
STATUTORY INSTRUMENTS

2005 No. 3049

**The Railways Infrastructure (Access
and Management) Regulations 2005**

PART 1

PRELIMINARY

Scope

4.—(1) Subject to paragraph (2), regulations 5, 6, 8 to 10, 12(5) and (6) and paragraph 1(2) of Schedule 3 apply to—

- (a) the management of railway infrastructure; and
- (b) the rail transport activities of the railway undertakings established or to be established in an EEA State.

(2) Paragraph (1) does not apply to railway undertakings whose activity is limited to the provision of solely urban, suburban or regional services.

(3) Subject to paragraphs (4) and (5), Parts 2 to 5 and Schedules 2 to 4, with the exception of the provisions referred to in paragraph (1), apply to the use of—

- (a) railway infrastructure; and
- (b) to the extent stated to apply, the services described in regulation 7 and Schedule 2,

for domestic and international rail traffic.

(4) Paragraph (3) does not apply—

- (a) to stand-alone local and regional networks for passenger services on railway infrastructure;
- (b) to networks intended only for the operation of urban or suburban passenger services;
- (c) until such time as capacity is requested by another applicant, to regional networks used for regional freight services solely by a railway undertaking referred to in paragraph (2); or
- (d) to 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 subparagraph.

(5) Part 5 and Schedule 4 do not apply to the services referred to in regulation 6.

(6) Parts 6 and 7 and Schedule 1 apply to all matters within any part of the scope of Parts 2 to 5 and Schedules 2 to 4.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(7) These Regulations do not apply to the management of the tunnel system and the rail transport activity of the Concessionaires in respect of any shuttle service.