



Railways Act 1993

1993 CHAPTER 43

PART I

THE PROVISION OF RAILWAY SERVICES

Interpretation

81 Meaning of “railway”

- (1) Subject to subsection (2) below, the definition of “railway” in section 67(1) of the Transport and Works Act 1992 shall have effect for the purposes of this Part as it has effect for the purposes of that Act, and cognate expressions shall be construed accordingly.
- (2) Where it is stated for the purposes of any provision of this Part that railway has its wider meaning, “railway” shall be taken, for the purposes of that provision, to mean—
 - (a) a railway,
 - (b) a tramway, or
 - (c) a transport system which uses another mode of guided transport but which is not a trolley vehicle system,and cognate expressions shall be construed accordingly.
- (3) In paragraphs (a) to (c) of subsection (2) above “guided transport”, “railway”, “tramway” and “trolley vehicle system” have the meaning given by section 67(1) of the Transport and Works Act 1992.

82 Meaning of “railway services” etc

- (1) In this Part, “railway services” means services of any of the following descriptions, that is to say—
 - (a) services for the carriage of passengers by railway;
 - (b) services for the carriage of goods by railway;
 - (c) light maintenance services;

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- (d) station services;
- (e) network services.

(2) In this Part—

“light maintenance services” means services of any of the following descriptions, that is to say—

- (a) the refuelling, or the cleaning of the exterior, of locomotives or other rolling stock;
- (b) the carrying out to locomotives or other rolling stock of maintenance work of a kind which is normally carried out at regular intervals of twelve months or less to prepare the locomotives or other rolling stock for service;

“network services” means any service which consists of, or is comprised in, the provision or operation of a network (or of any of the track or other installations comprised in a network), but does not include any service which falls within paragraphs (a) to (d) of subsection (1) above;

“services for the carriage of passengers by railway” includes services for and in connection with the carriage of luggage, parcels or mail on trains which at the time are available, and primarily intended, for use by passengers; and references to carrying, or to the carriage of, passengers by railway shall be construed accordingly;

“station services” means any service which consists of, or is comprised in, the provision or operation of a station;

and, for the purposes of the above definitions of “network services” and “station services”, where a person permits another to use any land or other property comprised in a network or station he shall be regarded as providing a service which falls within the meaning of “network services” or “station services”, as the case may be.

(3) Without prejudice to the generality of the definition in subsection (2) above, “network services” includes services of any of the following descriptions, that is to say—

- (a) the construction, maintenance, re-alignment, re-configuration or renewal of track,
- (b) the installation, operation, maintenance or renewal of a railway signalling system or of any other railway communication equipment,
- (c) the construction, control, maintenance or renewal of electrical conductor rails or overhead lines, of any supports for such rails or lines, and of any electrical substations or power connections used or to be used in connection therewith, and the provision of electrical power by means thereof,
- (d) the provision and operation of services for the recovery or repair of locomotives or other rolling stock in connection with any accident, malfunction or mechanical or electrical failure,
- (e) the provision and operation of services for keeping track free from, or serviceable notwithstanding, obstruction (whether by snow, ice, water, fallen leaves or any other natural or artificial obstacle or hindrance) or for removing any such obstruction,
- (f) the provision, operation, maintenance and renewal of any plant, equipment or machinery used in carrying on any of the activities specified in paragraphs (a) to (e) above,
- (g) the exercise of day to day control over train movements over or along any track comprised in the network,

- (h) the preparation of a timetable for the purposes of such control as is referred to in paragraph (g) above,
and it is immaterial for the purposes of this subsection and that subsection whether or not the person who provides the service in question also provides or operates a network, or any of the track or other installations comprised in a network, or provides the service on behalf of a person who does so.
- (4) In determining whether any service is a station service, it is immaterial whether or not the person who provides the service also provides or operates a station, or any part of a station, or provides the service on behalf of a person who does so.
- (5) In this section, “maintenance” includes the detection and rectification of any faults.
- (6) “Railway” has its wider meaning in the application of this section in relation to any provision of this Part for the purposes of which “railway” has that meaning.

83 Interpretation of Part I

- (1) In this Part, unless the context otherwise requires—
- “the 1973 Act” means the Fair Trading Act 1973;
 - “the 1980 Act” means the Competition Act 1980;
 - “access agreement” means—
 - (a) an access contract entered into pursuant to directions under section 17 or 18 above; or
 - (b) an installation access contract entered into pursuant to directions under section 19 above;
 - “access contract” has the meaning given by section 17(6) above;
 - “access option” shall be construed in accordance with section 17(6) above;
 - “additional railway asset” has the meaning given by section 29(8) above;
 - “ancillary service” means any service which is necessary or expedient for giving full effect to any permission or right which a person may have to use any track, station or light maintenance depot;
 - “appropriate officer” has the meaning given by section 55(10) above;
 - “the Central Committee” means the Central Rail Users' Consultative Committee;
 - “closure” shall be construed in accordance with section 37(1), 38(1), 39(1), 40(1), 41(1) or 42(1) above, as the case may be, and “proposed closure” shall be construed accordingly;
 - “closure conditions” has the meaning given by section 45 above;
 - “closure consent” means any decision required by section 43 or 44 above before a proposed closure may take effect;
 - “consultative committee” means a Rail Users' Consultative Committee, established under subsection (2) of section 2 above (but this definition is subject to subsection (4) of that section);
 - “the Director” means the Director General of Fair Trading;
 - “exempt facility” shall be construed in accordance with section 20(13) above;
 - “experimental passenger service” has the meaning given by section 48(6) above;
 - “facility exemption” has the meaning given by section 20(13) above;

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“facility owner” has the meaning given by section 17(6) above;

“final order” and “provisional order” have the meaning given by section 55(10) above;

“franchise agreement” has the meaning given by section 23(3) above;

“franchise assets” has the meaning given by section 27(11) above;

“franchise exemption” has the meaning given by section 24(13) above;

“franchise operator” has the meaning given by section 23(3) above;

“franchise period” has the meaning given by section 23(3) above;

“franchise term” has the meaning given by section 23(3) above;

“franchised services” has the meaning given by section 23(3) above;

“franchisee” has the meaning given by section 23(3) above;

“goods” includes mail, parcels, animals, plants and any other creature, substance or thing capable of being transported, but does not include passengers;

“information” includes accounts, estimates, records and returns;

“installation access contract” has the meaning given by section 19(9) above;

“installation owner” has the meaning given by section 19(9) above;

“licence” means a licence under section 8 above and “licence holder” shall be construed accordingly;

“licence exemption” has the meaning given by section 7(13) above;

“light maintenance” (without more) means—

- (a) the refuelling, or the cleaning of the exterior, of locomotives or other rolling stock; or
- (b) the carrying out to locomotives or other rolling stock of maintenance work of a kind which is normally carried out at regular intervals of twelve months or less to prepare the locomotives or other rolling stock for service;

and, for the purposes of paragraph (b) above, “maintenance work” includes the detection and rectification of any faults;

“light maintenance depot” means any land or other property which is normally used for or in connection with the provision of light maintenance services, whether or not it is also used for other purposes;

“light maintenance depot licence” means a licence authorising a person—

- (a) to be the operator of a light maintenance depot; and
- (b) to be the operator of a train being used on a network for a purpose preparatory or incidental to, or consequential on, the provision of light maintenance services;

“light maintenance services” has the meaning given by section 82 above;

“locomotive” means any railway vehicle which has the capacity for self-propulsion (whether or not the power by which it operates is derived from a source external to the vehicle);

“network” means—

- (a) any railway line, or combination of two or more railway lines, and
- (b) any installations associated with any of the track comprised in that line or those lines,

together constituting a system of track and other installations which is used for and in connection with the support, guidance and operation of trains;

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“network licence” means a licence authorising a person—

- (a) to be the operator of a network;
- (b) to be the operator of a train being used on a network for any purpose comprised in the operation of that network; and
- (c) to be the operator of a train being used on a network for a purpose preparatory or incidental to, or consequential on, using a train as mentioned in paragraph (b) above;

“network services” has the meaning given by section 82 above;

“notice period” has the meaning given by section 48(13) above;

“operator”, in relation to a railway asset, has the meaning given by section 6(2) above;

“passenger licence” means a licence authorising a person—

- (a) to be the operator of a train being used on a network for the purpose of carrying passengers by railway; and
- (b) to be the operator of a train being used on a network for a purpose preparatory or incidental to, or consequential on, using a train as mentioned in paragraph (a) above;

“passenger service operator” means a person who provides services for the carriage of passengers by railway;

“premises” includes any land, building or structure;

“prescribed” means prescribed by regulations made by the Secretary of State;

“private sector operator” means any body or person other than a public sector operator;

“protected railway company” has the meaning given by section 59(6)(a) above;

“public sector operator” has the meaning given by section 25 above;

“railway” shall be construed in accordance with section 81 above;

“railway asset” has the meaning given by section 6(2) above;

“railway facility” means any track, station or light maintenance depot;

“railway passenger service” means any service for the carriage of passengers by railway;

“railway services” has the meaning given by section 82 above;

“railway vehicle” includes anything which, whether or not it is constructed or adapted to carry any person or load, is constructed or adapted to run on flanged wheels over or along track;

“records” includes computer records and any other records kept otherwise than in a document;

“relevant activities”, in relation to a protected railway company, has the meaning given by section 59(6)(b) above;

“relevant condition or requirement” has the meaning given by section 55(10) above;

“relevant operator” has the meaning given by section 55(10) above;

“rolling stock” means any carriage, wagon or other vehicle used on track and includes a locomotive;

“station” means any land or other property which consists of premises used as, or for the purposes of, or otherwise in connection with, a railway passenger station or railway passenger terminal (including any approaches, forecourt,

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cycle store or car park), whether or not the land or other property is, or the premises are, also used for other purposes;

“station licence” means a licence authorising a person to be the operator of a station;

“station services” has the meaning given by section 82 above;

“track” means any land or other property comprising the permanent way of any railway, taken together with the ballast, sleepers and metals laid thereon, whether or not the land or other property is also used for other purposes; and any reference to track includes a reference to—

- (a) any level crossings, bridges, viaducts, tunnels, culverts, retaining walls, or other structures used or to be used for the support of, or otherwise in connection with, track; and
- (b) any walls, fences or other structures bounding the railway or bounding any adjacent or adjoining property;

“train” means—

- (a) two or more items of rolling stock coupled together, at least one of which is a locomotive; or
- (b) a locomotive not coupled to any other rolling stock;

“vehicle” includes railway vehicle.

- (2) For the purposes of this Part, a person shall be regarded as providing or operating services for the carriage of goods by railway notwithstanding that he provides or operates the services solely for the carriage of his own goods or otherwise for his own benefit.