



Railways Act 1993

1993 CHAPTER 43

PART I

THE PROVISION OF RAILWAY SERVICES

Interpretation

83 Interpretation of Part I.

- (1) In this Part, unless the context otherwise requires—
- “the 1973 Act” means the ^{M1}Fair Trading Act 1973;
 - “the 1980 Act” means the ^{M2}Competition Act 1980;
 - “access agreement” means—
 - (a) an access contract [^{F1}which satisfies one of the conditions in paragraphs (a) to (c) of section 18(1)] above; or
 - (b) an installation access contract [^{F2}which satisfies one of the conditions in paragraphs (a) to (c) of section 19(3)] 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;
 - [^{F3}“appropriate authority” has the meaning given by section 55(10) above;]
 - [^{F4}“appropriate designating authority” has the meaning given by section 23(3) above;
 - “appropriate franchising authority” has the meaning given by section 23(3) above;
 - “appropriate national authority” has the meaning given by section 59(6)(za) above;]

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[^{F5}“bus substitution service” means a service for the carriage of passengers by road that is provided as an alternative to the whole or a part of a railway passenger service that has been discontinued, reduced or modified (whether temporarily or permanently);]

^{F6}

[^{F7}“closure” has the same meaning as in Part 4 of the Railways Act 2005 (see section 45 of that Act);

“closure requirement” means a requirement imposed under section 33 of that Act;]

^{F8}

[^{F9}“the CMA” means the Competition and Markets Authority;]

[^{F10}“cross-border service” means a railway passenger service starting either in England and Wales or in Scotland and ending, or otherwise making at least one scheduled call, in the other;]

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“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;

“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;

[^{F13}“international licence” has the meaning given by section 6(2) 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

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- (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;

“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;

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“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;

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“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;

[^{F15}“railway undertaking licence” has the meaning given by section 6(2);]

“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;

[^{F16}“relevant European licence” has the meaning given by section 6(2);]

“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;

[^{F17}“scheduled call”, in relation to a service or journey, means a scheduled stop at a station for the purpose of allowing passengers to join or leave the service or train (including the stops where the service or journey starts and ends);]

“Scotland-only service” means a railway passenger service which starts and ends in Scotland and is not a cross-border service;

“Scottish franchise agreement” means a franchise agreement the franchised services under which—

- (a) consist of or include Scotland-only services; and
- (b) so far as they include other services, include only cross-border services designated by the Scottish Ministers;]

“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, 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;

[^{F18}“through ticket” means—

- (a) a ticket which is valid for a journey which involves use of the services of more than one passenger service operator; or

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- (b) a combination of two or more tickets issued at the same time which are between them valid for such a journey;

and “through ticketing” shall be construed accordingly;]

“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.

[^{F19}“Wales-only service” has the meaning given by section 57 of the Railways Act 2005;

“Welsh component of a Welsh service” has the meaning given by section 57 of the Railways Act 2005;

“Welsh franchise agreement” means a franchise agreement the franchised services under which consist of or include Wales-only services;

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

“Welsh service” has the meaning given by section 57 of the Railways Act 2005;]

[^{F20}(1A) In sections 17 to 22C above (and Schedule 4 to this Act) references to a railway facility (including references to any track, station or light maintenance depot) or a network include references to a railway facility (or any track, station or light maintenance depot) or a network which is proposed to be constructed or is in the course of construction.]

- (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.

^{F21}(3)

Textual Amendments

- F1** S. 83(1): words in para. (a) of the definition of “access agreement” substituted (1.2.2001) by 2000 c. 38, s. 230(6)(a); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F2** S. 83(1): words in para. (b) of the definition of “access agreement” substituted (1.2.2001) by 2000 c. 38, s. 230(6)(b); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)

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- F3** Definition of “appropriate authority” in s. 83(1) substituted for definition of “appropriate officer” (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 39(2)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F4** S. 83(1): definitions inserted (1.12.2006) by Railways Act 2005 (c. 14), ss. 54, 60, **Sch. 11 para. 13(a)**; S.I. 2006/2911, **art. 2, Sch.** (subject to the transitional and saving provisions in arts. 3-7)
- F5** S. 83(1): definition of “bus substitution service” substituted (1.12.2006) by Railways Act 2005 (c. 14), ss. 54, 60, **Sch. 11 para. 13(b)**; S.I. 2006/2911 {art. 2}, Sch. (subject to the transitional and saving provisions in arts. 3-7)
- F6** Definitions of “the Central Committee” and “consultative committee” in s. 83(1) repealed (1.2.2001) by 2000 c. 38, s. 274, **Sch. 31 Pt. IV**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F7** S. 83(1): definition of “closure” and “closure requirement” substituted for “closure” and “closure conditions” (1.12.2006) by Railways Act 2005 (c. 14), ss. 54, 60, **Sch. 11 para. 13(c)**; S.I. 2006/2911 {art. 2}, Sch. (subject to the transitional and saving provisions in arts. 3-7)
- F8** S.83(1): definition of “closure consent” and “notice period” repealed (1.12.2006) by Railways Act 2005 (c. 14), ss. 59, 60, **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, **art. 2, Sch.** (subject to the transitional and saving provisions in arts. 3-7)
- F9** Words in s. 83(1) inserted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 80(a)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F10** S.83(1): definition of “cross-border service” inserted (8.6.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 37(2)**; S.I. 2005/1444, **art. 2(1), Sch. 1**
- F11** Definition of “the Director” in s. 83(1) repealed (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 30(13)(a), **Sch. 26**; S.I. 2003/766, {art. 2}, Sch. (with transitional and transitory provision in art. 3)
- F12** Words in s. 83(1) omitted (31.12.2020) by virtue of The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/700), regs. 1(2), **22(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Definition of “international licence” inserted (27.6.1998) by S.I. 1998/1340, reg. 21(9)
- F14** Words in s. 83(1) omitted (1.4.2014) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 80(b)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F15** Words in s. 83(1) inserted (31.12.2020) by The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/700), regs. 1(2), **22(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in s. 83(1) inserted (31.1.2022 at 11.00 p.m.) by The Railway (Licensing of Railway Undertakings) (Amendment) Regulations 2021 (S.I. 2021/1105), regs. 1(3), **10(5)**
- F17** S. 83(1): definitions of “scheduled call”, “Scotland-only service”, and “Scottish franchise agreement” inserted (8.6.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 37(3)**; S.I. 2005/1444, **art. 2(1), Sch. 1**
- F18** Definition of “through ticket” in s. 83(1) inserted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 39(4)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F19** Definitions in s. 83(1) inserted (13.6.2018 for specified purposes; 14.10.2018 at 2.00 a.m. in force in so far as not already in force) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(2)(b)(vii)(3), **Sch. para. 27**
- F20** S. 83(1A) inserted (1.2.2001) by 2000 c. 38, s. 233(3); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F21** S. 83(3) repealed (1.12.2006) by Railways Act 2005 (c. 14), ss. 59, 60, **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, **art. 2, Sch.** (subject to the transitional and saving provisions in arts. 3-7)

Commencement Information

- I1** S. 83 wholly in force at 1.4.1994; s. 83 not in force at Royal Assent see s. 154(2); s. 83(1) in force for specified purposes and s. 83(2) wholly in force at 24.12.1993 by S.I. 1993/3237, **art. 2(1)**; s. 83(1) in force for further specified purposes at 6.1.1994 by S.I. 1993/3237, **art. 2(2)**; S. 83(1) in force for

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specified purposes at 22.2.1994 by S.I. 1994/447, **art. 2**; S. 83 in force at 1.4.1994 insofar as not
already in force by S.I. 1994/571, **art. 5**

Marginal Citations

M1 1973 c. 41.

M2 1980 c. 21.

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