

## SCHEDULE 1

### Amendments

#### Regulation 2(2)

## PART 1

### Amendments to Primary Legislation

#### The Railway Fires Act 1905

1. In section 4 of the Railway Fires Act 1905 <sup>M1</sup> (definitions and application), for paragraph (c) of the definition of “railway company” substitute—

- “(c) who holds a European licence granted pursuant to—
- (i) 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 <sup>M2</sup> or Chapter III of Directive 2012/34/EU of the European Parliament and of the Council of 21st November 2012 establishing a single European railway area (recast) <sup>M3</sup>, or
  - (ii) any action taken by an EEA State for that purpose.”

#### Marginal Citations

**M1** 1905 c. 11; the definition of “railway company” in section 4 was inserted in relation to England, Scotland and Wales by the Railways Act 1993 (c. 43), [Schedule 12, paragraph 2\(2\)](#). Paragraph (c) was inserted by S.I. 2005/3050, [Schedule 1, Part 1, paragraph 1\(b\)](#).

**M2** O.J. No. L 143, 27.6.95, p. 70.

**M3** O.J. No. L 343, 14.12.12, p. 32, as corrected by Corrigendum, O.J. L 67, 12.3.2015, p. 32.

#### The Insolvency Act 1986

2. In Schedule 2A to the Insolvency Act 1986 <sup>M4</sup> (exceptions to prohibition on appointment of administrative receiver: supplementary provisions), for paragraph 10(1)(n) substitute—

- “(n) in reliance on a European licence granted pursuant to—
- (i) 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 or Chapter III of Directive 2012/34/EU of the European Parliament and of the Council of 21st November 2012 establishing a single European railway area (recast), or
  - (ii) any action taken by an EEA State for that purpose.”

#### Marginal Citations

**M4** 1986 c. 45; Schedule 2A was inserted by the Enterprise Act 2002 (c. 40) section 250(2), Schedule 18. Paragraph 10(1)(n) was inserted by S.I. 2005/3050, [Schedule 1, Part 1, paragraph 2\(b\)](#). Paragraph 10(2B) of that Schedule was inserted by S.I. 2005/3050, [Schedule 1, Part 1, paragraph 2\(c\)](#).

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### The Railways Act 1993

3.—(1) The Railways Act 1993 <sup>M5</sup> is amended as follows.

(2) In section 6(2) (prohibition on unauthorised operators of railway assets), for the definition of “European licence”<sup>M6</sup> substitute—

““European licence” means a licence granted pursuant to—

- (a) a provision contained in any instrument made for the purpose of implementing—
  - (i) Council Directive [1995/18/EC](#) dated 19th June 1995 on the licensing of railway undertakings, or
  - (ii) Chapter III of Directive 2012/34/EU of the European Parliament and of the Council of 21st November 2012 establishing a single European railway area (recast), or
- (b) any action taken by an EEA State for that purpose;”.

(3) For section 80(1A) <sup>M7</sup> (duty of certain persons to furnish information to the Secretary of State, the Scottish Ministers or the Office of Rail and Road on request) for the words from “for the purpose of implementing” to the end substitute—

“for the purpose of implementing—

- (a) Council Directive [1995/18/EC](#) dated 19th June 1995 on the licensing of railway undertakings, or
  - (b) Chapter III of Directive 2012/34/EU of the European Parliament and of the Council of 21st November 2012 establishing a single European railway area (recast).”.
- (4) In section 145(2) (general restrictions on disclosure of information)—

(a) in paragraph (ga) <sup>M8</sup>, for the words from “for the purpose of implementing” to the end substitute—

“for the purpose of implementing—

- (i) Council Directive [1995/18/EC](#) dated 19th June 1995 on the licensing of railway undertakings, or
- (ii) Directive 2012/34/EU of the European Parliament and of the Council of 21st November 2012 establishing a single European railway area (recast);”;

(b) omit paragraph (gb) <sup>M9</sup>.

#### Marginal Citations

**M5** [1993 c. 43](#).

**M6** The definition of “European Licence” was substituted for the definition of “international licence” by [S.I. 2005/3050](#), [Schedule 1, Part 1, paragraph 3\(1\)](#) and (3)(a).

**M7** Subsection (1A) was inserted by [S.I. 2005/3050](#), [Schedule 1, Part 1, paragraph 3\(1\)](#) and (7)(a) and amended by [S.I. 2015/1682](#), [Schedule, Part 1, paragraph 1\(xx\)](#).

**M8** Section 145(2)(ga) was inserted by [S.I. 2005/3050](#), [Schedule 1, Part 1, paragraph 3\(1\)](#) and (9) and amended by [S.I. 2015/1682](#), [Schedule, Part 1, paragraph 1\(aaa\)](#).

**M9** Section 145(2)(gb) was inserted by [S.I. 2005/3049](#), [Schedule 1, Part 1, paragraph 4\(e\)\(ii\)](#) and amended by [S.I. 2009/1122](#), [Schedule, paragraph 1\(1\)](#) and (2)(a) and [S.I. 2015/1682](#), [Schedule, Part 1, paragraph 1\(aaa\)](#).

### The Greater London Authority Act 1999

4. In section 235(2)(b) of the Greater London Authority Act 1999 <sup>M10</sup> (restrictions on disclosure of information), for the words from “implementing” to the end substitute “ implementing Directive 2012/34/EU of the European Parliament and of the Council of 21st November 2012 establishing a single European railway area (recast); ”.

#### Marginal Citations

**M10** 1999 c.29. Subsection (2)(b) was amended by the Railways Act 2005 (c. 14), **Schedule 12**, paragraph 14(1) and (5) and Schedule 13, Part 1; S.I. 2005/3049, **Schedule 1**, Part 1, paragraph 5(a); S.I. 2009/1122, **Schedule**, paragraph 2; S.I. 2014/892, **Schedule 1**, Part 2, paragraph 119(1) and (2); and SI 2015/1682, Schedule, Part 1, paragraph 4(n)(iv).

### The Railways and Transport Safety Act 2003

5. In section 17 of the Railways and Transport Safety Act 2003 <sup>M11</sup> (extent)—
- (a) omit “only”, and
  - (b) after paragraph (b) insert—
    - “, and
    - (c) Northern Ireland.”.

#### Marginal Citations

**M11** 2003 c. 20.

### The Civil Contingencies Act 2004

- 6.—(1) Schedule 1 to the Civil Contingencies Act 2004 <sup>M12</sup> is amended as follows.
- (2) For paragraph 24(1) substitute—
- “(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—
    - (i) Council Directive 1995/18/EC dated 19th June 1995 on the licensing of railway undertakings, or
    - (ii) Chapter III of Directive 2012/34/EU of the European Parliament and of the Council of 21st November 2012 establishing a single European railway area (recast), or
  - (b) any action taken by an EEA State for that purpose.”.
- (3) For paragraph 35(1) substitute—
- “(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—
- (a) a provision contained in any instrument made for the purpose of implementing—
    - (i) Council Directive 1995/18/EC dated 19th June 1995 on the licensing of railway undertakings, or

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- (ii) Chapter III of Directive 2012/34/EU of the European Parliament and of the Council of 21st November 2012 establishing a single European railway area (recast), or
- (b) any action taken by an EEA State for that purpose.”.

**Marginal Citations**

**M12** 2004 c. 36. Schedule 1, paragraphs 24 and 35 were substituted by [S.I. 2005/3050](#), [Schedule 1, Part 1, paragraph 4](#).

## PART 2

### Amendments to Secondary Legislation

#### The Town and Country Planning (Control of Advertisements) Regulations 1992

7. In regulation 2(1) (interpretation) of the Town and Country Planning (Control of Advertisements) Regulations 1992 <sup>M13</sup>, in the definition of “statutory undertaker” for the words from “Council Directive” to “of the Council” substitute “ Council Directive [1995/18/EC](#) dated 19th June 1995 on the licensing of railway undertakings or Chapter III of Directive 2012/34/EU of the European Parliament and of the Council of 21st November 2012 establishing a single European railway area (recast) ”.

**Marginal Citations**

**M13** [S.I. 1992/666](#); revoked in relation to England by [S.I. 2007/783](#), [regulation 32](#). The words to be substituted in the definition of “statutory undertaker” were inserted by [S.I. 2005/3050](#), [Schedule 1, Part 2, paragraph 7\(1\)](#) and (3). There are other amendments to the definition but none is relevant.

#### The London Underground (East London Line Extension) (No. 2) Order 2001

8. In Schedule 11 (protection for Railtrack) to the London Underground (East London Line Extension) (No. 2) Order 2001 <sup>M14</sup>, in the definition of “train operator” in paragraph 1(2) for the words from “Council Directive” to the end substitute “ Council Directive [1995/18/EC](#) dated 19th June 1995 on the licensing of railway undertakings or Chapter III of Directive 2012/34/EU of the European Parliament and of the Council of 21st November 2012 establishing a single European railway area (recast). ”.

**Marginal Citations**

**M14** [S.I. 2001/3682](#). The words to be substituted in the definition of “train operator” were inserted by [S.I. 2005/3050](#), [Schedule 1, Part 2, paragraph 9\(1\)](#) and (2)(b). There are other amendments to this definition but none is relevant.

#### The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002

9. In Part 1 of Schedule 11 (for protection of railway undertakers) to the Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 <sup>M15</sup>, in the definition of “train operator” in paragraph 13(6) for the words from “Council Directive” to the end substitute “ Council Directive

1995/18/EC dated 19th June 1995 on the licensing of railway undertakings or Chapter III of Directive 2012/34/EU of the European Parliament and of the Council of 21st November 2012 establishing a single European railway area (recast). ”.

**Marginal Citations**

**M15** [S.I. 2002/1066](#). The words to be substituted in the definition of “train operator” were inserted by [S.I. 2005/3050, Schedule 1, Part 2, paragraph 10\(1\)](#) and (2)(b).

**The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004**

10. In Schedule 13 (for protection of railway interests) to the Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 <sup>M16</sup>, in the definition of “train operator” in paragraph 15(6) for the words from “Council Directive” to the end substitute “ Council Directive [1995/18/EC](#) dated 19th June 1995 on the licensing of railway undertakings or Chapter III of Directive 2012/34/EU of the European Parliament and of the Council of 21st November 2012 establishing a single European railway area (recast). ”.

**Marginal Citations**

**M16** [S.I. 2004/757](#). The words to be substituted in the definition of “train operator” were inserted by [S.I. 2005/3050, Schedule 1, Part 2, paragraph 11\(1\)](#) and (2)(b).

**The British Transport Police (Police Services Agreement) Order 2004**

11. In article 2(1)(b) (requirement to enter into a police services agreement) of the British Transport Police (Police Services Agreement) Order 2004 <sup>M17</sup> for the words from “Council Directive” to “of the Council” substitute “ Council Directive [1995/18/EC](#) dated 19th June 1995 on the licensing of railway undertakings or Chapter III of Directive 2012/34/EU of the European Parliament and of the Council of 21st November 2012 establishing a single European railway area (recast) ”.

**Marginal Citations**

**M17** [S.I. 2004/1522](#). The words to be substituted were inserted by [S.I. 2005/3050, Schedule 1, Part 2, paragraph 12\(2\)](#).

**The Central Rating List (Wales) Regulations 2005**

12. In regulation 7(3) (railway hereditaments) of the Central Rating List (Wales) Regulations 2005 <sup>M18</sup>, in the definition of “ “licence exempt operator” and “licence holder”” for the words from “Council Directive” to “of the Council” substitute “ Council Directive [1995/18/EC](#) dated 19th June 1995 on the licensing of railway undertakings or Chapter III of Directive 2012/34/EU of the European Parliament and of the Council of 21st November 2012 establishing a single European railway area (recast) ”.

**Marginal Citations**

**M18** [S.I. 2005/422](#). The words to be substituted were inserted by [S.I. 2005/3050, Schedule 1, Part 2, paragraph 13\(1\)](#) and (2)(b).

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### **The Central Rating List (England) Regulations 2005**

13. In regulation 6(4) (railway hereditaments) of the Central Rating List (England) Regulations 2005 <sup>M19</sup> in the definition of “ “licence exempt operator” and “licence holder”” for the words from “Council Directive” to the end substitute “ Council Directive 1995/18/EC dated 19th June 1995 on the licensing of railway undertakings or Chapter III of Directive 2012/34/EU of the European Parliament and of the Council of 21st November 2012 establishing a single European railway area (recast); ”.

#### **Marginal Citations**

**M19** [S.I. 2005/551](#). The words to be substituted were inserted by [S.I. 2005/3050](#), [Schedule 1, Part 2, paragraph 14\(1\)](#) and (2)(b).

### **The Railways (Interoperability) Regulations 2011**

14. In regulation 36(10)(b)(i) (national vehicle register) of the Railways (Interoperability) Regulations 2011 <sup>M20</sup>, for the words from “article 30” to the end substitute “ article 55 of Directive 2012/34/EU of the European Parliament and of the Council of 21st November 2012 establishing a single European railway area (recast); ”.

#### **Marginal Citations**

**M20** [S.I. 2011/3066](#); paragraph (10)(b)(i) is amended by [S.I. 2015/1682](#), [Schedule](#), Part 2, paragraph 9(b).

### **The Channel Tunnel (International Arrangements) (Charging Framework and Transfer of Economic Regulation Functions) Order 2015**

15.—(1) The Channel Tunnel (International Arrangements) (Charging Framework and Transfer of Economic Regulation Functions) Order 2015 <sup>M21</sup> is amended as follows.

(2) In regulation 2 (interpretation) for the definitions of “the 2005 Regulations” and “the 2015 Regulations” substitute—

““the 2016 Regulations” means the Railway (Access, Management and Licensing of Railway Undertakings) Regulations 2016 <sup>M22</sup>.”.

(3) In regulation 5(2) for the words “the 2005 Regulations, as amended by the 2015 Regulations,” substitute “ the 2016 Regulations ”.

(4) In regulation 5(2)(a) and (2)(b) for the words “the 2005 Regulations as so amended,” in both places, substitute “ the 2016 Regulations ”.

#### **Marginal Citations**

**M21** [S.I. 2015/785](#). There are amendments to regulation 5 which are not relevant to these Regulations.

**M22** [S.I. 2016/645](#).

**Changes to legislation:**

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