Railways Act 1993

1993 CHAPTER 43

PART III

MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS

Safety, emergencies, security etc.

118 Control of railways in time of hostilities, severe international tension or great national emergency.

(1) In time of hostilities, whether actual or imminent, severe international tension or great national emergency, the Secretary of State may give directions under this subsection to such of the following persons as he may consider appropriate, that is to say—
- (a) the Regulator;
- (b) the Franchising Director;
- (c) any person who is the owner or operator of a relevant asset;
- (d) any person who provides railway services.

(2) The Secretary of State may at any time give directions under this subsection to any person falling within paragraphs (a) to (d) of subsection (1) above whom he may consider appropriate, requiring that person to participate in the planning of steps that might be taken in time of actual or imminent hostilities, severe international tension or great national emergency.

(3) The power to give directions under subsection (1) above to the Regulator or the Franchising Director includes power to direct him to carry out his functions in such manner or for such purposes as may be specified in the direction.

(4) The power to give directions under subsection (1) above to a person who is the owner or operator of a relevant asset or who provides railway services includes power—
- (a) in the case of a person who is the owner of a relevant asset, to direct that person to permit the use of, or to exercise his rights over, the relevant asset in such manner or for such purposes as may be specified in the direction;

Status: *Point in time view as at 08/03/1994. This version of this provision has been superseded.*
Changes to legislation: *Railways Act 1993, Section 118 is up to date with all changes known to be in force on or before 15 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) in the case of a person who is the operator of a relevant asset, to direct that person to exercise his powers of management over the relevant asset in such manner or for such purposes as may be so specified; and

(c) in the case of a person who provides railway services, to direct that person to do so in such manner or for such purposes as may be so specified.

(5) The Regulator and the Franchising Director shall each be under a duty to comply with a direction given to him under this section, notwithstanding the requirements of any other enactment or instrument relating to him.

(6) A person who is the owner or operator of a relevant asset or who provides railway services shall be under a duty to comply with a direction given to him under this section, notwithstanding the requirements of any other enactment or instrument relating to him or to—

(a) the use of, or the exercise of rights over, the relevant asset,

(b) the management of the relevant asset, or

(c) the railway services,

as the case may be, and notwithstanding any other duty or obligation to which he may be subject.

(7) Any person who, without reasonable excuse, contravenes or fails to comply with a direction given to him under this section is guilty of an offence and shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum; or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.

(8) No proceedings shall be instituted in England and Wales in respect of an offence under this section except by or with the consent of the Secretary of State or the Director of Public Prosecutions.

(9) Any person (other than the Regulator and the Franchising Director) who suffers direct injury or loss arising from compliance with a direction under subsection (1) above shall be entitled to receive compensation from the Secretary of State of such amount as may be agreed by that person and the Secretary of State or, in default of agreement, of such amount as may be determined—

(a) where the proceedings are to be held in England and Wales, by an arbitrator appointed by the President for the time being of the Royal Institution of Chartered Surveyors, or

(b) where the proceedings are to be held in Scotland, by an arbiter appointed by the Lord President of the Court of Session.

(10) Any sums required by the Secretary of State for paying compensation under this section shall be paid out of money provided by Parliament.

(11) In this section—

"great national emergency" means any natural disaster or other emergency which, in the opinion of the Secretary of State, is or may be likely to give rise to such disruption of the means of transport that the population, or a substantial part of the population, of Great Britain is or may be likely to be deprived of essential goods or services;

"operator", in relation to a relevant asset, means the person having the management of the relevant asset for the time being;

"owner", in relation to a relevant asset, means any person—

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(a) who is the owner of, or who has any right over or interest in, the relevant asset; and

(b) whose consent is needed to the use of the relevant asset by any other person;

"relevant asset" means a network, a station, a light maintenance depot or any track or rolling stock;

and, subject to that, expressions used in this section and in Part I or II above have the same meaning in this section as they have in that Part.

(12) In consequence of this section, section 27(6) of the [M1]Transport Act 1962 (directions to Boards in the interests of national defence) shall cease to have effect so far as relating to the Board.

Marginal Citations

M1 1962 c. 46.

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