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STATUTORY INSTRUMENTS

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**2005 No. 3050**

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

**PART 4**

MISCELLANEOUS

**Making of false statements etc**

**15.**—(1) If any person, in giving any information or making any application under or for the purposes of any provision of these Regulations, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence and liable—

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

(2) No proceedings shall be instituted in England or Wales in respect of an offence under this regulation except by or with the consent of the Secretary of State or the Director of Public Prosecutions.

**Offences by bodies corporate and Scottish partnerships**

**16.**—(1) Where an offence under these Regulations has been committed by a body corporate and it is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where a Scottish partnership is guilty of an offence under these Regulations in Scotland and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**General duties of the Rail Passengers' Council**

**17.**—(1) Subsection (5) of section 76 of the 1993 Act <sup>M1</sup> (general duties of the <sup>F1</sup>Passengers' Council]) has effect in relation to holders of [<sup>F2</sup>railway undertaking] licences and to SNRPs as if—

- (a) the reference to the holder of a passenger licence included a reference to the holder of a [<sup>F2</sup>railway undertaking] licence which authorises the carriage of passengers by railway;

- (b) the reference to any condition of the licence included a reference to any condition of a SNRP held by the holder of the [F2 railway undertaking] licence;
- (c) the reference to the Secretary of State, in the second and third places where it occurs, included a reference to the ORR; and
- (d) the reference to the Secretary of State exercising such of his powers as he considers appropriate included a reference to the ORR exercising such of its powers as it considers appropriate.

F3(2) .....

<b>F1</b>	Words in reg. 17(1) substituted (25.2.2010) by <a href="#">The Passengers' Council (Non-Railway Functions) Order 2010 (S.I. 2010/439)</a> , art. 1, <b>Sch. para. 13</b>
<b>F2</b>	Words in reg. 17(1) substituted (31.12.2020) by <a href="#">The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/700)</a> , regs. 1(2), <b>15(a)</b> (with regs. 32-39); 2020 c. 1, Sch. 5 para. 1(1)
<b>F3</b>	Reg. 17(2) omitted (31.12.2020) by virtue of <a href="#">The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/700)</a> , regs. 1(2), <b>15(b)</b> (with regs. 32-39); 2020 c. 1, Sch. 5 para. 1(1)
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<b>Marginal Citations</b>	
<b>M1</b>	Section 76(5) was amended by the Transport Act 2000, Schedule 22, Part 1, paragraphs 1 and 8, and Schedule 17, Part 2, paragraphs 17 and 20, and the <a href="#">Railways Act 2005 (c. 14)</a> , <b>Schedule 1</b> , paragraph 32.

**Restrictions on disclosure of information**

18. Section 145 of the 1993 Act (restriction on disclosure of information) shall have effect in relation to information which has been obtained under or by virtue of any provision of these Regulations and which relates to the affairs of any individual or to any particular business as it has effect in relation to such information obtained under or by virtue of any of the provisions of that Act.

**Duties of the London Transport Users' Committee**

19.—(1) Subsection (3) of section 252C of the Greater London Authority Act 1999 M2 (duties of the London Transport Users' Committee) has effect in relation to holders of [F4 railway undertaking] licences and to SNRPs as if—

- (a) the reference to the holder of a licence under Part 1 of the Railways Act 1993 contravening a condition of the licence included a reference to the holder of a [F4 railway undertaking] licence contravening a condition of a SNRP held by him;
- (b) the reference to the Secretary of State included a reference to the ORR;
- (c) the reference to his referring the matter to the Committee and their referring it back to him included a reference to the ORR's referring the matter to the Committee and their referring it back to the ORR; and
- (d) the reference to his exercising such of his powers as he considers appropriate included a reference to the ORR's exercising such of its powers as it considers appropriate.

F5(2) .....

<b>F4</b>	Words in reg. 19(1) substituted (31.12.2020) by <a href="#">The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/700)</a> , regs. 1(2), <b>16(a)</b> (with regs. 32-39); 2020 c. 1, Sch. 5 para. 1(1)
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**F5** Reg. 19(2) omitted (31.12.2020) by virtue of *The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/700), regs. 1(2), **16(b)** (with regs. 32-39); 2020 c. 1, Sch. 5 para. 1(1)

**Marginal Citations**

**M2** 1999 c. 29; section 252C was inserted by the *Railways Act 2005* (c. 14), **Schedule 6**, paragraph 3.

**Transitional provisions relating to existing licences and licence exemptions**

**20.** Schedule 4 (transitional provisions relating to existing licences and licence exemptions) shall have effect.

**[<sup>F6</sup>Review**

**21.—(1)** The Secretary of State must from time to time—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

<sup>F7</sup>(2) .....

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which the *Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016* come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.]

**F6** Reg. 21 inserted (29.7.2016) by *The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016* (S.I. 2016/645), regs. 1(1), **39(10)** (with reg. 4)

**F7** Reg. 21(2) omitted (31.12.2020) by virtue of *The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/700), regs. 1(2), **17** (with regs. 32-39); 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

There are currently no known outstanding effects for the The Railway (Licensing of Railway Undertakings) Regulations 2005, PART 4.