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STATUTORY INSTRUMENTS

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**2019 No. 700**

**The Railway (Licensing of Railway Undertakings)  
(Amendment etc.) (EU Exit) Regulations 2019**

**PART 3**

Consequential amendments to primary legislation

**The Railway Fires Act 1905**

**20.** In section 4 of the Railway Fires Act 1905(1) (definitions and application)—

- (a) omit the definition of “EEA State”;
- (b) in the definition of “railway company”, for paragraph (c) substitute—
  - “(c) who holds a railway undertaking licence granted pursuant to the Railway (Licensing of Railway Undertakings) Regulations 2005;”.

**The Insolvency Act 1986**

**21.** In paragraph 10 of Schedule 2A to the Insolvency Act 1986(2) (exceptions to the prohibition on appointment of administrative receiver: supplementary provisions)—

- (a) for sub-paragraph (1)(n) substitute—
  - “(n) in reliance on a railway undertaking licence granted pursuant to the Railway (Licensing of Railway Undertakings) Regulations 2005.”;
- (b) omit sub-paragraph (2B).

**The Railways Act 1993**

**22.—**(1) The Railways Act 1993(3) is amended as follows.

- (2) In section 6 (prohibition on unauthorised operators of railway assets)—
  - (a) in subsection (1A), for “European” substitute “railway undertaking”;
  - (b) in subsection (2)—
    - (i) omit the definition of “European licence”;
    - (ii) at the appropriate place insert—

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(1) 1905 c. 11; the definition of “railway company” was inserted by the Railways Act 1993 (c.43), Schedule 12, paragraph 2(2) and SR 2005/357; the definition was amended by S.I. 2005/3050 and 2016/645.

(2) 1986 c. 45; Schedule 2A was inserted by the Enterprise Act 2002 (c.40) section 250(2), Schedule 18; the relevant amending instruments are S.I. 2005/3050 and 2016/645.

(3) 1993 c. 43; Section 6(1A) and (2A) were inserted by S.I. 1998/1340 and subsequently amended by S.I. 2005/3050, subsection(2) was amended by S.I. 2005/3050 and 2016/645; section 59(6) was amended by S.I. 2005/3050; section 72(2)(a) was amended by S.I. 2005/3050; section 80(1A) was inserted by S.I. 2005/3050 and amended by S.I. 2015/1682 and 2016/645; section 83(1) was inserted by S.I. 2005/3050; section 145(2)(ga) was inserted by S.I. 2005/3050 and subsequently amended by S.I. 2015/1682 and 2016/645; Schedule 7 was amended by S.I. 2005/3050. There are other amending instruments but none is relevant.

““railway undertaking licence” means a licence granted pursuant to the Railway (Licensing of Railway Undertakings) Regulations 2005;”;

(c) omit subsection (2A).

(3) In section 59(6)(a)(i) (meaning and effect of railway administration order), for “European” substitute “railway undertaking”.

(4) In section 72(2)(a) (keeping of register by the Office of Rail and Road), for “European”, in each place it occurs, substitute “railway undertaking”.

(5) In section 80(1A) (duty to furnish information on request)—

(a) for “European licences” substitute “railway undertaking licences”;

(b) for the words from “any instrument made” to the end of paragraph (b) substitute “the Railway (Licensing of Railway Undertakings) Regulations 2005”.

(6) In section 83(1) (interpretation)—

(a) omit the definition of “European licence”;

(b) at the appropriate place, insert—

““railway undertaking licence” has the meaning given by section 6(2);”.

(7) In section 145(2) (general restrictions on the disclosure of information), for paragraph (ga) substitute—

“(ga) for the purpose of facilitating the carrying out by the Office of Rail and Road of any of its functions under—

(i) the Railway (Licensing of Railway Undertakings) Regulations 2005, or

(ii) the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016(4);”.

(8) In Schedule 7 (transfer of relevant activities in connection with railway administration orders)

(a) in paragraph 1(2), in the definition of “other appointee”, for “European” substitute “railway undertaking”;

(b) in paragraph 4(3), for “European” substitute “railway undertaking”.

### **The Greater London Authority Act 1999**

**23.** In section 235(2)(b) of the Greater London Authority Act 1999(5) (restrictions on the disclosure of information), for the words from “or any subordinate legislation” to the end, substitute “, the Railway (Licensing of Railway Undertakings) Regulations 2005 or the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016;”.

### **The Civil Contingencies Act 2004**

**24.** In Schedule 1 to the Civil Contingencies Act 2004(6) (category 1 and 2 responders)—

(a) for paragraph 24, substitute—

“**24.** A person who provides services in connection with railways in Great Britain and who holds a railway undertaking licence granted pursuant to the Railway (Licensing of Railway Undertakings) Regulations 2005.”;

(4) [S.I. 2016/645](#).

(5) [1999 c. 29](#); section 235(2)(b) was amended by the Railways Act 2005, section 59(1), Schedule 12, paragraph 14(1) and (5) (b) and by [S.I. 2005/3049](#), [2014/892](#), [2015/1682](#) and [2016/645](#).

(6) [2004 c. 36](#); paragraphs 24 and 35 of Schedule 1 were amended by [S.I. 2005/3050](#) and [2016/645](#).

(b) for paragraph 35, substitute—

“**35.** A person who provides services in connection with railways, in so far as such services are provided in Scotland, and who holds a railway undertaking licence granted pursuant to the Railway (Licensing of Railway Undertakings) Regulations 2005.”

### **The Railways Act 2005**

**25.**—(1) The Railways Act 2005(7) is amended as follows.

(2) In section 46(7)(c) (bye-laws), for “European” substitute “railway undertaking”.

(3) In section 59(5A) (consequential amendments, transitional provisions and repeals), for “European”, in both places it occurs, substitute “railway undertaking”.

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(7) 2005 c. 14; section 46(7) was amended by S.I. 2005/3050; section 59(5A) was inserted by S.I. 2005/3050.