

SCHEDULES

SCHEDULE 6

Section 43.

APPLICATION OF RAILWAY REGULATION ENACTMENTS

Tunnel system railway to be a "railway" under the Regulation of Railways Act 1871

- 1 In section 2 of the Regulation of Railways Act 1871 (interpretation of terms), in the definition of "railway" there shall be inserted after the word "Parliament", where it first occurs, the words "the Channel Tunnel Act 1987".

Disapplication of enactments in the case of the Concessionaires and through service operators

- 2 Sections 4 (duty of railway company to make returns of overtime worked by certain employees) and 6 (passenger tickets issued by railway company in the United Kingdom to be printed with the fare) of the Regulation of Railways Act 1889 and the Railway Companies (Accounts and Returns) Act 1911 shall not apply to the Concessionaires or to any through service operator.

Extension of enactments in relation to through service operators

- 3 In the following enactments, the expressions "company" and "railway company" shall be treated as including (in so far as they do not already do so) any through service operator—
- section 16 of the Railway Regulation Act 1840 (obstruction of officers of railway company);
 - sections 22 (provision and improper use of means of communication) and 25 (arbitration of compensation for railway accidents) of the Regulation of Railways Act 1868;
 - sections 3 and 4 (inspection of railways) and 6 and 7 (returns of and inquiries into railway accidents) of the Regulation of Railways Act 1871;
 - sections 1(1)(c) (power of Secretary of State to make orders in relation to the provision and use of brakes on passenger trains) and 5 (penalty for avoiding payment of fare) of the Regulation of Railways Act 1889; and
 - section 43 of the Road and Rail Traffic Act 1933 (which modifies section 6 of the Act of 1871).

Modification of enactments applying to Concessionaires and through service operators

- 4 (1) In their application to—
- (a) the Concessionaires or any through service operator;
 - (b) any railway of the Concessionaires or any station or other works or premises connected therewith; or
 - (c) any train of the Concessionaires or any through service operator;

Status: This is the original version (as it was originally enacted).

the enactments specified in column (1) of the following table (which create the offences broadly described in column (2) of the table) shall each have effect as if the maximum fine which may be imposed on summary conviction of any offence specified in the enactment were, instead of that specified in column (3) of the table, a fine not exceeding the level specified in column (4) of the table.

THE TABLE

<i>(1)</i> <i>Enactment</i>	<i>(2)</i> <i>Description of offence</i>	<i>(3)</i> <i>Maximum fine otherwise applicable (level on standard scale)</i>	<i>(4)</i> <i>Maximum fine (level on standard scale)</i>
Section 16 of the Railway Regulation Act 1840.	Obstruction of officers of railway company or trespass upon railway.	Level 1	Level 3
Section 17 of the Railway Regulation Act 1842.	Misconduct of persons employed on railways.	Level 1	Level 3
Section 22 of the Regulation of Railways Act 1868.	Provision and improper use of means of communication.	Level 1	Level 2
The Regulation of Railways Act 1889—			
section 5(1).	Failure to produce ticket, to pay fare or to give name and address.	Level 1	Level 2
section 5(3).	Travel with intent to avoid payment of fare.	Level 2	Level 3

(2) In such application—

- (a) section 16 of the Act of 1840 shall have effect as if the court had, as an alternative to imposing a fine, the power to award imprisonment for a period not exceeding one month; and
- (b) section 17 of the Act of 1842 shall have effect as if, instead of the power to award imprisonment for a period not exceeding two months, the court had power to award imprisonment for a period not exceeding three months; and
- (c) section 5(2) of the Act of 1889 (power to arrest passenger who fails to produce ticket and refuses to give his name and address) shall have effect as if after the word "refuses" there were inserted the words "or fails".

*Extension of sections 55 and 56 of the British Transport
Commission Act 1949 in relation to the tunnel system railway*

- 5 Sections 55 (penalty for trespass on railways, etc.) and 56 (penalty for stone throwing, etc., on railways) of the British Transport Commission Act 1949 shall apply in relation to any railway, siding, tunnel, railway embankment, cutting or similar work comprised in the tunnel system as they apply in relation to any railway, siding, tunnel, railway embankment, cutting or similar work belonging to the Railways Board.

Interpretation

- 6 In this Schedule "through service operator" means a person, other than the Concessionaires or the Railways Board, operating services for the carriage of passengers or goods by rail by way of the tunnel system.