

SCHEDULE 3

APPLICATION AND MODIFICATION OF STATUTORY PROVISIONS IN RELATION TO SNRPS AND SNRP HOLDERS

PART 2

OTHER MODIFICATIONS OF STATUTORY PROVISIONS

Railway administration orders

2. Subsection (1B)(b) of section 27 of the Insolvency Act 1986 (protection of interests of creditors and members), as that section is applied by paragraph 10 of Part 1 of Schedule 6 to the 1993 Act, has effect as if the reference to a licence under Part 1 of the Railways Act 1993 included a reference to a SNRP issued pursuant to the Railway (Licensing of Railway Undertakings) Regulations 2005.

Modification references to the Competition Commission

3. In section 13 of the 1993 Act (modification references to the Competition Commission), subsection (1)(a)(i) has effect as if the reference to a railway asset, or railway assets of a class or description, whose operator acts as such by virtue of a licence included a reference to a railway asset which is, or railway assets of a class or description which are, used for the provision of train services in respect of which a SNRP is held.

4. In section 15 of that Act (modification following report), subsection (1A) has effect as if the reference to section 15A of that Act included a reference to regulation 11 of the Railway (Licensing of Railway Undertakings) Regulations 2005.

5. In section 15B of that Act (making of modifications by Competition Commission), subsection (2) has effect as if at the end there were added “ and shall be bound by paragraph (3) of regulation 11 of the Railway (Licensing of Railway Undertakings) Regulations 2005 as to the requirements which conditions may impose and by paragraph (4) of that regulation ”.

Orders for securing compliance

6. In section 55 of the 1993 Act (orders for securing compliance), subsection (5)(a) has effect as if the reference to section 4 of that Act included a reference to regulation 11 of the Railway (Licensing of Railway Undertakings) Regulations 2005.

Keeping of register by the ORR

7. In section 72 of the 1993 Act (keeping of register by the ORR), subsection (2)(a)(i) has effect as if the reference to every licence exemption were omitted.

Enterprise Act 2002: regulated markets

8. In section 168 of the Enterprise Act 2002 (regulated markets)—

- (a) subsections (3)(h) and (4)(h) have effect as if the reference to a licence granted under section 8 of the Railways Act 1993 (c. 43) included a reference to a SNRP issued pursuant to the Railway (Licensing of Railway Undertakings) Regulations 2005; and
- (b) subsection (4)(h) has effect as if the reference to section 4 of that Act included a reference to regulation 11 of those Regulations.

Changes to legislation: There are currently no known outstanding effects for the The Railway (Licensing of Railway Undertakings) Regulations 2005, PART 2. (See end of Document for details)

Amendment of access agreements

9. In its application in relation to SNRPs or SNRP holders, subsection (1) of section 22C of the 1993 Act ^{M1} (amendment of access agreements, and supplementary provisions relating to such agreements) has effect as if the reference to the conditions of a licence, in both places where it occurs, were to the conditions of a SNRP.

Marginal Citations

M1 Section 22C(1) was inserted by the Transport Act 2000 (c. 38), **section 232(2)**, and amended by the Railways and Transport Safety Act 2003 (c. 20), **Schedule 2**, Part 1, paragraphs 1 and 3.

Changes to legislation:

There are currently no known outstanding effects for the The Railway (Licensing of Railway Undertakings) Regulations 2005, PART 2.