
STATUTORY INSTRUMENTS

2016 No. 645

**The Railways (Access, Management and Licensing
of Railway Undertakings) Regulations 2016**

PART 6

Regulation and Appeals

Regulatory body

31.—(1) Section 4 of the Act ^{M1} has effect, to the extent relevant [^{F1}and so far as is consistent with these Regulations], as if the reference to the functions assigned or transferred to the Office of Rail and Road under or by virtue of Part 1 of the Act included the functions assigned to it under or by virtue of these Regulations.

(2) The Office of Rail and Road must ensure that charges for the use of railway infrastructure imposed by the infrastructure manager comply with the requirements of Part 4 and Schedule 3.

(3) Negotiations between an applicant and the infrastructure manager about the level of railway infrastructure charges are only permitted if carried out under the supervision of the Office of Rail and Road and, if such negotiations are likely to contravene the requirements of these Regulations, it is the duty of the Office of Rail and Road to intervene.

(4) The Office of Rail and Road may in particular, as part of the intervention mentioned in paragraph (3), issue such directions to the applicant or the infrastructure manager as it considers appropriate for the purpose of ensuring that no contravention arises or, to the extent that a contravention has arisen, that it ceases.

(5) Where the Office of Rail and Road, by virtue of regulation 32(4), specifies the manner and form in which any notification or appeal must be lodged in accordance with these Regulations, it must publicise this information in such manner as it considers appropriate.

(6) Without prejudice to the requirements of paragraph 18 of Schedule 1 to the Railways and Transport Safety Act 2003 ^{M2}, procedural arrangements made by the Office of Rail and Road under paragraph 8 of that Schedule must ensure that a person with ultimate responsibility for taking a decision under regulations 32, 33, 34 and 35 complies with the criteria listed in paragraph (7).

(7) The criteria are that such persons—

(a) must make an annual declaration of—

(i) their commitment to the impartial fulfilment of their duties under these Regulations;
and

(ii) any direct or indirect interests which may be considered prejudicial to their independence and which might influence their performance of any function;

(b) must withdraw from decision making in cases which concern an undertaking with which they have had a direct or indirect connection in the period of 12 months prior to the date on which any procedure relating to a decision described in paragraph (6) commences;

- (c) must not seek or take instructions from any government or other entity when carrying out their functions; and
 - (d) must have no professional position or responsibility with any regulated undertaking or entity for a period of not less than 12 months commencing at the end of their term of employment to take decisions under paragraph (6).
- (8) Without prejudice to the right of any person to make an application to the court under Part 54 of the Civil Procedure Rules 1998^{M3}, it is the duty of any person to whom a direction is given under paragraph (4) to comply with and give effect to that direction.

Textual Amendments

- F1** Words in [reg. 31\(1\)](#) substituted (31.12.2020) by [The Railways \(Access, Management and Licensing of Railway Undertakings\) \(Amendments etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/518\)](#), [regs. 1\(3\)\(b\), 16](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Marginal Citations

- M1** 1993 c. 43. Section 4(1) is amended by the [Competition Act 1988 \(c. 41\)](#), [Schedule 10](#), paragraph 6(3); the [Transport Act 2000 \(c. 38\)](#), [section 224\(1\)](#) and (2); the [Enterprise Act 2002 \(c. 40\)](#), [Schedule 25](#), paragraphs 30(1) and (2) and [Schedule 26](#); the [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Schedule 2](#), Part 1, paragraphs 1 and 3; the [Railways Act 2005 \(c. 14\)](#), [section 3](#) and [Schedule 13](#), Part 1; [S.I. 2014/892](#), [Schedule 1](#), Part 2, paragraphs 99 and 100 and [S.I. 2015/1682](#), [Schedule](#), Part 1, paragraph 1(a). There are further amendments to section 4 which are not relevant to these Regulations.
- M2** 2003 c. 20. Amendments have been made to [Schedule 1](#) which are not relevant to these Regulations.
- M3** [S.I. 1998/3132](#). Part 54 is amended by the [Constitutional Reform Act 2005 \(c. 4\)](#), [Schedule 11](#), Part 1, paragraph 1(2); [S.I. 2000/2092](#), [Schedule](#); [S.I. 2002/2058](#), [rule 21](#); [S.I. 2003/364](#), [rule 5\(a\)-\(e\)](#); [S.I. 2003/3361](#), [rules 12](#) and 13; [S.I. 2007/3543](#), [rule 7\(b\)](#) and (c); [S.I. 2009/3390](#), [rule 29\(b\)](#); [S.I. 2010/2577](#), [rules 3](#) and 4; [S.I. 2012/2208](#), [rules 2](#) and 9(b) and (c); [S.I. 2013/262](#), [rule 18](#); [S.I. 2013/1412](#), [rule 4](#); [S.I. 2015/102](#), [Schedule 6](#), Part 2, paragraph 11; and [S.I. 2015/670](#), [rules 4](#), 7, 9 and 10. There are other amendments to Part 54 which are not relevant to these Regulations.

Appeals to the regulatory body

32.—(1) Subject to paragraph (3), an applicant has a right to appeal to the Office of Rail and Road if it believes that it has been unfairly treated, discriminated against or is in any other way aggrieved, and in particular against decisions adopted by the infrastructure manager, an allocation body, a charging body, a service provider or, as the case may be, a railway undertaking, concerning any of the matters described in paragraph (2).

(2) Those matters are—

- (a) the network statement produced in accordance with regulation 13, in its provisional and final versions;
- (b) the information which, by virtue of regulation 13(4), must be included in that network statement;
- (c) the allocation process and its result as prescribed in Part 5 and Schedule 4;
- (d) the charging scheme, the charging system and the Channel Tunnel charging framework;
- (e) the level or structure of railway infrastructure charges, the principles of which are prescribed in Part 4 and Schedule 3, which it is, or may be, required to pay;
- (f) the arrangements for access provided under Part 2 and Schedule 2; and
- (g) access to and charging for services provided under Part 2 and Schedule 2.

(3) Where the matter of an appeal under paragraph (1) is one in relation to which directions may be sought from the Office of Rail and Road under section 17 or 22A of the Act ^{M4}, the applicant must lodge the appeal by way of an application under the relevant section.

(4) Where the matter of an appeal under paragraph (1) is one to which paragraph (3) does not apply because—

- (a) the railway facility to which the appeal relates is, by virtue of section 20 of the Act ^{M5}, an exempt facility;
- (b) the appeal relates to a rail link facility; or
- (c) the subject matter of the appeal is not capable of being addressed by directions which may be sought under section 17 or 22A of the Act,

the applicant must lodge the appeal by way of an application under this regulation, in such form and manner as the Office of Rail and Road may from time to time specify.

(5) Where the matter of an appeal under paragraph (1) is one to which paragraph (3) does not apply, the Office of Rail and Road must—

- (a) as appropriate, ask for relevant information and initiate a consultation with the relevant parties within one month of the date of receipt of the appeal; and
- (b) within a predetermined and reasonable time, and, in any case, within six weeks of the date of receipt of all relevant information (including information provided pursuant to section 80 of the Act ^{M6}, as modified by regulation 36)—
 - (i) make a decision;
 - (ii) inform the relevant parties of its decision and the reasons for that decision;
 - (iii) where appropriate, issue a direction to the infrastructure manager, allocation body, charging body, service provider or, as the case may be, railway undertaking, to remedy the situation from which the appeal arose; and
 - (iv) publish the decision.

(6) Where a decision or direction under paragraph (5) would affect a rail link facility or, as the case may be, the operation of the development agreement, the Office of Rail and Road must consult and, subject to paragraph (7), take into account any representations made by the Secretary of State before making or issuing such a decision or direction.

(7) Where paragraph (6) applies and, following consultation, the Secretary of State submits representations, the Office of Rail and Road must, before making or issuing a decision or direction, consult such interested parties as it considers appropriate on the representations submitted by the Secretary of State.

(8) When an appeal under paragraph (1) contests a decision under regulation 6(4) to refuse a request for access to, and the supply of, services described in paragraph 2 of Schedule 2, a decision under paragraph (5) must include a determination as to whether, in respect of the access and provision of services to which the appeal relates, a viable alternative exists.

(9) When an appeal under paragraph (1) contests a decision to refuse or restrict the provision of services in circumstances where there are conflicting requests as described in regulation 6(7), a determination under paragraph (5) must include a determination, as appropriate and in respect of the circumstances to which the appeal relates, of—

- (a) whether a viable alternative as described in regulation 6(4) exists;
- (b) whether it is possible to accommodate the conflicting requests on the basis of demonstrated need; and
- (c) whether, and if so what, part of the service capacity must be granted to the applicant.

- (10) Where a decision under paragraph (5) concerns a refusal by an infrastructure manager or allocation body to allocate infrastructure capacity, or concerns an appeal against the terms of an offer of infrastructure capacity, the Office of Rail and Road must, in such a decision, either—
- (a) confirm that no modification of the infrastructure manager or allocation body's decision is required; or
 - (b) require modification of that decision and issue directions to that effect.
- (11) Without prejudice to the right of any person to make an application to the court under Part 54 of the Civil Procedure Rules 1998—
- (a) a decision by the Office of Rail and Road on an appeal brought under this regulation is binding on all parties affected by that decision;
 - (b) it is the duty of any person to whom a direction is given under this regulation to comply with and give effect to that direction.

Marginal Citations

- M4** 1993 c. 43. Section 17 is amended by the [Transport Act 2000 \(c. 38\)](#), section 233(1), [Schedule 27](#), paragraphs 17 and 21, and Schedule 31, Part 4; the [Railways Act 2005 \(c. 14\)](#), [Schedule 1](#), Part 1, paragraph 12(1) and (2) and Schedule 11, paragraphs 1 and 3(a); S.I. 1998/1340, [regulation 21\(5\)](#); S.I. 2005/3049, [Schedule 1](#), Part 1, paragraph 4(a) and (b); and S.I. 2015/1682, [Schedule](#), Part 1, paragraph 1(y). Section 22A was inserted by the Transport Act 2000, section 232(2), and amended by S.I. 2005/3049, [Schedule 1\(1\)](#), paragraph 4(d); and S.I. 2015/1682, [Schedule](#), Part 1, paragraph 1(ff).
- M5** 1993 c. 43. Section 20 is amended by the [Transport Act 2000 \(c. 38\)](#), [Schedule 27](#), paragraphs 17 and 23 and Schedule 31, Part 4; and the [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Schedule 2](#), part 1, paragraphs 1, 3 and 9.
- M6** 1993 c. 43. Section 80 is amended by the [Transport Act 2000 \(c. 38\)](#), [Schedule 27](#), paragraphs 17 and 38 and Schedule 31, Part 4; the [Railways Act 2005 \(c. 14\)](#), [Schedule 1](#), Part 1, paragraph 33 and Schedule 11, paragraphs 1 and 12; S.I. 2005/3050, [Schedule 1](#), Part 1, paragraphs 3(1) and 7 and S.I. 2015/1682, [Schedule](#), Part 1, paragraph 1(xx). Section 80 is also amended by these Regulations (see [Schedule 1](#), paragraph 3(3)).

Regulatory decisions concerning international passenger services

33.—(1) The Office of Rail and Road must, at the request of a competent authority or interested railway undertaking, determine whether the principal purpose of a service is to carry passengers between stations located [^{F2}in the United Kingdom and a member State].

^{F3}(2)

- (3) The Office of Rail and Road must—
- (a) at the request of a relevant party and in accordance with paragraphs (5) and (6), determine whether the exercise of the right conferred under regulation 5 by an applicant for infrastructure capacity notified under regulation 19(7) would compromise the economic equilibrium of a relevant public service contract; and
 - (b) make the determination on the basis of an objective economic analysis and in accordance with pre-determined criteria published by it.
- (4) For the purposes of paragraph (3), and (6)(d) a relevant party is—
- (a) the competent authority or authorities that awarded the relevant public service contract;
 - (b) any other competent authority with a right to limit access along the route of the international passenger service notified under regulation 19(7);
 - (c) the infrastructure manager; and

- (d) the railway undertaking performing the relevant public service contract to which the request relates.
- (5) Within one month of receipt of a request under paragraph (3)(a), the Office of Rail and Road must consider the information provided (including information provided pursuant to section 80 of the Act, as modified by regulation 36), and, as appropriate, ask for further relevant information from, and initiate consultation with, all relevant parties.
- (6) The Office of Rail and Road must, within six weeks of receipt of all relevant information and, where appropriate, of any representations made by the Secretary of State under paragraph (9)—
- (a) complete a consultation initiated under paragraph (5) or, as the case may be, under paragraph (9) if required;
 - (b) make a decision on a request made under paragraph (3)(a);
 - (c) where appropriate, issue a direction to the infrastructure manager, allocation body, charging body, service provider or, as the case may be, railway undertaking, limiting the access rights conferred under regulation 5, if the exercise of those rights would compromise the economic equilibrium of a relevant public service contract; and
 - (d) provide the relevant parties and any railway undertaking seeking access for the purpose of operating an international passenger service with the grounds for its decision, and specify a reasonable time period within which, and the conditions under which, any of those parties may request a reconsideration of the decision or direction or both.
- (7) Where the Office of Rail and Road has received a properly made request for a reconsideration of its decision or direction in accordance with paragraph (6)(d), any decision or direction it has made under paragraph (6) will not take effect pending reconsideration.
- (8) Where the Office of Rail and Road has received a properly made request for a reconsideration of its decision or direction in accordance with paragraph (6)(d), it must, within six weeks of the date of receipt of all relevant information (including information provided pursuant to section 80 of the Act, as modified by regulation 36) and of any representations made by the Secretary of State under paragraph (9)—
- (a) make a reconsidered decision on the request; and
 - (b) where appropriate, issue or reissue a decision or direction to the infrastructure manager, allocation body, charging body, service provider or, as the case may be, railway undertaking.
- (9) Where a decision or direction under paragraph (6) or (8) would affect a rail link facility or, as the case may be, the operation of the development agreement, the Office of Rail and Road must consult and, subject to paragraph (10), take into account any representations made by the Secretary of State before making or issuing such a decision or direction.
- (10) Where paragraph (9) applies and, following consultation, the Secretary of State submits representations, the Office of Rail and Road must, before making or issuing a decision or direction, or reconsidered decision or direction, consult such interested parties as it considers appropriate on the representations submitted by the Secretary of State.
- (11) In making a decision on a request made under paragraph (3), or a request for a reconsideration of its decision under paragraph (6), the Office of Rail and Road must either—
- (a) confirm that no modification of the infrastructure manager or allocation body's decision to award access rights is required; or
 - (b) require modification of that decision in accordance with directions issued by the Office of Rail and Road.
- (12) Without prejudice to the right of any person to make an application to the court under Part 54 of the Civil Procedure Rules 1998—

- (a) a decision by the Office of Rail and Road on a request made under paragraph (3), or a request for a reconsideration of its decision under paragraph (6), is binding on all parties affected by that decision; and
- (b) it is the duty of any person to whom a direction is given under this regulation to comply with and give effect to that direction.

(13) Without prejudice to paragraphs (9) and (10) the procedure and criteria to be applied by the Office of Rail and Road in the performance of its functions under paragraphs (3) to (8) shall be subject to, and include, the relevant procedures and criteria set out in [F⁴Commission Implementing Regulation (EU) 2018/1795 of 20 November 2018 laying down procedure and criteria for the application of the economic equilibrium test pursuant to Article 11 of [Directive 2012/34/EU](#) of the European Parliament and of the Council or, in relation to applicants' notifications received sufficiently in advance for the passenger services to be able to start before 12 December 2020,] Commission Implementing Regulation (EU) No 869/2014 of 11th August 2014 on new rail passenger services.

Textual Amendments

- F2** Words in [reg. 33\(1\)](#) substituted (31.12.2020) by [The Railways \(Access, Management and Licensing of Railway Undertakings\) \(Amendments etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/518\)](#), regs. 1(3)(b), 17; 2020 c. 1, Sch. 5 para. 1(1)
- F3** [Reg. 33\(2\)](#) omitted (11.2.2019) by virtue of [The Railways \(Access, Management and Licensing of Railway Undertakings\) \(Amendment\) Regulations 2019 \(S.I. 2019/82\)](#), regs. 1(2), 4(a)
- F4** Words in [reg. 33\(13\)](#) inserted (11.2.2019) by [The Railways \(Access, Management and Licensing of Railway Undertakings\) \(Amendment\) Regulations 2019 \(S.I. 2019/82\)](#), regs. 1(2), 4(b)

Monitoring the rail services markets

34.—(1) The Office of Rail and Road must monitor the competitive situation in the rail services markets.

(2) In particular it must—

- (a) control the matters referred to in regulation 32(2) on its own initiative and with a view to preventing discrimination against applicants; and
- (b) check whether the network statement contains discriminatory clauses or creates discretionary powers for the infrastructure manager that may be used to discriminate against applicants.

(3) The Office of Rail and Road must, where appropriate and on its own initiative, give appropriate directions to correct—

- (a) discrimination against applicants;
- (b) market distortion; or
- (c) undesirable developments in relation to the competitive situation in the rail services markets, in particular with reference to the matters referred to in regulation 32(2).

(4) Without prejudice to the right of any person to make an application to the court under Part 54 of the Civil Procedure Rules 1998, it is the duty of any person to whom a direction is given under paragraph (3) to comply with and give effect to that direction.

(5) The Office of Rail and Road and the safety authority for the Channel Tunnel within the meaning of the Railways (Interoperability) Regulations 2011^{M7} must cooperate closely, in particular with a view jointly to develop a framework for information-sharing and cooperation aimed at preventing adverse effects on competition or safety in the rail services markets.

(6) The framework must include a mechanism for—

- (a) the Office of Rail and Road to provide the safety authority referred to in paragraph (5) with recommendations on issues that may affect competition in the rail services markets; and
- (b) that safety authority to provide the Office of Rail and Road with recommendations on issues which may affect safety.

(7) Without prejudice to their independence within the field of their competence, the Office of Rail and Road and the safety authority referred to in paragraph (5) must each examine any relevant recommendation which it receives under paragraph (6)(a) or (b), as the case may be, before making a relevant decision or direction and must give reasons if it deviates from the recommendation.

(8) The Office of Rail and Road must regularly, and in any case at least every two years, consult representatives of users of the rail freight and passenger transport services, to take into account their views on the rail services markets.

^{F5}(9)

^{F5}(10)

Textual Amendments

F5 Reg. 34(9)(10) omitted (31.12.2020) by virtue of [The Railways \(Access, Management and Licensing of Railway Undertakings\) \(Amendments etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/518\)](#), regs. 1(3)(b), 18; 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

M7 [S. I. 2011/3066](#); see the definition of “safety authority” in regulation 2. Amendments have been made to [S.I. 2011/3066](#) which are not relevant to these Regulations. The IGC is the safety authority for the Channel Tunnel.

Audits

35.—(1) The Office of Rail and Road may carry out an audit or initiate an external audit of an infrastructure manager, service provider and, where relevant, railway undertaking to verify compliance with the accounting separation provisions laid down in regulation 9.

(2) For the purposes of paragraph (1) the power of the Office of Rail and Road under section 80 of the Act ^{M8}, as modified by regulation 36, to request relevant information to perform its functions includes a power to request any relevant party to provide all or part of the accounting information listed in Schedule 5 with a sufficient level of detail as is deemed necessary and proportionate.

(3) For the purposes of paragraph (2) “any relevant party” includes an infrastructure manager, service provider, railway undertaking or other entity performing or integrating different types of rail transport or infrastructure management as referred to in regulations 6 and 9(1).

(4) The Office of Rail and Road may draw conclusions from the accounts concerning state aid issues, which it must report to the Secretary of State.

Marginal Citations

M8 [1993 c. 43](#). Section 80 is amended by the [Transport Act 2000 \(c. 38\)](#), [Schedule 27](#), paragraphs 17 and 38 and [Schedule 31, Part 4](#); the [Railways Act 2005 \(c. 14\)](#), [Schedule 1, Part 1, paragraph 33](#) and [Schedule 11, paragraphs 1 and 12](#); [S.I. 2005/3050](#), [Schedule 1, Part 1, paragraphs 3\(1\) and 7](#) and [S.I. 2015/1682](#), [Schedule, Part 1, paragraph 1\(xx\)](#). Section 80 is also amended by these Regulations (see [Schedule 1, paragraph 3\(3\)](#)).

Provision of information to the regulatory body

36.—(1) If the Office of Rail and Road requests information in connection with its functions under these Regulations, section 80 of the Act (duty of certain persons to furnish information on request) applies as if—

- (a) in subsection (1)—
 - (i) for “Licence holders” there were substituted “ An infrastructure manager, allocation body, charging body, applicant, service provider or any other party ”;
 - (ii) for “he, they or it” in both places there were substituted “ it ”; and
 - (iii) for “functions of the Secretary of State, the Scottish Ministers or (as the case may be) that Office under this Part, the Transport Act 2000 or the Railways Act 2005 or any other function or activity of his, theirs or its in relation to railway services.” there were substituted “ of its functions under [^{F6}the Railways (Access, Management and Licensing Railway Undertakings) Regulations 2016]. ”;
- (b) after subsection (1A) there were added—
 - “(1B) In subsection (1) “allocation body”, “charging body”, “applicant”, “infrastructure manager” and “service provider” have the same meanings as in the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 ^{M9}.”;
- (c) in subsection (2) —
 - (i) for “being not less than 28 days” there were substituted “ being not more than one calendar month ”; and
 - (ii) at the end of that subsection there were added:
 - “save that, in exceptional circumstances, the Office of Rail and Road may authorise a time extension of a further two weeks for compliance with the request.”; and
- (d) for “the Secretary of State, the Scottish Ministers or the Office of Rail and Road” in each place there were substituted “ the Office of Rail and Road ”.

(2) Information which may be requested under section 80 of the Act, as modified by paragraph (1), includes data which are necessary for statistical and market observation purposes.

<p>Textual Amendments</p> <p>F6 Words in reg. 36(1)(a)(iii) substituted (31.12.2020) by The Railways (Access, Management and Licensing of Railway Undertakings) (Amendments etc.) (EU Exit) Regulations 2019 (S.I. 2019/518), regs. 1(3)(b), 19; 2020 c. 1, Sch. 5 para. 1(1)</p> <hr/> <p>Marginal Citations</p> <p>M9 S. I. 2016/645.</p>

Cooperation between regulatory bodies

^{F7}37.

Textual Amendments

- F7** Reg. 37 omitted (31.12.2020) by virtue of The Railways (Access, Management and Licensing of Railway Undertakings) (Amendments etc.) (EU Exit) Regulations 2019 (S.I. 2019/518), regs. 1(3)(b), 20; 2020 c. 1, Sch. 5 para. 1(1)

Enforcement of decisions, directions and notices

38.—(1) If the Office of Rail and Road is satisfied that a relevant operator has contravened, or is contravening, a relevant decision, direction or notice, it may impose on the relevant operator a penalty of such amount as is reasonable.

(2) In this regulation—

(a) “relevant decision, direction or notice” means—

- (i) a decision made, or direction issued, by the Office of Rail and Road under regulation 31, 32, 33 or 34;
- (ii) a direction given by the Office of Rail and Road under section 17 or 22A of the Act^{M10}, where the direction relates to a matter referred to in regulation 32(2)(c) to (g) and was applied for as a result of regulation 32(3); or
- (iii) a notice served by the Office of Rail and Road under section 80 of the Act, as modified by regulation 36; and

(b) “relevant operator” means—

- (i) a person issued with a decision or direction under regulation 31, 32, 33 or 34;
- (ii) a person to whom a direction of the kind described in sub-paragraph (a)(ii) has been given; or
- (iii) a person on whom a notice is served under section 80 of the Act, as modified by regulation 36.

(3) Sections 57A(2), (3), (6) and (7), 57B(1) to (6), 57C, 57D(1), 57E and 57F of the Act^{M11} (“the applicable provisions”) have effect in relation to a penalty imposed under paragraph (1) as if it had been imposed under section 57A(1) of the Act.

(4) For the purposes of paragraph (3)—

- (a) references in the applicable provisions to the “relevant operator” are to be construed in accordance with this regulation;
- (b) references in the applicable provisions to the “appropriate authority” are to be read as references to the Office of Rail and Road;
- (c) section 57A(2) has effect as if for paragraphs (a) and (b) there were substituted “ to the Secretary of State. ”;
- (d) references in section 57B(1) and (3) to (6) to “the Secretary of State, the Scottish Ministers and the Office of Rail and Road” are to be read as references to the Office of Rail and Road;
- (e) references in section 57B(3) and (4) to “his, their or its” are to be read as references to “its”;
- (f) in sections 57B(2) and 57C, any reference to a “relevant condition or requirement or order” has effect as if it included a reference to a relevant decision, direction or notice;
- (g) section 57D(1) has effect as if for paragraphs (a) and (b) there were substituted—
“of a relevant decision, direction or notice (within the meaning of regulation 38 of the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016^{M12}),”; and

- (h) section 57F(1) has effect as if for paragraph (a) there were substituted—
- “(a) that it was not within the powers of regulation 38(1) of the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016,”.

Marginal Citations

- M10** 1993 c. 43. Section 17 is amended by the [Transport Act 2000 \(c. 38\)](#), section 233(1), [Schedule 27](#), paragraphs 17 and 21, and Schedule 31, Part 4; the [Railways Act 2005 \(c. 14\)](#), [Schedule 1](#), Part 1, paragraph 12(1) and (2) and Schedule 11, paragraphs 1 and 3(a); S.I. 1998/1340, [regulation 21\(5\)](#); S.I. 2005/3049, [Schedule 1](#), Part 1, paragraph 4(a) and (b); and S.I. 2015/1682, [Schedule](#), Part 1, paragraph 1(y). Section 22A was inserted by the Transport Act 2000, section 232(2), and amended by S.I. 2005/3049, [Schedule 1\(1\)](#), paragraph 4(d); and S.I. 2015/1682, [Schedule](#), Part 1, paragraph 1(ff).
- M11** 1993 c. 43. Sections 57A–57F were inserted by the [Transport Act 2000 \(c. 38\)](#), [section 225\(1\)](#). Section 57A is amended by the [Railways Act 2005 \(c. 14\)](#), [Schedule 1](#), Part 1, paragraph 23(1) and (2); the [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), [Schedule 14](#), paragraphs 11 and 13; and S.I. 2015/1682, [Schedule](#), Part 1, paragraph 1(ll). There are other amendments to section 57A not relevant to these Regulations. Section 57B is amended by the Railways Act 2005, Schedule 1, Part 1, paragraph 24(1); the [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Schedule 2](#), Part 1, paragraphs 1 and 18(a), and Schedule 8; and S.I. 2015/1682, [Schedule](#), Part 1, paragraph 1(mm). Section 57C is amended by the Railways and Transport Safety Act 2003, Schedule 2, Part 1, paragraphs 1 and 3(b); the Railways Act 2005, Schedule 1, Part 1, paragraph 25; and S.I. 2015/1682, [Schedule](#), Part 1, paragraph 1(nn). Paragraph 57F is amended by the Railways Act 2005, Schedule 11, paragraphs 1 and 8.
- M12** [S.I. 2016/645](#).

Changes to legislation:

There are currently no known outstanding effects for the The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016, PART 6.