



# Railways Act 2005

## 2005 CHAPTER 14

### PART 5

#### FURTHER MISCELLANEOUS PROVISIONS

##### *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.
- (3) Schedule 9 (which makes provisions about bye-laws under this section) has effect.
- (4) Bye-laws which—

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*Changes to legislation: There are currently no known outstanding effects  
for the Railways Act 2005, Section 46. (See end of Document for details)*

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- (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.
- [<sup>F1</sup>(5A) The Welsh Ministers may by order revoke or amend any bye-laws falling within subsection (5)(a) or (b) to the extent that they regulate—
- (a) the use and working of a relevant asset that is a Welsh asset;
  - (b) travel on or by means of such an asset;
  - (c) the maintenance of order on such an asset; or
  - (d) the conduct of persons while on such an asset.]
- (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; <sup>F2</sup>...
  - (b) exempt by virtue of section 7 of that Act or any other enactment from the requirement to be so authorised [<sup>F3</sup>or
  - (c) authorised to provide train services by a [<sup>F4</sup>railway undertaking] licence [<sup>F5</sup>or a relevant European licence].]
- (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.
- [<sup>F6</sup>(9) In this section “Welsh asset” means an asset (other than an asset that is part of a network) that is—
- (a) permanently situated in Wales; or
  - (b) used only in Wales.]

#### Textual Amendments

- F1** S. 46(5A) inserted (14.10.2018) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(3), **Sch. para. 59(2)**
- F2** Word in s. 46(7)(a) omitted (28.11.2005) by virtue of [The Railway \(Licensing of Railway Undertakings\) Regulations 2005 \(S.I. 2005/3050\)](#), **Sch. 1 para. 5(a)**
- F3** S. 46(7)(c) and word added (28.11.2005) by [The Railway \(Licensing of Railway Undertakings\) Regulations 2005 \(S.I. 2005/3050\)](#), **Sch. 1 para. 5(b)**

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- F4** Words in s. 46(7)(c) substituted (31.12.2020) by The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/700), regs. 1(2), **25(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in s. 46(7)(c) inserted (31.1.2022 at 11.00 p.m.) by The Railway (Licensing of Railway Undertakings) (Amendment) Regulations 2021 (S.I. 2021/1105), regs. 1(3), **12**
- F6** S. 46(9) inserted (14.10.2018) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), **Sch. para. 59(3)**

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**Modifications etc. (not altering text)**

- C1** S. 46 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)

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**Commencement Information**

- I1** S. 46(1)(2)(7)(8) in force at 24.7.2005 by S.I. 2005/1909, art. 2, **Sch.**
- I2** S. 46(3) in force at 24.7.2005 for specified purposes by S.I. 2005/1909, art. 2, **Sch.**
- I3** S. 46(3) in force at 16.10.2005 in so far as not already in force by S.I. 2005/2812, art. 2(1), **Sch. 1**
- I4** S. 46(4)-(6) in force at 16.10.2005 by S.I. 2005/2812, art. 2(1), **Sch. 1**

**Changes to legislation:**

There are currently no known outstanding effects for the Railways Act 2005, Section 46.