
STATUTORY INSTRUMENTS

1998 No. 1340

The Railways Regulations 1998

PART I

PRELIMINARY

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Railways Regulations 1998 and shall come into force on 27th June 1998.

(2) With the exception of paragraphs 6 to 8 of Schedule 2, these Regulations do not extend to Northern Ireland.

Revocation and transitional provisions

2.—(1) The Railways Regulations 1992⁽¹⁾ and the Railways (Amendment) Regulations 1994⁽²⁾ are hereby revoked.

(2) The Railways Regulations 1992 and the Railways (Amendment) Regulations 1994 shall continue to have effect in relation to any application for access or transit rights made pursuant thereto prior to their revocation by paragraph (1).

Interpretation

3.—(1) In these Regulations—

“access and transit rights” or “transit rights” means access and transit rights or transit rights in relation to railway infrastructure;

“the Concessionaires”, “the tunnel system” and “shuttle service” have the same meaning as in the Channel Tunnel Act 1987⁽³⁾;

“the Council Directives” means Council Directive No. [91/440/EEC](#) of 29th July 1991 on the development of the Community’s railways⁽⁴⁾, Council Directive No. [95/18/EC](#) of 19th June 1995 on the licensing of railway undertakings⁽⁵⁾ and Council Directive No. [95/19/EC](#) of 19th June 1995 on the allocation of railway infrastructure capacity and the charging of infrastructure fees⁽⁶⁾;

(1) S.I. [1992/3060](#).

(2) S.I. [1994/608](#).

(3) [1987 c. 53](#).

(4) OJ No. L237, 24.8.91, p. 25; the text of the Directive is subject to the amendments in a corrigendum published in OJ No. L305, 6.11.91, p.22.

(5) OJ No. L143, 27.6.95, p.70. Added to Annex XIII of the EEA Agreement by Article 1 of the Decision of the EEA Joint Committee No. 71/95 of 15th December 1995 (OJ No. L57, 7.3.96, p.37).

(6) OJ No. L143, 27.6.95, p.75. Added to Annex XIII of the EEA Agreement by Article 1 of the Decision of the EEA Joint Committee No. 70/95 of 15th December 1995 (OJ No. L57, 7.3.96, p.36).

“EEA State” means a State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993(7);

“infrastructure fees” means the fees charged by infrastructure managers pursuant to regulation 7(1);

“international licence” means a licence granted to a railway undertaking pursuant to these Regulations (valid throughout the territory of any EEA State) by which the capacity of the railway undertaking as such is recognised and which authorises the undertaking to provide in and between EEA States such international services or international combined transport goods services as may be specified in the licence;

“the International Rail Regulator” means the officer appointed by the Secretary of State in accordance with regulation 9;

“the Regulator” means the Rail Regulator appointed by the Secretary of State under section 1 of the Railways Act 1993(8).

(2) Expressions used in these Regulations and in the Council Directives have the meanings given by the Council Directives, except that the definition of “railway infrastructure” shall be taken to include stations within the meaning of Part I of the Railways Act 1993.

(3) In these Regulations any reference to—

- (a) a numbered regulation, Part or schedule is a reference to the regulation, Part or schedule bearing that number in these Regulations;
- (b) a numbered paragraph is a reference to the paragraph bearing that number in the regulation or schedule in which the reference appears; and
- (c) a numbered rule is a reference to the rule in Schedule 1 bearing that number.

Scope

4.—(1) Subject to paragraph (2) these Regulations apply to—

- (a) the management of railway infrastructure and the allocation of railway infrastructure capacity in Great Britain;
- (b) the rail transport activities in Great Britain of and the charging of infrastructure fees to railway undertakings established or to be established in an EEA State and international groupings which they form; and
- (c) the licensing of such undertakings and groupings in respect of international services and international combined transport goods services which they operate.

(2) These Regulations do not apply to—

- (a) railway undertakings whose activities are limited to the operation of urban, suburban or regional services; and
- (b) the management of the tunnel system and the rail transport activity of the Concessionaires in respect of any shuttle service.

(7) Cm 2073 and Cm 2183.

(8) 1993 c. 43.