

STATUTORY INSTRUMENTS

**2005 No. 3050**

**The Railway (Licensing of Railway Undertakings) Regulations 2005**

**PART 2**

[<sup>F1</sup>Railway Undertaking] LICENCES

**Prohibition of unlicensed provision of services**

5.—(1) [<sup>F1</sup>Subject to paragraph (1A),] where a person is a railway undertaking to which these Regulations apply, that person shall not provide a train service in Great Britain unless he is authorised to do so by a [<sup>F2</sup>railway undertaking] licence which is appropriate for that train service, and any person who provides such a service without such a licence shall be guilty of an offence.

[<sup>F3</sup>(1A) A person that is a railway undertaking to which these Regulations apply may provide a Channel Tunnel service if the person holds a European licence that would be appropriate for that service if the United Kingdom were an EEA state.]

(2) Any person who is guilty of an offence under this regulation shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine.

(3) No proceedings shall be instituted in England and Wales in respect of an offence under this regulation except by or on behalf of the ORR.

<sup>F4</sup>(4) .....

<p><b>F1</b> Words in <a href="#">reg. 5(1)</a> inserted (31.1.2022 at 11.00 p.m.) by <a href="#">The Railway (Licensing of Railway Undertakings) (Amendment) Regulations 2021</a> (S.I. 2021/1105), regs. 1(3), <b>5(a)</b></p> <p><b>F2</b> Words in <a href="#">reg. 5(1)</a> substituted (31.12.2020) by <a href="#">The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019</a> (S.I. 2019/700), regs. 1(2), <b>7(a)</b> (with regs. 32-39); 2020 c. 1, Sch. 5 para. 1(1)</p> <p><b>F3</b> <a href="#">Reg. 5(1A)</a> inserted (31.1.2022 at 11.00 p.m.) by <a href="#">The Railway (Licensing of Railway Undertakings) (Amendment) Regulations 2021</a> (S.I. 2021/1105), regs. 1(3), <b>5(b)</b></p> <p><b>F4</b> <a href="#">Reg. 5(4)</a> omitted (31.12.2020) by virtue of <a href="#">The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019</a> (S.I. 2019/700), regs. 1(2), <b>7(b)</b> (with regs. 32-39); 2020 c. 1, Sch. 5 para. 1(1)</p>
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**Changes to legislation:**

There are currently no known outstanding effects for the The Railway (Licensing of Railway Undertakings) Regulations 2005, Section 5.