



Railways and Transport Safety Act 2003

2003 CHAPTER 20

PART 6

MISCELLANEOUS

105 Railways safety levy

- (1) The following shall be inserted after section 43 of the Health and Safety at Work etc. Act 1974 (c. 37) (financial provision)—

“43A Railway safety levy

- (1) The Secretary of State may make regulations requiring persons who provide railway services to pay railway safety levy.
- (2) Railway safety levy shall be applied only for the purpose of meeting expenses incurred—
- (a) in respect of activity undertaken by the Executive in reliance on section 117 of the Railways Act 1993 (safety of railways, &c.), or
 - (b) in respect of activity undertaken by the Executive, under or by virtue of any other enactment, in relation to a transport system to which that section applies.
- (3) The railway safety levy shall not be used to meet—
- (a) an expense in respect of which a fee is payable under regulations made under section 43, or
 - (b) an expense in respect of a matter specified by the regulations for the purpose of this paragraph.
- (4) Where an expense is incurred partly in respect of activity within subsection (2) (a) or (b) and partly in respect of other activity, the railway safety levy may be used to meet a part of that expense which is reasonably referable to activity within subsection (2)(a) or (b).

Status: This is the original version (as it was originally enacted).

- (5) Regulations under subsection (1) may, in particular, determine or enable the Commission or the Executive to determine—
- (a) the total amount of the railway safety levy to be imposed in respect of a specified period;
 - (b) the persons by whom the levy is to be paid;
 - (c) the criteria for assessing the proportion of the levy to be paid by a particular person (which may, in particular, refer to the size of a person's income or provide for an amount to be reduced or waived in specified circumstances);
 - (d) the periods in respect of which the levy is to be paid;
 - (e) the manner in which the levy is to be paid;
 - (f) the person to whom the levy is to be paid;
 - (g) when the levy is to be paid.
- (6) Regulations under subsection (1) may, in particular, enable the Commission or the Executive—
- (a) to require a person who provides railway services to supply information for the purposes of the consideration of a matter specified in subsection (5);
 - (b) where information requested is not supplied, to make assumptions;
 - (c) to revise a determination of a matter specified in subsection (5) (whether before, during or after the period to which it relates);
 - (d) to make refunds.
- (7) Regulations by virtue of subsection (6)(a) may, in particular, make provision—
- (a) about the manner and timing of the supply of information;
 - (b) about certification of the accuracy of information supplied;
 - (c) creating a criminal offence in connection with the supply of inaccurate or misleading information (but not an offence punishable with imprisonment).
- (8) Regulations under subsection (1) may enable payment to be enforced by civil proceeding.
- (9) For the purposes of this section a person provides railway services if he manages or controls, or participates in managing or controlling, a transport system to which section 117 of the Railways Act 1993 applies.”
- (2) In section 28(1)(a) of that Act (restriction on disclosure of information) after “27A above” insert “, by virtue of section 43A(6) below”.
- (3) In section 82 of that Act (general provisions)—
- (a) in subsection (3)(b) after “which” insert “(unless subsection (4) applies)”, and
 - (b) after subsection (3) insert—
 - “(4) The first regulations under section 43A(1) shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament.”