
STATUTORY INSTRUMENTS

2016 No. 645

**The Railways (Access, Management and Licensing
of Railway Undertakings) Regulations 2016**

PART 1

Preliminary

Scope

4.—(1) These Regulations apply to domestic and international rail traffic.

(2) Subject to paragraphs (3) and (6), Parts 2 and 3 (save for regulation 13), regulations 14(9) and (10), 15(1) to (6), 19(4), 33 and Schedule 2 lay down the rules applicable to—

- (a) the management of railway infrastructure; and
- (b) the rail transport activities of [^{F1}railway undertakings].

(3) The provisions referred to in paragraph (2) do not apply to railway undertakings whose activity is limited to the provision of solely urban, suburban or regional services on local and regional stand-alone networks for transport services on railway infrastructure or on networks intended only for the operation of urban or suburban rail services.

(4) Notwithstanding paragraph (3), the following regulations apply where a railway undertaking referred to in that paragraph is under the direct or indirect control of an undertaking or another entity performing or integrating rail transport services other than urban, suburban or regional services—

- (a) regulation 8;
- (b) regulation 9, with regard to the relationship between the railway undertaking and the undertaking or entity which controls it, directly or indirectly; and
- (c) regulation 12(4) to (7).

(5) Subject to paragraphs (6), (7) and (8), regulation 13, Parts 4 to 6 and Schedules 3 to 5 lay down the principles and procedures applicable to—

- (a) the setting and collection of railway infrastructure charges; and
- (b) the allocation of railway infrastructure capacity.

(6) The following provisions do not apply to the networks listed in paragraph (7)—

- (a) regulation 6;
- (b) regulation 10;
- (c) regulation 11;
- (d) regulation 12(1), (2) and (3);
- (e) regulation 13;
- (f) Parts 4 to 6; and
- (g) Schedules 2 to 5.

- (7) The networks referred to in paragraph (6) are—
- (a) local and regional stand-alone networks for passenger services on railway infrastructure;
 - (b) networks intended only for the operation of urban or suburban rail passenger services;
 - (c) until such time as capacity is requested by another applicant, regional networks used for regional freight services solely by a railway undertaking referred to in paragraph (3); and
 - (d) networks—
 - (i) situated within a factory, nuclear site, or site housing electrical plant;
 - (ii) within a mine or quarry;
 - (iii) used solely in connection with the carrying out of any building works; or
 - (iv) within a military establishment,
 that are used only by the person responsible for that network for the purposes of freight operations connected with the premises or building works referred to in this sub-paragraph.
- (8) With the exception of regulations 5, 9(1) and (3), 19(14) and (16)(b), 33 and 36 (so far as it relates to regulation 33), these Regulations do not apply to undertakings the business of which is limited to providing solely shuttle services for road vehicles through undersea tunnels or to transport operations in the form of shuttle services for road vehicles through such tunnels.
- (9) Parts 6 and 8 and Schedule 1 apply to all matters within—
- (a) any part of the scope of Parts 2 to 5 and Schedules 2 to 5; and
 - (b) the Channel Tunnel (International Arrangements) (Charging Framework and Transfer of Economic Regulation Functions) Order 2015 ^{M1}.

Textual Amendments

- F1** Words in [reg. 4\(2\)\(b\)](#) substituted (31.12.2020) by [The Railways \(Access, Management and Licensing of Railway Undertakings\) \(Amendments etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/518\)](#), regs. 1(3)(b), 4; 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M1** [S.I. 2015/785](#), amended by [S.I. 2015/1682](#), [Schedule](#), Part 2, paragraph 10(nn).

Changes to legislation:

There are currently no known outstanding effects for the The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016, Section 4.