

SCHEDULE 1

AMENDMENTS, REPEALS AND REVOCATIONS

PART 1

AMENDMENTS AND REPEALS OF PRIMARY LEGISLATION

The Railway Fires Act 1905

1. In section 4 of the Railway Fires Act 1905(1) (definitions and application)—
 - (a) after the definition of “agricultural crops”, insert—

“The expression “EEA State” means a member State, Norway, Iceland or Liechtenstein;”;

and
 - (b) in the definition of “railway company”, at the end of paragraph (b) add—

“or
 - (c) who holds a European licence granted pursuant to a provision contained in any instrument made for the purpose of implementing Council Directive 1995/18/EC dated 19th June 1995 on the licensing of railway undertakings, as amended by Directive 2001/13/EC dated 26th February 2001 and Directive 2004/49/EC dated 29th April 2004, both of the European Parliament and of the Council, or pursuant to any action taken by an EEA State for that purpose;”.

The Insolvency Act 1986

2. In Schedule 2A to the Insolvency Act 1986(2) (exceptions to prohibition on appointment of administrative receiver: supplementary provisions)—
 - (a) at the end of paragraph 10(1)(l), omit “or”;
 - (b) at the end of paragraph 10(1)(m), add—

“or
 - (n) in reliance on a European licence granted pursuant to a provision contained in any instrument made for the purpose of implementing Council Directive 1995/18/EC dated 19th June 1995 on the licensing of railway undertakings, as amended by Directive 2001/13/EC dated 26th February 2001 and Directive 2004/49/EC dated 29th April 2004, both of the European Parliament and of the Council, or pursuant to any action taken by an EEA State for that purpose.”; and
 - (c) after paragraph 10(2A), add—

“(2B) In sub-paragraph (1)(n), an “EEA State” means a member State, Norway, Iceland or Liechtenstein.”.

The Railways Act 1993

- 3.—(1) The 1993 Act(3) shall be amended in accordance with the following provisions of this paragraph.

(1) 1905 5 Edw 7 c.11; the definition of “railway company” was inserted by the 1993 Act, Schedule 12, paragraph 2(2).
(2) 1986 c. 45; Schedule 2A was inserted by the Enterprise Act 2002 (c. 40) section 250(2), Schedule 18; and paragraph 10(2A) of Schedule 2A was inserted by the Communications Act 2003 (c. 21), Schedule 17, paragraph 82.
(3) Section 6(1A) and (2A) was inserted, and section 6(2) was amended, by regulation 21 of the Railways Regulations 1998 (S.I. 1998/1340). Sections 59(6) of the 1993 Act were amended by the Railways Act 2005 (c. 14), section 49(1) and Schedule 13,

(2) In section 6 (prohibition on unauthorised operators of railway assets), in subsection (1A) for “international services” substitute “services for which a European licence is required”.

(3) In subsection (2) of that section—

(a) for the definition of “international licence” substitute—

““European licence” means a licence granted pursuant to a provision contained in any instrument made for the purpose of implementing Council Directive [1995/18/EC](#) dated 19th June 1995 on the licensing of railway undertakings, as amended by Directive [2001/13/EC](#) dated 26th February 2001 and Directive [2004/49/EC](#) dated 29th April 2004, both of the European Parliament and of the Council, or pursuant to any action taken by an EEA State for that purpose;” and

(b) omit the definition of “international services”.

(4) For subsection (2A) of that section, substitute—

“(2A) In subsection (2) above, “EEA State” means a member State, Norway, Iceland or Liechtenstein.”.

(5) In section 59 (railway administration orders), in subsection (6), after “passenger licence” in both places insert “or a European licence which authorises the carriage of passengers by railway (or both)”.

(6) In section 72 (keeping of the register by the ORR), in subsection (2)—

(a) in paragraph (a), after “in relation to licences”, insert “and European licences”;

(b) in paragraph (a)(i), for “and every licence exemption”, substitute “, every licence exemption and every European licence”;

(c) in paragraph (a)(iii), for “and every” substitute “, every”, and at the end, add “, and every modification or revocation of a European licence”;

(d) at the end of paragraph (a)(v), add “or European licence”; and

(e) at the end of paragraph (a), after “surrender of a licence” add “or European licence”.

(7) In section 80 (duty to furnish information on request)—

(a) after subsection (1), insert—

“(1A) Holders of European licences shall be under a duty to furnish to the Office of Rail Regulation in such form and manner as it may by notice request such information as it may so request, being information which the Office of Rail Regulation considers necessary for the purpose of facilitating the performance of any of its functions under any instrument made for the purpose of implementing Council Directive [95/18/EC](#) dated 19th June 1995 on the licensing of railway undertakings, as amended by Directive [2001/13/EC](#) dated 26th February 2001 and Directive [2004/49/EC](#) dated 29th April 2004, both of the European Parliament and of the Council.”;

(b) in subsection (2), after “subsection (1)” insert “or (1A)”;

(c) in subsection (3), for “If any such request” substitute “If a request under subsection (1) above”;

(d) after subsection (3), add—

“(3A) If a request under subsection (1A) above is not complied with, the Office of Rail Regulation may serve a notice under subsection (4) below on the person from whom the information was requested under subsection (1A) above.”;

Part 1. Section 72(2) was amended by the Railways and Transport Safety Act [2003 \(c. 20\)](#), Schedule 2, Part 1, paragraphs 1 and 3; and the Transport Act [2000 \(c. 38\)](#), Schedule 17, Part 1, paragraphs 1 and 15, and Schedule 27, paragraphs 17 and 36. Section 80 was amended by the Transport Act 2000, Schedule 27, paragraphs 17 and 38, and Schedule 31, Part 4; and the Railways Act 2005, Schedule 1, paragraph 33.

- (e) at the end of subsection (4), add—
 - “In its application to a notice served by virtue of subsection (3A) above this subsection has effect with the omission of the references to the Secretary of State and the Scottish Ministers.”; and
- (f) in subsection (8), after “Regulation”, insert “in the case of a request under subsection (1) above, or the Office of Rail Regulation in the case of a request under subsection (1A) above.”.
- (8) In section 83 (interpretation), in subsection (1)—
 - (a) before the definition of “exempt facility”, insert—
 - ““European licence” has the meaning given by section 6(2) above;”; and
 - (b) omit the definition of “international licence”.
- (9) In section 145 (general restrictions on disclosure of information), before subsection (2)(h), insert—
 - “(ga) for the purpose of facilitating the carrying out by the Office of Rail Regulation of any of its functions under any instrument made for the purpose of implementing Council Directive [95/18/EC](#) dated 19th June 1995 on the licensing of railway undertakings, as amended by Directive [2001/13/EC](#) dated 26th February 2001 and Directive [2004/49/EC](#) dated 29th April 2004, both of the European Parliament and of the Council;”.
- (10) In Schedule 7 (transfer of relevant activities in connection with railway administration orders)—
 - (a) in paragraph 1(2), in the definition of “other appointee”, after “section 8 of this Act” insert “or of a European licence”;
 - (b) after paragraph 4(2), add—
 - “(3) Sub-paragraphs (1) and (2) have effect in relation to a European licence as they have effect in relation to a licence.”.

The Civil Contingencies Act 2004

- 4.** In Schedule 1 to the Civil Contingencies Act 2004(4) (category 1 and 2 responders)—
 - (a) for paragraph 24, substitute—
 - “**24.**—(1) A person who provides services in connection with railways in Great Britain and who holds a European licence granted pursuant to—
 - (a) a provision contained in any instrument made for the purpose of implementing Council Directive [1995/18/EC](#) dated 19th June 1995 on the licensing of railway undertakings, as amended by Directive [2001/13/EC](#) dated 26th February 2001 and Directive [2004/49/EC](#) dated 29th April 2004, both of the European Parliament and of the Council, or
 - (b) any action taken by an EEA State for that purpose.
 - (2) In this paragraph, “EEA State” means a member State, Norway, Iceland or Liechtenstein.”; and
 - (b) for paragraph 35, substitute—
 - “**35.**—(1) A person who provides services in connection with railways, in so far as such services are provided in Scotland, and who holds a European licence granted pursuant to—

(4) [2004 c. 36.](#)

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

- (a) a provision contained in any instrument made for the purpose of implementing Council Directive [1995/18/EC](#) dated 19th June 1995 on the licensing of railway undertakings, as amended by Directive [2001/13/EC](#) dated 26th February 2001 and Directive [2004/49/EC](#) dated 29th April 2004, both of the European Parliament and of the Council, or
 - (b) any action taken by an EEA State for that purpose.
- (2) In this paragraph, “EEA State” has the same meaning as in paragraph 24.”.

The Railways Act 2005

- 5.** In section 46 of the Railways Act 2005**(5)** (bye-laws)—
- (a) at the end of subsection (7)(a), omit “or”; and
 - (b) at the end of subsection (7)(b), add—
 - “or
 - (c) authorised to provide train services by a European licence.”.
- 6.** In section 59 of that Act (consequential amendments, transitional provisions and repeals), after subsection (5) add—
- “(5A) Subsections (2) to (5) have effect in relation to a European licence and a holder of a European licence as they have effect in relation to a licence and a licence holder respectively.”.