
STATUTORY INSTRUMENTS

1998 No. 1340

The Railways Regulations 1998

PART V

MISCELLANEOUS

Amendment of Railways Act 1993

21.—(1) The Railways Act 1993 shall be amended in accordance with the following provisions of this regulation.

(2) After subsection (1) insert—

“(1A) This section does not apply to a person who acts as the operator of a railway asset to the extent that the asset is operated for the purpose of providing international services”.

(3) In subsection (2) of that section, before the definition of “operator”, insert the following definitions—

““international licence” means a licence granted pursuant to a provision contained in subordinate legislation made for the purpose of implementing the Directive of the Council of the European Union dated 19th June 1995 on the licensing of railway undertakings or pursuant to any action taken by an EEA State for that purpose;” and

““international services” means services the provision of which requires an international licence;”.

(4) After subsection (2) of section 6 there shall be inserted the following subsection—

“(2A) In subsection (2) above “EEA State” means a State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;”.

(5) In subsection (1) of section 17 delete the word “or” after paragraph (b) and after paragraph (c) insert “or” followed by—

“(d) the permission to use a railway facility to which the application relates could be applied for under subordinate legislation made for the purpose of implementing Council Directive [95/19/EC](#) on the allocation of railway infrastructure capacity and the charging of infrastructure fees.”.

(6) In subsection (7) of section 17 for the definition of “the Directive” substitute the following definition—

““the Directives” mean Council Directive No.[91/440/EEC](#) on the development of the Community’s railways and Council Directive No. [95/19/EC](#) on the allocation of railway infrastructure capacity and the charging of infrastructure fees;”.

(7) In that subsection, in the definition of “implementing regulation” substitute “the Directives” for “the Directive” in both places.

(8) In that subsection, in the definition of “international railway access contract”—

(a) substitute “the Directives” for “the Directive” in both places;

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- (b) substitute “allocation body” for “infrastructure manager” in both places; and
- (c) delete “other than the United Kingdom”.
- (9) In subsection (1) of section 83, after the definition of “installation owner”, insert—
““international licence” has the meaning given by section 6(2) above;”.
- (10) In subsection (2) of section 145, at the end of paragraph (g) insert—
“or Council Directive [95/18/EC](#) on the licensing of railway undertakings or Council Directive [95/19/EC](#) on the allocation of railway infrastructure capacity and the charging of infrastructure fees”.