
STATUTORY INSTRUMENTS

2005 No. 3050

The Railway (Licensing of Railway Undertakings) Regulations 2005

PART 1

GENERAL

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Railway (Licensing of Railway Undertakings) Regulations 2005 and shall come into force on 28th November 2005.

(2) These Regulations do not extend to Northern Ireland.

Interpretation

2.—(1) In these Regulations, except where the context otherwise requires—

“the 1993 Act” means the Railways Act 1993(1);

“the 1995 Directive” means Council Directive 95/18/EC dated 19th June 1995 on the licensing of railway undertakings(2), as amended by Directive 2001/13/EC dated 26th February 2001(3) and Directive 2004/49/EC dated 29th April 2004(4), both of the European Parliament and of the Council;

“EEA State” means a member State, Norway, Iceland or Liechtenstein;

“European 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 train services as may be specified in the licence;

“ORR” means the Office of Rail Regulation, being the body established under section 15 of the Railways and Transport Safety Act 2003(5);

“SNRP” means a statement of national regulatory provisions, issued pursuant to regulation 10; and

“train service” means a service for the transport of goods or passengers (or both) by rail.

(2) Except where the context otherwise requires, other expressions used in these Regulations and in the 1995 Directive shall have the same meaning as in that Directive.

(1) 1993 c. 43.

(2) O.J. L 143, 27.6.1995, 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 (O.J. L 57, 7.3.96, p.37).

(3) O.J. L 75, 15.3.2001, p. 26. Added to Annex XIII of the EEA Agreement by Article 2 of the Decision of the EEA Joint Committee No. 118/2001 of 28th September 2001 (O.J. L 322, 6.12.2001, p.32).

(4) O.J. L 164, 30.4.2004, p. 44, to which there has been a corrigendum which is not relevant to these Regulations. Added to Annex XIII of the EEA Agreement by Article 1 of the Decision of the EEA Joint Committee No. 151/2004 of 29th October 2004 (O.J. L 102, 21.4.2005, p.27).

(5) 2003 c. 20.

Repeals and revocations, and consequential amendments

3. Schedule 1 (amendments, repeals and revocations) shall have effect.

Scope

4.—(1) Subject to paragraph (2), these Regulations apply in relation to the licensing of railway undertakings which provide train services and are established or to be established in an EEA State.

(2) These Regulations do not apply in relation to a railway undertaking whose activity is limited to any of the following—

- (a) operating rail passenger services on local and regional stand-alone railway infrastructure;
- (b) operating urban or suburban rail passenger services;
- (c) the provision of regional rail freight services that are not covered by the scope of Council Directive [91/440/EEC](#) dated 29th July 1991 on the development of the Community's railways⁽⁶⁾;
- (d) carrying out freight operations on privately owned railway infrastructure that exists solely for use by the infrastructure owner for its own freight operations; or
- (e) providing shuttle services for road vehicles through the Channel Tunnel.

⁽⁶⁾ O.J. L 237, 24.8.1991, p.25.