



# Railways Act 1993

## 1993 CHAPTER 43

### PART I

#### THE PROVISION OF RAILWAY SERVICES

*Enforcement by [<sup>F1</sup>the Office of Rail and Road] and the [<sup>F1</sup>Authority]*

#### **[<sup>F1</sup>57A Penalties.**

- (1) If the appropriate authority is satisfied that a relevant operator has contravened or is contravening—
  - (a) a relevant condition or requirement, or
  - (b) a final or provisional order made by the appropriate authority,the appropriate authority may impose on the relevant operator a penalty of such amount as is reasonable.
- (2) A penalty is payable
  - [<sup>F2</sup>(a) in the case of a penalty imposed by the Scottish Ministers, to them; <sup>F3</sup>...
  - [<sup>F4</sup>(aa) in the case of a penalty imposed by the Welsh Ministers, to them; and]
  - (b) in any other case, to the Secretary of State.]
- (3) The amount of a penalty imposed on a relevant operator may not exceed 10 per cent. of his turnover determined in accordance with an order made by the Secretary of State; and an order under this subsection shall not be made unless a draft of the statutory instrument containing it has been laid before and approved by a resolution of each House of Parliament.
- (4) No penalty may be imposed in respect of any contravention of a final or provisional order if provision was made in the order by virtue of section 55(7A) above in relation to the contravention.
- (5) [<sup>F5</sup>Neither the Secretary of State nor the Scottish Ministers [<sup>F6</sup>nor the Welsh Ministers] shall] impose a penalty on a licence holder or person under closure restrictions unless—

*Changes to legislation: There are currently no known outstanding effects for the Railways Act 1993, Section 57A. (See end of Document for details)*

- (a) [<sup>F7</sup>the Secretary of State, the Scottish Ministers or the Welsh Ministers (as the case may be) has or have] given notice to [<sup>F8</sup>the Office of Rail and Road] specifying a period within which [<sup>F9</sup>it] may give notice to [<sup>F10</sup>him or them] if [<sup>F9</sup>it] considers that the most appropriate way of proceeding is under the <sup>M1</sup>Competition Act 1998;
- (b) that period has expired; and
- (c) [<sup>F8</sup>the Office of Rail and Road] has not given notice to [<sup>F11</sup>the Secretary of State, the Scottish Ministers or the Welsh Ministers (as the case may be)] within that period that [<sup>F9</sup>it] so considers (or, if [<sup>F9</sup>it] has, [<sup>F9</sup>it] has withdrawn it).
- [<sup>F12</sup>(6) Before imposing a penalty under this section, [<sup>F8</sup>the Office of Rail and Road] shall consider whether it would be more appropriate to proceed under the Competition Act 1998.]
- [ [<sup>F8</sup>The Office of Rail and Road] shall not impose a penalty under this section if it <sup>F12</sup>(7) considers that it would be more appropriate to proceed under the Competition Act 1998.]]

#### Textual Amendments

- F1** Ss. 57A-57F inserted (1.2.2001) by 2000 c. 38, s. 225(1) (with Sch. 28 paras. 6-8, 17); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F2** S. 57A(2)(a)(b) substituted (24.7.2005 for certain purposes and 16.10.2005 for certain further purposes and 1.12.2006 in so far as not already in force) for words by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 23(2)**; S.I. 2005/1909, {art. 1}, Sch.; S.I. 2005/2812, **art. 2(1)**, Sch. 1; S.I. 2006/2911, **art. 2**, Sch. (subject to the transitional and saving provisions in arts. 3-7)
- F3** Word in s. 57A(2) omitted (14.10.2018 at 2.00 a.m.) by virtue of The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), **Sch. para. 15(2)**
- F4** S. 57A(aa) inserted (14.10.2018 at 2.00 a.m.) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), **Sch. para. 15(2)**
- F5** Words in s. 57A(5) substituted (24.7.2005 for certain purposes and 16.10.2005 for certain further purposes and 1.12.2006 in so far as not already in force) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 23(3)(a)**; S.I. 2005/1909, {art. 1}, Sch.; S.I. 2005/2812, **art. 2(1)**, Sch. 1; S.I. 2006/2911, **art. 2**, Sch. (subject to the transitional and saving provisions in arts. 3-7)
- F6** Words in s. 57A(5) inserted (14.10.2018 at 2.00 a.m.) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), **Sch. para. 15(3)(a)**
- F7** Words in s. 57A(5)(a) substituted (14.10.2018 at 2.00 a.m.) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), **Sch. para. 15(3)(b)**
- F8** Words in ss. 57A(5)-(7) 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(II)**
- F9** Word in s. 57A substituted (5.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 16, 120, {Sch. 2 para. 3(b) Table}; S.I. 2004/827, **art. 4(g)**
- F10** Words in s. 57A(5)(a) substituted (24.7.2005 for certain purposes and 16.10.2005 for certain further purposes and 1.12.2006 in so far as not already in force) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 23(3)(b)**; S.I. 2005/1909, {art. 1}, Sch.; S.I. 2005/2812, **art. 2(1)**, Sch. 1; S.I. 2006/2911, **art. 2**, Sch. (subject to the transitional and saving provisions in arts. 3-7)
- F11** Words in s. 57A(5)(c) substituted (14.10.2018 at 2.00 a.m.) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), **Sch. para. 15(3)(e)**
- F12** S. 57A(6)(7) substituted for s. 57A(6) (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 14 para. 13**; S.I. 2014/416, art. 2(1)(e) (with Sch.)

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*Changes to legislation: There are currently no known outstanding effects for the Railways Act 1993, Section 57A. (See end of Document for details)*

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**Modifications etc. (not altering text)**

- C1** Ss. 55-58 applied (25.6.2010) by [The Rail Passengers Rights and Obligations Regulations 2010 \(S.I. 2010/1504\)](#), **reg. 17**
- C2** S. 57A applied (with modifications) (28.11.2005) by [The Railway \(Licensing of Railway Undertakings\) Regulations 2005 \(S.I. 2005/3050\)](#), **reg. 15**, {Sch. 3 para. 1(c)}
- C3** S. 57A(2)(3)(6)(7) modified (29.7.2016) by [The Railways \(Access, Management and Licensing of Railway Undertakings\) Regulations 2016 \(S.I. 2016/645\)](#), regs. 1(1), **38(3)(4)** (with reg. 4)

**Marginal Citations**

- M1** 1998 c. 41.

**Changes to legislation:**

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