



# Railways and Transport Safety Act 2003

## 2003 CHAPTER 20

### PART 6

#### MISCELLANEOUS

#### 106 Railway security services

The following shall be inserted after section 121 of the Railways Act 1993 (c. 43) (security: inspection)—

**“121A Railway security services: approved providers**

- (1) In this section “railway security service” means a process or activity carried out for the purpose of—
  - (a) complying with a requirement of an instruction under section 119, or
  - (b) facilitating a person’s compliance with a requirement of an instruction under section 119.
- (2) Regulations may provide for the Secretary of State to maintain a list of persons who are approved by him for the provision of a particular railway security service.
- (3) The regulations may—
  - (a) prohibit the provision of a railway security service by a person who is not listed in respect of that service;
  - (b) prohibit the use or engagement for the provision of a railway security service of a person who is not listed in respect of that service;
  - (c) create a criminal offence;
  - (d) make provision about application for inclusion in the list (including provision about fees);
  - (e) make provision about the duration and renewal of entries on the list (including provision about fees);

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*Changes to legislation: There are currently no known outstanding effects for the Railways and Transport Safety Act 2003, Section 106. (See end of Document for details)*

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- (f) make provision about training or qualifications which persons who apply to be listed or who are listed are required to undergo or possess;
  - (g) make provision about removal from the list which shall include provision for appeal;
  - (h) make provision about the inspection of activities carried out by listed persons;
  - (i) confer functions on the Secretary of State or on a specified person;
  - (j) confer jurisdiction on a court.
- (4) Regulations under subsection (3)(c)—
- (a) may not provide for a penalty on summary conviction greater than a fine not exceeding the statutory maximum,
  - (b) may not provide for a penalty of imprisonment on conviction on indictment greater than imprisonment for a term not exceeding two years (whether or not accompanied by a fine), and
  - (c) may create a criminal offence of purporting, with intent to deceive, to do something as a listed person or of doing something, with intent to deceive, which purports to be done by a listed person.
- (5) An instruction under section 119 may—
- (a) include a requirement to use a listed person for the provision of a railway security service;
  - (b) provide for all or part of the instruction not to apply or to apply with modified effect where a listed person provides a railway security service.
- (6) Regulations under this section—
- (a) may make different provision for different cases,
  - (b) may include incidental, supplemental or transitional provision,
  - (c) shall be made by the Secretary of State by statutory instrument,
  - (d) shall not be made unless the Secretary of State has consulted organisations appearing to him to represent persons affected by the regulations, and
  - (e) shall be subject to annulment in pursuance of resolution of either House of Parliament.”

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**Commencement Information**

**II** S. 106 in force at 30.3.2004 by S.I. 2004/827, art. 3(aa)

**Changes to legislation:**

There are currently no known outstanding effects for the Railways and Transport Safety Act 2003, Section 106.