



Railways Act 2005

2005 CHAPTER 14

PART 5

FURTHER MISCELLANEOUS PROVISIONS

PROSPECTIVE

Conduct and accessibility on railways

46 Bye-laws

- (1) A railway operator may make bye-laws regulating one or more of the following—
 - (a) the use and working of a relevant asset;
 - (b) travel on or by means of a relevant asset;
 - (c) the maintenance of order on relevant assets;
 - (d) the conduct of persons while on relevant assets.
- (2) Those bye-laws may include, in particular—
 - (a) bye-laws with respect to tickets issued for entry on relevant assets or for travel by railway or with respect to evasion of the payment of fares or other charges;
 - (b) bye-laws with respect to the obstruction of a railway;
 - (c) bye-laws with respect to any other interference with the working of a railway, with a relevant asset or with the provision of a railway service;
 - (d) bye-laws prohibiting or restricting smoking in railway carriages and elsewhere;
 - (e) bye-laws for the prevention of nuisance;
 - (f) bye-laws with respect to the receipt and delivery of goods; and
 - (g) bye-laws for regulating the passage of bicycles and other vehicles on footways and other premises controlled by the railway operator in question and intended to be used by those on foot.

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Railways Act 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (3) Schedule 9 (which makes provisions about bye-laws under this section) has effect.
- (4) Bye-laws which—
- (a) were made by the Strategic Rail Authority under section 219 of the 2000 Act, and
 - (b) are in force immediately before the repeal of that section by this Act,
- shall continue to have effect after the coming into force of that repeal as if every reference in those bye-laws to that Authority were a reference to the Secretary of State.
- (5) The Secretary of State may by order revoke or amend—
- (a) any bye-laws having effect in accordance with subsection (4); or
 - (b) any bye-laws saved by the 2000 Act.
- (6) In subsection (5), “bye-laws saved by the 2000 Act” means bye-laws which—
- (a) were made (or have effect as if they were made) under section 67 of the Transport Act 1962 (c. 46) or section 129 of the 1993 Act;
 - (b) were continued in force by paragraph 5(2) of Schedule 28 to the 2000 Act; and
 - (c) are in force immediately before the commencement of this section.
- (7) In this section “railway operator” means an operator of a railway asset who is—
- (a) authorised to be the operator of that asset by a licence granted under section 8 of the 1993 Act; or
 - (b) exempt by virtue of section 7 of that Act or any other enactment from the requirement to be so authorised.
- (8) In this section “relevant asset”, in relation to a railway operator, means—
- (a) a railway asset of which he is the operator; or
 - (b) any rolling stock not falling within paragraph (a) of which he has the management for the time being.

47 Power of Scottish Ministers to make penalty fare regulations

- (1) In section 130 of the 1993 Act (penalty fare regulations), in subsection (1), for “The Secretary of State may by regulations” substitute “ The Secretary of State and the Scottish Ministers shall each have power by regulations to ”.
- (2) After subsection (1) insert—
- “(1A) The power of the Scottish Ministers under this section shall be exercisable only in relation to trains and stations used for the purposes of—
- (a) railway passenger services provided under Scottish franchise agreements; or
 - (b) a railway passenger service not falling within paragraph (a) which is a Scotland-only service or (without being such a service) is a service the provision of which is secured by the Scottish Ministers.”
- (3) After subsection (11) insert—
- “(11A) A statutory instrument containing regulations made by the Scottish Ministers under this section is subject to annulment in pursuance of a resolution of the Scottish Parliament.”

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48 Code of practice for disabled rail users in Scotland

- (1) The Scottish Ministers shall have power to prepare, and from time to time to revise, a code of practice for protecting the interests of users of relevant Scottish services who are disabled.
- (2) The Scottish Ministers must publish a code prepared by them under this section, and every revision of it, in such manner as they consider appropriate.
- (3) Before preparing or revising a code under this section the Scottish Ministers must consult the Disabled Persons Transport Advisory Committee established under section 125 of the Transport Act 1985 (c. 67).
- (4) In this section “relevant Scottish service” means—
 - (a) a railway passenger service provided under a Scottish franchise agreement;
 - (b) a railway passenger service not falling within paragraph (a) which is a Scotland-only service or (without being such a service) is a service the provision of which is secured by the Scottish Ministers; or
 - (c) a station service provided in relation to a station in Scotland at which a service falling within paragraph (a) or (b) makes a scheduled call.

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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. 36](#)

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

- s. 12(3)(aa) inserted by [S.I. 2018/631 Sch. para. 40\(2\)\(a\)](#)
- s. 12(3)(da) inserted by [S.I. 2018/631 Sch. para. 40\(2\)\(c\)](#)
- s. 19A inserted by [2008 c. 26 s. 74](#)
- s. 19A words substituted by [S.I. 2010/439 Sch. para. 9\(4\)\(a\)](#)
- s. 19A heading words substituted by [S.I. 2010/439 Sch. para. 9\(4\)\(b\)](#)
- s. 22(11)(aa) inserted by [S.I. 2018/631 Sch. para. 42](#) (comes into force 2.00am on the 14/10/2018)
- s. 23(9)(aa) inserted by [S.I. 2018/631 Sch. para. 43](#) (comes into force 2.00am on the 14/10/2018)
- s. 24(11)(aa) inserted by [S.I. 2018/631 Sch. para. 44\(3\)](#) (comes into force 2.00am on the 14/10/2018)
- s. 25(7)(aa) inserted by [S.I. 2018/631 Sch. para. 45](#) (comes into force 2.00am on the 14/10/2018)
- s. 29(11)(12) inserted by [S.I. 2018/631 Sch. para. 46\(3\)](#) (comes into force 2.00am on the 14/10/2018)
- s. 30(9)(10) inserted by [S.I. 2018/631 Sch. para. 47\(3\)](#) (comes into force 2.00am on the 14/10/2018)
- s. 31(10)(11) inserted by [S.I. 2018/631 Sch. para. 48\(3\)](#) (comes into force 2.00am on the 14/10/2018)
- s. 33(2)(da) inserted by [2009 c. 20 Sch. 6 para. 119](#)
- s. 34(2A)(2B) inserted by [S.I. 2018/631 Sch. para. 50](#) (comes into force 2.00am on the 14/10/2018)
- s. 35(6A)-(6C) inserted by [S.I. 2018/631 Sch. para. 51\(3\)](#) (comes into force 2.00am on the 14/10/2018)
- s. 36(1)(ba) inserted by [S.I. 2018/631 Sch. para. 52\(a\)](#) (comes into force 2.00am on the 14/10/2018)
- s. 38(2)(ba)(bb) inserted by [S.I. 2018/631 Sch. para. 53\(2\)](#) (comes into force 2.00am on the 14/10/2018)
- s. 38(2A) inserted by [S.I. 2018/631 Sch. para. 53\(3\)](#) (comes into force 2.00am on the 14/10/2018)
- s. 40(4)(c)-(e) substituted for s. 40(c) by [S.I. 2018/631 Sch. para. 54\(4\)](#) (comes into force 2.00am on the 14/10/2018)
- s. 40(4)(aa)(ab) inserted by [S.I. 2018/631 Sch. para. 54\(3\)](#) (comes into force 2.00am on the 14/10/2018)
- s. 42(1A)(1B) inserted by [S.I. 2018/631 Sch. para. 55\(2\)](#) (comes into force 2.00am on the 14/10/2018)
- s. 43(2A) inserted by [S.I. 2018/631 Sch. para. 56\(2\)](#)
- s. 43(3A) inserted by [S.I. 2018/631 Sch. para. 56\(3\)](#)
- s. 45(5)(aa) inserted by [S.I. 2018/631 Sch. para. 58\(3\)](#) (comes into force 2.00am on the 14/10/2018)
- s. 45(5A) inserted by [S.I. 2018/631 Sch. para. 58\(4\)](#) (comes into force 2.00am on the 14/10/2018)

- s. 46(5A) inserted by S.I. 2018/631 Sch. para. 59(2) (comes into force 2.00am on the 14/10/2018)
- s. 46(7)(c) and word added by S.I. 2005/3050 Sch. 1 para. 5(b)
- s. 46(7)(c) words substituted by S.I. 2019/700 reg. 25(2)
- s. 46(9) inserted by S.I. 2018/631 Sch. para. 59(3) (comes into force 2.00am on the 14/10/2018)
- s. 48A inserted by S.I. 2018/631 Sch. para. 60 (comes into force 2.00am on the 14/10/2018)
- s. 56(3)(d)(e) word omitted by S.I. 2018/631 Sch. para. 62(4)(b)
- s. 57(1A) inserted by S.I. 2018/631 Sch. para. 63(3)
- s. 59(5A) added by S.I. 2005/3050 Sch. 1 para. 6
- s. 59(5A) words substituted by S.I. 2019/700 reg. 25(3)
- Sch. 3 para. 7(4) inserted by 2006 c. 49 s. 51(1)
- Sch. 3 para. 1(5)(ba) inserted by 2013 c. 32 Sch. 12 para. 83
- Sch. 3 para. 4(4A) inserted by 2013 c. 32 Sch. 12 para. 85
- Sch. 5 para. 16(2)(c) and word inserted by S.I. 2010/439 art. 5(2)(b)
- Sch. 9 para. 1(2A) inserted by S.I. 2018/631 Sch. para. 67(b) (comes into force 2.00am on the 14/10/2018)
- Sch. 10 para. 11(3) inserted by 2010 c. 4 Sch. 1 para. 478(2)(b)

Commencement Orders yet to be applied to the Railways Act 2005

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2008/113 art. 2 commences (2007 c. 24)
- S.I. 2009/107 art. 2-5 Sch. 1-5 Commencement Order
- S.I. 2009/3318 art. 2-4 commences (2009 c. 20)
- S.I. 2011/2329 art. 23 commences (2011 c. 5)