

SCHEDULE 5

Regulation 45

AMENDMENTS AND REVOCATION

PART I AMENDMENTS

The Railway Fires Act 1905

1. In section 4 of the Railway Fires Act 1905(1) (definitions and application)—
 - (a) after the definition of “agricultural crops” there shall be inserted—

“The expression “EEA State” means a member State, Norway, Iceland or Liechtenstein;” and
 - (b) after the definition of “railway” there shall be inserted—

“The expression “railway company” includes a reference to a person who holds a European licence granted pursuant to a provision contained in any instrument made for the purpose of implementing Council Directive [1995/18/EC](#) dated 19th June 1995 on the licensing of railway undertakings, as amended by Directive [2001/13/EC](#) dated 26th February 2001 and Directive [2004/49/EC](#) dated 29th April 2004, both of the European Parliament and of the Council, or pursuant to any action taken by an EEA State for that purpose.”.

The Railways Fires Act (1905) Amendment Act 1923

2. In section 2 of the Railways Fires Act (1905) Amendment Act 1923(2) (conditions precedent to application of principal Act) after “railway company” where it first occurs there shall be inserted “as defined in section 4 of that Act”.

The Insolvency (Northern Ireland) Order 1989

3. In Schedule 1A to the Insolvency (Northern Ireland) Order 1989(3) (exceptions to prohibitions on appointment of administrative receiver; supplementary provisions)—
 - (a) at the end of paragraph 10(1)(e) “or” shall be omitted; and
 - (b) at the end of paragraph 10(1)(f) there shall be added—

“or
 - (g) in reliance of a European licence granted pursuant to a provision contained in any instrument made for the purpose of implementing Council Directive [1995/18/EC](#) dated 19th June 1995 on the licensing of railway undertakings, as amended by Directive [2001/13/EC](#) dated 26th February 2001 and Directive [2004/49/EC](#) dated 29th April 2004, both of the European Parliament and of the Council, or pursuant to any action taken by an EEA State for that purpose .”;
 - (c) after paragraph 10(2) there shall be added—

“(3) In sub-paragraph (1)(g), an “EEA State” means a member State, Norway, Iceland or Liechtenstein.”.

(1) [1905 c. 11](#)

(2) [1923 c. 27](#)

(3) [S.I.1989/2405 \(N.I. 19\)](#); Schedule 1A was inserted by the Insolvency (Northern Ireland) Order 2005 ([S.I. 2005/1455 \(N.I. 10\)](#) Article 5(2), Schedule 3.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The Enterprise Act 2002

4. Section 168 of the Enterprise Act 2002⁽⁴⁾ (regulated markets) shall be amended as follows—
 - (a) in subsection (3) after paragraph (h) there shall be inserted—
 - “(hh) modifying the conditions of a SNRP issued pursuant to the Railways Infrastructure (Access, Management and Licensing of Railway Undertakings) Regulations (Northern Ireland) 2005;”;
 - (b) in subsection (4) after paragraph (h) there shall be inserted—
 - “(hh) in relation to a SNRP issued pursuant to the Railways Infrastructure (Access, Management and Licensing of Railway Undertakings) Regulations (Northern Ireland) 2005 where none of the conditions of the SNRP relate to consumer protection, the duties of the Department for Regional Development under regulation 36 of those Regulations;”;
 - (c) in subsection (5)—
 - (i) at the end of paragraph (i) “or” shall be omitted, and
 - (ii) after paragraph (j) there shall be added—
 - “or
 - (k) the Department for Regional Development.”.

PART II

REVOCATION

The Railway Regulations (Northern Ireland) 2003

5. The Railway Regulations (Northern Ireland) 2003⁽⁵⁾ are hereby revoked.

⁽⁴⁾ 2002 c. 40
⁽⁵⁾ S.R. 2003/53