



Railways Act 1993

1993 CHAPTER 43

PART I

THE PROVISION OF RAILWAY SERVICES

Enforcement by [F1the Office of Rail and Road] and the [F1Authority]

56 Procedural requirements [F1for section 55 orders].

- (1) Before [F2it] makes a final order or confirms a provisional order, the appropriate [F3authority] shall give notice—
- (a) stating that [F2it] proposes to make or confirm the order and setting out its effect,
 - (b) setting out—
 - (i) the relevant condition or requirement for the purpose of securing compliance with which the order is to be made or confirmed,
 - (ii) the acts or omissions which, in [F4its] opinion, constitute or would constitute contraventions of that condition or requirement, and
 - (iii) the other facts which, in [F4its] opinion, justify the making or confirmation of the order, and
 - (c) specifying the period (not being less than [F521] days from the date of publication of the notice) within which representations or objections with respect to the proposed order or proposed confirmation may be made,
- and shall consider any representations or objections which are duly made and not withdrawn.
- (2) A notice under subsection (1) above shall be given—
- (a) by publishing the notice in such manner as the appropriate [F3authority] considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them; and

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 for the Railways Act 1993, Section 56. (See end of Document for details)*

- (b) by serving a copy of the notice, and a copy of the proposed order or of the order proposed to be confirmed, on the relevant operator to whom the order relates.
- [^{F6}(2A) Where [^{F7}the Office of Rail and Road] serves a copy of a notice under subsection (1) above on a licence holder, he shall also serve a copy on the [^{F8}Secretary of State and on the Scottish Ministers][^{F9}and the Welsh Ministers].]
- (3) The appropriate [^{F3}authority] shall not make a final order with modifications, or confirm a provisional order with modifications, except—
- (a) with the consent to the modifications of the relevant operator to whom the order relates; or
 - (b) after complying with the requirements of subsection (4) below.
- (4) The requirements mentioned in subsection (3) above are that the appropriate [^{F3}authority] shall—
- (a) serve on the relevant operator to whom the order relates such notice as appears to him requisite of [^{F4}its] proposal to make or confirm the order with modifications;
 - (b) [^{F10}unless the proposed modifications are trivial, in that notice specify a period (not being less than seven] from the date of service of the notice) within which representations or objections with respect to the proposed modifications may be made; and
 - (c) consider any representations or objections which are duly made and not withdrawn.
- (5) As soon as practicable after making a final order or making or confirming a provisional order, the appropriate [^{F3}authority] shall—
- (a) serve a copy of the order on the relevant operator to whom the order relates; and
 - (b) publish the order in such manner as [^{F2}it] considers appropriate for the purpose of bringing it to the attention of persons likely to be affected by it.
- (6) Before revoking a final order or a provisional order which has been confirmed, the appropriate [^{F3}authority] shall give notice—
- (a) stating that [^{F2}it] proposes to revoke the order and setting out the effect of its revocation, and
 - (b) specifying the period (not being less than [^{F11}21] days from the date of publication of the notice) within which representations or objections with respect to the proposed revocation may be made,
- and shall consider any representations or objections which are duly made and not withdrawn.
- (7) If, after giving notice under subsection (6) above, the appropriate [^{F3}authority] decides not to revoke the order to which the notice relates, [^{F2}it] shall give notice of [^{F4}its] decision.
- (8) A notice under subsection (6) or (7) above shall be given—
- (a) by publishing the notice in such manner as the appropriate [^{F3}authority] considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them; and
 - (b) by serving a copy of the notice on the relevant operator to whom the order relates.

Changes to legislation: There are currently no known outstanding effects for the Railways Act 1993, Section 56. (See end of Document for details)

Textual Amendments

- F1** Words in s. 56 sidenote inserted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 31**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F2** Word in s. 56 substituted (1.2.2001) by 2000 c. 38, s. 215, **Sch. 16 para. 36(b)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II) (which S.I. was amended by S.I. 2001/115, **art. 2(2)**)
- F3** Word in s. 56 substituted (1.2.2001) by 2000 c. 38, s. 215, **Sch. 16 para. 36(a)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II) (which S.I. was amended by S.I. 2001/115, **art. 2(2)**)
- F4** Word in s. 56 substituted (1.2.2001) by 2000 c. 38, s. 215, **Sch. 16 para. 36(c)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II) (which S.I. was amended by S.I. 2001/115, **art. 2(2)**)
- F5** Word in s. 56(1)(c) substituted (1.2.2001) by 2000 c. 38, s. 226(2)(a); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F6** S. 56(2A) inserted (1.2.2001) by 2000 c. 38, s. 216, **Sch. 17 para. 12** (with Sch. 28 paras. 2(5), 17); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F7** Words in s. 56(2A) substituted (16.10.2015) by The Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), reg. 1(2), **Sch. para. 1(kk)**
- F8** Words in s. 56(2A) substituted (24.7.2005 for certain purposes and 16.10.2005 for certain further purposes and 1.12.2006 in so far as not already in force) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 22**; S.I. 2005/1909, {art. 1}, Sch.; S.I. 2005/2812, **art. 2(1)**, Sch. 1; S.I. 2006/2911, **art. 2**, Sch. (subject to the transitional and saving provisions in arts. 3-7)
- F9** Words in s. 56(2A) inserted (14.10.2018 at 2.00 a.m.) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), **Sch. para. 14**
- F10** Words in s. 56(4)(b) substituted (1.2.2001) by 2000 c. 38, s. 226(2)(b); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F11** Words in s. 56(6)(b) substituted (1.2.2001) by 2000 c. 38, s. 226(2)(c); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)

Modifications etc. (not altering text)

- C1** S. 56 applied (with modifications) (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050), reg. 14, **Sch. 3 para. 1(c)**
- C2** Ss. 55-58 applied (25.6.2010) by The Rail Passengers Rights and Obligations Regulations 2010 (S.I. 2010/1504), **reg. 17**

Changes to legislation:

There are currently no known outstanding effects for the Railways Act 1993, Section 56.