

**2010 No. 402**

**TRANSPORT**

**The Railways (Public Service Obligations) Regulations 2010**

<i>Made</i> - - - -	<i>18th February 2010</i>
<i>Laid before Parliament</i>	<i>24th February 2010</i>
<i>Coming into force</i> - -	<i>18th March 2010</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a).

He is designated(b) for the purposes of section 2(2) in relation to measures relating to railways and railway transport.

**Citation and commencement**

1. These Regulations may be cited as the Railways (Public Service Obligations) Regulations 2010 and come into force on 18th March 2010.

**Amendment of section 136 of the Railways Act 1993**

2.—(1) Section 136 of the Railways Act 1993(c) is amended as follows.

(2) After subsection (2A) insert —

“(2B) Subsections (2) and (2A) cease to have effect on 3rd December 2012.”.

(3) In subsection (11), for the definition of “the public service obligations regulations” substitute—

““the public service obligations regulations” means Regulation (EC) No. 1370/2007 save that before 3rd December 2012 it means—

- (a) in respect of the carriage of goods by railway, Council Regulation (EEC) No. 1191/69 as amended by Council Regulation (EEC) No. 1893/91; and
- (b) in respect of the carriage of passengers by railway, Regulation (EC) No. 1370/2007;”

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(a) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a) and the European Union (Amendment) Act 2008 (c.7), section 3(3), Schedule, Part 1.  
(b) S.I. 1996/266, to which there are amendments not relevant to these Regulations.  
(c) 1993 c 43; Section 136 was amended by the Transport Act 2000 (c.38), Schedule 16, paragraph 51 and the Railways Act 2005 (c.14) Schedule 11, paragraph 14 and Schedule 13, Part 1.

Signed by authority of the Secretary of State for Transport

18th February 2010

*Sadiq Khan*  
Minister of State  
Department for Transport

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make changes to section 136 of the Railways Act 1993 in consequence of Regulation (EC) No 1370/2007 of the European Parliament and of the Council (O.J. L315, 3.12.07, p.1).

Regulation (EC) No 1370/2007 replaces and repeals Council Regulation (EEC) No. 1191/69 (O.J. L156, 28.6.1969, p.1) in relation to the carriage of passengers by railway. In relation to the carriage of goods by railway, Regulation (EC) No 1370/2007 provides that, whilst Regulation (EEC) No. 1191/69 is repealed, its provisions will continue to apply until the end of 2nd December 2012.

Regulation 2(2) inserts subsection (2B) into section 136. Subsection (2B) provides that subsections (2) and (2A) (which relate to the carriage of goods by railway) cease to have effect on 3rd December 2012..

Regulation 2(3) amends section 136(11) to provide that a reference to the “public service obligations regulations” is a reference to Regulation (EC) No 1370/2007 save that, before 3rd December 2012, in relation to the carriage of goods by railway, it is a reference to Council Regulation (EEC) No. 1191/69 as amended by Council Regulation (EEC) No. 1893/91.

The European Union Regulations referred to in these Regulations may be downloaded without charge from the European Union Law Website (EURLEX):

<http://eur-lex.europa.eu/en/index.htm>

An impact assessment has not been produced for this instrument as no impact on the costs of business, the public sector, third sector organisations, regulators or consumers is foreseen.

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