



Railways Act 1993

1993 CHAPTER 43

PART I

THE PROVISION OF RAILWAY SERVICES

Licensing of operators of railway assets

8 Licences

- (1) Subject to the following provisions of this section—
 - (a) the Secretary of State after consultation with the Regulator, or
 - (b) the Regulator with the consent of, or in accordance with a general authority given by, the Secretary of State,may grant to any person a licence authorising the person to be the operator of such railway assets, or of railway assets of such a class or description, as may be specified in the licence.
- (2) Any general authority given to the Regulator under subsection (1)(b) above may include a requirement for the Regulator to consult with, or obtain the approval of, the Secretary of State before granting a licence.
- (3) Any application for a licence—
 - (a) shall be made in the prescribed manner;
 - (b) shall be accompanied by such fee (if any) as may be prescribed in the case of a licence of the description in question; and
 - (c) shall, if the Secretary of State so requires, be published by the applicant in the prescribed manner and within such period as may be notified to the applicant by the Secretary of State;and, on any such application, the Secretary of State or, as the case may be, the Regulator may either grant or refuse the licence.
- (4) Before granting a licence, the Secretary of State or the Regulator shall give notice—
 - (a) stating that he proposes to grant the licence,

Status: This is the original version (as it was originally enacted).

- (b) stating the reasons why he proposes to grant the licence, and
 - (c) specifying the time (not being less than 28 days from the date of publication of the notice) within which representations or objections with respect to the proposed licence may be made,and shall consider any representations or objections which are duly made and not withdrawn.
- (5) A notice under subsection (4) above shall be given by publishing the notice in such manner as the Secretary of State or the Regulator considers appropriate for bringing it to the attention of persons likely to be affected by the grant of the licence.
- (6) A licence shall be in writing and, unless previously revoked or surrendered in accordance with any terms contained in the licence, shall continue in force for such period as may be specified in or determined by or under the licence; and a licence shall not be capable of being surrendered without the consent of the Regulator if it is—
 - (a) a passenger licence;
 - (b) a network licence;
 - (c) a station licence; or
 - (d) a light maintenance depot licence.
- (7) As soon as practicable after the granting of a licence, the grantor shall send a copy—
 - (a) in the case of a licence granted by the Secretary of State, to the Regulator and to the Health and Safety Executive; or
 - (b) in the case of a licence granted by the Regulator, to the Health and Safety Executive.
- (8) Any power to make regulations by virtue of subsection (3) above shall only be exercisable by the Secretary of State after consultation with the Regulator and the Franchising Director.
- (9) Different fees may be prescribed under subsection (3) above in respect of licences authorising a person to be the operator of railway assets of different classes or descriptions.
- (10) None of the following, that is to say—
 - (a) the requirement to consult imposed by subsection (1) above,
 - (b) the requirements of paragraphs (a) to (c) of subsection (3) above, and
 - (c) subsections (4) and (5) above,shall apply to applications for, or the grant of, any licences which, having regard to the provisions of section 6 above, need to be granted before the coming into force of that section.
- (11) Any sums received by the Secretary of State or the Regulator under this section shall be paid into the Consolidated Fund.