



Transport Act 2000

2000 CHAPTER 38

PART IV

RAILWAYS

CHAPTER II

OTHER PROVISIONS ABOUT RAILWAYS

Access agreements

230 Regulator's general approvals of access agreements etc.

(1) In subsection (1) of section 18 of the ^{M1}Railways Act 1993 (access contracts requiring approval of Regulator), after paragraph (b) insert “or

(c) the access contract is of a class or description specified in a general approval given by the Regulator;”;

and for the words from “which is” to the end substitute “ shall be void unless one of the conditions in paragraphs (a) to (c) above is satisfied. ”

(2) After subsection (7) of that section insert—

“(7A) Where the Regulator gives or revokes a general approval under subsection (1) (c) above, he shall publish the approval or revocation in such manner as he considers appropriate.

(7B) The revocation of a general approval given under subsection (1)(c) above shall not affect the continuing validity of any access contract to which it applied.”

(3) In subsection (3) of section 19 of that Act (installation access contracts requiring approval of Regulator), after paragraph (b) insert “or

(c) the installation access contract is of a class or description specified in a general approval given by the Regulator;”;

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and for the words from “which is” to the end substitute “ shall be void unless one of the conditions in paragraphs (a) to (c) above is satisfied. ”

(4) After subsection (5) of that section insert—

“(5A) Where the Regulator gives or revokes a general approval under subsection (3) (c) above, he shall publish the approval or revocation in such manner as he considers appropriate.

(5B) The revocation of a general approval given under subsection (3)(c) above shall not affect the continuing validity of any installation access contract to which it applied.”

(5) In section 72(2)(b)(v) of that Act (provisions of general approvals under section 22(3) to be entered in register kept by Regulator), after “section” insert “ 18(1)(c), 19(3) (c) or ”.

(6) In section 83(1) of that Act (interpretation), in the definition of “access agreement”—

(a) in paragraph (a), for “entered into pursuant to directions under section 17 or 18” substitute “ which satisfies one of the conditions in paragraphs (a) to (c) of section 18(1) ”, and

(b) in paragraph (b), for “entered into pursuant to directions under section 19” substitute “ which satisfies one of the conditions in paragraphs (a) to (c) of section 19(3) ”.

Commencement Information

II S. 230 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

Marginal Citations

M1 1993 c. 43.

231 Review of access charges by Regulator.

(1) In the ^{M2}Railways Act 1993, after section 19 insert—

“19A Review of access charges by Regulator.

Schedule 4A to this Act (which contains provision about the review of access charges by the Regulator) shall have effect.”

(2) After Schedule 4 to that Act insert, as Schedule 4A, the Schedule set out in Schedule 24 to this Act.

Marginal Citations

M2 1993 c. 43.

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232 Amendment of access agreements.

- (1) In subsection (1) of section 22 of the ^{M3}Railways Act 1993 (amendment of access agreement void unless approved by Regulator), insert at the end “ or is made pursuant to directions under section 22A or 22C below or Schedule 4A to this Act. ”
- (2) After that section insert—

“22A Directions to require amendment permitting more extensive use.

- (1) The Regulator may, on the application of the person permitted by an access agreement to use the whole or part of a railway facility or network installation, give directions requiring the parties to the access agreement to make to the agreement—
 - (a) amendments permitting more extensive use of the railway facility or network installation by the applicant; and
 - (b) any amendments which the Regulator considers necessary or desirable in consequence of those amendments.
- (2) In subsection (1)(a) above “more extensive use” means—
 - (a) increased use for the purpose for which the applicant is permitted by the access agreement to use the railway facility or network installation, or
 - (b) (in the case of a railway facility) use for any other permitted purpose, and if the applicant is permitted to use only part of the railway facility or network installation, includes use for the purpose for which he is permitted to use it, or (in the case of a railway facility) for any other permitted purpose, of any other part of the railway facility or network installation.
- (3) In subsection (2) above “permitted purpose”, in relation to a railway facility, means a purpose for which directions may be given in relation to the railway facility under section 17 above.
- (4) No directions shall be given under this section in relation to a railway facility if and to the extent that—
 - (a) the railway facility is, by virtue of section 20 above, an exempt facility; or
 - (b) performance of the access agreement as amended would necessarily involve the facility owner in being in breach of another access agreement or an international railway access contract.
- (5) No directions shall be given under this section in relation to a railway facility or network installation if and to the extent that, as a result of an obligation or duty owed by the facility owner or installation owner which arose before the coming into force of section 17 or 19 above, the consent of some other person is required by him before he may make the amendments.
- (6) Nothing in this section authorises the Regulator to give directions to any person requiring him to grant a lease of the whole or any part of a railway facility or network installation.
- (7) In this section and section 22B below—
 - (a) “international railway access contract” and “lease” have the same meaning as in section 17 above; and

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- (b) “network installation” has the same meaning as in section 19 above.

22B Applications for directions under section 22A: procedure.

- (1) Schedule 4 to this Act shall have effect with respect to applications for directions under section 22A above as it has effect with respect to applications for directions under section 17 above (but subject as follows).
- (2) In its application by virtue of this section Schedule 4 to this Act has effect with the following modifications—
- (a) in paragraph 1, in the definition of “the facility owner”, for “17(1)” there shall be substituted “22A” and, in the definition of “interested person”, for “enter into the required access contract” there shall be substituted “make the amendments”;
 - (b) in paragraph 2(1), for “which the applicant proposes should be contained in the required access contract” and “to be contained in the required access contract” there shall be substituted “of the proposed amendments”;
 - (c) in paragraph 5(2), for “to the facility owner requiring him to enter into an access contract” there shall be substituted “under section 22A of this Act”;
 - (d) for paragraph 5(2)(a)(i) and (ii) there shall be substituted “the amendments to be made and the date by which they are to be made; and”;
 - (e) in paragraph 6(2), for the words from “facility owner’s” to the end of paragraph (c) there shall be substituted “making of the amendments, the performance of the access agreement as amended or failing to take any step to protect the interests of the interested person in connection with the application for directions or the making of the amendments,”; and
 - (f) in paragraph 6(3), for “any access contract which is entered into” there shall be substituted “the amendments made”;
- and the definition of “the required access contract”, and the words following that definition, in paragraph 1 and paragraph 5(4) shall be omitted.
- (3) In its application by virtue of this section in relation to an application relating to an installation access contract Schedule 4 to this Act has effect with the following further modifications—
- (a) references to the railway facility shall have effect as references to the network installation;
 - (b) references to the facility owner shall have effect as references to the installation owner; and
 - (c) in the definition of “interested person” in paragraph 1, for “17” there shall be substituted “19”.
- (4) The Regulator may determine that, in their application by virtue of this section in relation to any particular application, paragraphs 3 and 4 of Schedule 4 to this Act shall have effect as if for any of the numbers of days specified in them there were substituted the lower number specified by the Regulator.

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22C Amendment: supplementary.

- (1) The Regulator may give directions requiring the parties to an access agreement to make to the access agreement amendments which are, in his opinion, necessary to give effect to the conditions of a licence or otherwise required in consequence of the conditions of a licence.
- (2) The Regulator shall not have power to direct or otherwise require amendments to be made to an access agreement except in accordance with section 22A above, subsection (1) above or Schedule 4A to this Act.
- (3) If an access agreement includes provision for any of its terms to be varied—
 - (a) by agreement of the parties, or
 - (b) by direction or other requirement of the Regulator,a variation made pursuant to that provision shall not be regarded for the purposes of section 22 above or subsection (2) above as an amendment of the agreement.”

Commencement Information

- I2** S. 232 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

Marginal Citations

- M3** 1993 c. 43.

233 Prospective facility owners, proposed facilities etc.

- (1) In section 17(6) of the ^{M4}Railways Act 1993 (directions requiring facility owners to enter into contracts for use of their railway facilities), in the definition of “facility owner”, after paragraph (b) insert “ but also includes a person before he becomes a facility owner; ”.
- (2) In section 19 of that Act (contracts for use of installations comprised in a network)—
 - (a) in subsection (9), in the definition of “installation owner”, after paragraph (b) insert “ but also includes a person before he becomes an installation owner; ”, and
 - (b) in subsection (11), insert at the end “ and to one which is proposed to be constructed or is in the course of construction. ”
- (3) In section 83 of that Act (interpretation of Part I), after subsection (1) insert—

“(1A) In sections 17 to 22C above (and Schedule 4 to this Act) references to a railway facility (including references to any track, station or light maintenance depot) or a network include references to a railway facility (or any track, station or light maintenance depot) or a network which is proposed to be constructed or is in the course of construction.”

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Commencement Information

I3 S. 233 wholly in force at 1.2.2001, see s. 275(1)(2) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

Marginal Citations

M4 [1993 c. 43](#).

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 146(1)(defn.)(a)(b) by [2000 c. 38 s. 274 Sch. 31 Pt. 2](#)
- s. 19(2)(aa) inserted by [S.I. 2019/93, Sch. 1 para. 9\(1C\)\(b\)](#) (as inserted) by [S.I. 2019/1245 reg. 25](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 131A(2)(a) words omitted by [2017 c. 21 Sch. 2 para. 13\(a\)\(i\)](#)
- s. 131A(2)(b) omitted by [2017 c. 21 Sch. 2 para. 13\(a\)\(ii\)](#)
- s. 131A(4) omitted by [2017 c. 21 Sch. 2 para. 13\(b\)](#)
- s. 131A(5)(b) words omitted by [2017 c. 21 Sch. 2 para. 13\(c\)\(i\)](#)
- s. 131A(5)(c) words omitted by [2017 c. 21 Sch. 2 para. 13\(c\)\(ii\)](#)
- s. 132B(1)(a) omitted by [2017 c. 21 Sch. 2 para. 19](#)
- [Sch. 16 para. 34\(4\)\(a\)para. 34\(4\)\(b\)\(c\)](#) repealed by [2005 c. 14 Sch. 13 Pt. 1](#)