



# Railways Act 1993

## 1993 CHAPTER 43

### PART I

#### THE PROVISION OF RAILWAY SERVICES

##### *Licensing of operators of railway assets*

#### **9 Conditions of licences: general.**

(1) A licence may include—

- (a) such conditions (whether or not relating to the licence holder's being the operator of railway assets under the authorisation of the licence) as appear to the grantor to be requisite or expedient having regard to the duties imposed by section 4 above; and
- (b) conditions requiring the rendering to—
  - (i) the Secretary of State,
  - (ii) [<sup>F1</sup>the Office of Rail and Road], or
  - (iii) any other person, or any other person of a class or description, specified in the licence, except a Minister of the Crown or Government department,

of a payment on the grant of the licence, or payments during the currency of the licence, or both, of such amount or amounts as may be determined by or under the licence.

(2) Conditions included in a licence by virtue of subsection (1)(a) above—

- (a) may require the licence holder to enter into any agreement with any person for such purposes as may be specified in the conditions; and
- (b) may include provision for determining the terms on which such agreements are to be entered into.

(3) Conditions included in a licence by virtue of subsection (1)(a) above may require the licence holder—

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*Changes to legislation: There are currently no known outstanding effects  
for the Railways Act 1993, Section 9. (See end of Document for details)*

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- (a) to comply with any requirements from time to time imposed by a qualified person with respect to such matters as are specified in the licence or are of a description so specified;
  - (b) except in so far as a qualified person consents to his doing or not doing them, not to do or to do such things as are specified in the licence or are of a description so specified;
  - (c) to refer for determination by a qualified person such questions arising under the licence as are specified in the licence or are of a description so specified;
  - (d) to refer for approval by a qualified person such things falling to be done under the licence as are specified in the licence or are of a description so specified;
  - (e) to furnish to a qualified person such documents or other information as he may require for the purpose of exercising any functions conferred or imposed on him under or by virtue of the licence;
  - (f) to furnish to the Secretary of State or [<sup>F1</sup>the Office of Rail and Road] such documents or other information as he [<sup>F2</sup>or it] may require for the purpose of exercising the functions assigned or transferred to him [<sup>F2</sup>or it] under or by virtue of this Part [<sup>F3</sup>or Part 4 of the Railways Act 2005].
- [<sup>F4</sup>(3A) Conditions included in a licence by virtue of subsection (1)(a) above may include provision about any matter which is dealt with (whether in the same or a different manner) by an access agreement.]
- (4) Conditions included in a licence may contain provision for the conditions to cease to have effect or be modified at such times, in such manner and in such circumstances as may be specified in or determined by or under the conditions; and any provision included by virtue of this subsection in a licence shall have effect in addition to the provision made by this Part with respect to the modification of the conditions of a licence.
  - (5) Subsections (2) to (4) above are without prejudice to the generality of subsection (1) (a) above.
  - (6) Any reference in subsection (3) above to a “qualified person” is a reference to—
    - (a) a person specified in the licence in question for the purpose in question, or
    - (b) a person of a description so specified,
and includes a reference to a person nominated for that purpose by such a person pursuant to the licence.
  - (7) Any sums received by the Secretary of State or [<sup>F1</sup>the Office of Rail and Road] in consequence of the provisions of any condition of a licence shall be paid into the Consolidated Fund.

#### **Textual Amendments**

- F1** Words in s. 9 substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 1(e)**
- F2** Words in s. 9 inserted (5.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. 16, 120, **Sch. 2 para. 6**; [S.I. 2004/827](#), **art. 4(g)**
- F3** Words in s. 9(3)(f) inserted (1.12.2006) by [Railways Act 2005 \(c. 14\)](#), ss. 54, 60, **Sch. 11 para. 2**; [S.I. 2006/2911](#), **art. 2**, **Sch.** (subject to the transitional and saving provisions in arts. 3-7)
- F4** S. 9(3A) inserted (1.2.2001) by [2000 c. 38](#), s. 252, **Sch. 27 para. 19**; [S.I. 2001/57](#), art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in **Sch. 2 Pt. II**)

**Changes to legislation:**

There are currently no known outstanding effects for the Railways Act 1993, Section 9.