s. 72(2)(a)(iii) inserted (1.2.2001) by 2000 c. 38, s. 216, **Sch. 17 para. 15(a)** (with [Sch. 28 paras. 5\(2\), 17](#)); [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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- F9** Words in s. 72(2)(a)(iii) added (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (2005/3050), reg. 3, {Sch. 1 para. 3(6)(c)}
- F10** Words in s. 72(2)(a)(iv) inserted (1.2.2001) by 2000 c. 38, s. 216, **Sch. 17 para. 15(b)** (with Sch. 28 paras. 5(2), 17); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F11** Words in s. 72(2)(a)(v) added (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (2005/3050), reg. 3, {Sch. 1 para. 3(6)(d)}
- F12** Words in s. 72(2)(a)(vii) substituted (1.2.2001) by 2000 c. 38, s. 216, **Sch. 17 para. 15(c)** (with Sch. 28 paras. 5(2), 17); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F13** S. 72(2)(a)(viii) inserted (1.2.2001) by 2000 c. 38, s. 216, **Sch. 17 para. 15(d)** (with Sch. 28 paras. 5(2), 17); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F14** S. 72(2)(a)(ix)(x) inserted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 36(2)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F15** Words in s. 72(2)(a) added (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (2005/3050), reg. 3, {Sch. 1 para. 3(6)(e)}
- F16** Words in s. 72(2)(b)(v) inserted (1.2.2001) by 2000 c. 38, s. 230(5); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F17** S. 72(2)(b)(va)(vb) inserted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 36(3)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F18** Word in s. 72(2)(b)(vb) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 108** (with art. 3)
- F19** S. 72(2)(c) repealed (1.2.2001) by 2000 c. 38, ss. 216, 274, Sch. 17 para. 27(2), **Sch. 31 Pt. IV** (with Sch. 28 para. 14); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F20** Words in s. 72(2)(d) substituted (1.12.2006) by Railways Act 2005 (c. 14), ss. 54, 60, **Sch. 11 para. 10(1)(a)(2)**; S.I. 2006/2911, art. 2, Sch. (subject to the transitional and saving provisions in arts. 3-7)
- F21** S. 72(2)(d)(i)-(ii) substituted (1.12.2006) for s. 72(d)(i)-(iii) by Railways Act 2005 (c. 14), ss. 54, 60, **Sch. 11 para. 10(1)(b)(2)**; S.I. 2006/2911, art. 2, Sch. (subject to the transitional and saving provisions in arts. 3-7)
- F22** S. 72(2)(da) inserted (1.12.2006) by Railways Act 2005 (c. 14), ss. 54, 60, **Sch. 11 para. 10(1)(c)(2)**; S.I. 2006/2911, art. 2, Sch. (subject to the transitional and saving provisions in arts. 3-7)
- F23** Words in s. 72(9) substituted (1.2.2001) by 2000 c. 38, s. 215, **Sch. 16 para. 43(a)**; 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))
- F24** Word in s. 72(9) substituted (1.2.2001) by 2000 c. 38, s. 215, **Sch. 16 para. 43(b)**; 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. 72 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)
- C2** S. 72(1) applied (with modifications) (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (2005/3050), reg. 14, {Sch. 3 para. 1(e)}
- C3** S. 72(2)(a) applied (in part) (with modifications) (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (2005/3050), reg. 14, {Sch. 3 para. 1(e)}
- C4** S. 72(2)(a)(i) modified (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (2005/3050), reg. 14, {Sch. 3 para. 7}
- C5** S. 72(3) applied (with modifications) (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (2005/3050), reg. 14, {Sch. 3 para. 1(e)}

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- C6** S. 72(4) applied (with modifications) (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (2005/3050), reg. 14, {Sch. 3 para. 1(e)}
- C7** S. 72(7) applied (with modifications) (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (2005/3050), reg. 14, {Sch. 3 para. 1(e)}
- C8** S. 72(8) applied (with modifications) (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (2005/3050), reg. 14, {Sch. 3 para. 1(e)}
- C9** S. 72(11) applied (with modifications) (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (2005/3050), reg. 14, {Sch. 3 para. 1(e)}

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