
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 420

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

PART 1

PRELIMINARY

Scope

3.—(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(6) and (7), 15, 19(3), 33 and Schedule 1 lay down the rules applicable to—

- (i) the management of railway infrastructure;
- (ii) the rail transport activities of [^{F1}railway undertakings] ; and
- (iii) the licensing of railway undertakings and groupings in respect of international services and international combined transport goods services which they operate.

(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) regulations 12(4) to (7).

(5) Subject to paragraphs (6) and (7), regulation 13, Parts 4 to 6 and Schedules 2, 3 and 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.

(a) [^{F2}(6) (a) The provisions of—

- (i) regulation 5;
- (ii) regulation 10;
- (iii) regulation 13; and
- (iv) Parts 4 to 6

do not apply to the networks listed in paragraph (7);

(b) the provisions of—

- (i) regulation 11;
- (ii) regulation 12(1), (2) and (3); and
- (iii) regulation 15(1)

also do not apply to the networks listed in paragraph (7) and do not apply to the lines described in paragraph (7A); and

(c) the provisions of—

- (i) regulation 8A;
- (ii) regulation 8B;
- (iii) regulation 8C;
- (iv) regulation 9A;
- (v) regulation 14(6), (6A) and (7); and
- (vi) regulation 19(3) and (3A),

also do not apply to the networks listed in paragraph (7) and the lines described in paragraph (7A) and do not apply to the regional, low traffic networks described in paragraph (7B).]

(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); or
- (d) privately owned railway infrastructure that exists solely for use by the infrastructure manager for its own freight operations.

[^{F3}(7A) The lines referred to in paragraph (6)(b) and (c) are local, low traffic lines of a length not exceeding 100km that are used for freight traffic between a mainline and points of origin and destination of shipments along those lines, provided that those lines are managed by entities other than the main infrastructure manager and that either—

- (a) those lines are used by a single freight operator, or
- (b) the essential functions in relation to those lines are performed by a body which is not controlled by any railway undertaking.

(7B) The regional, low traffic networks referred to in paragraph (6)(d) are regional, low traffic networks managed by an entity other than the main infrastructure manager and used for the operation of regional passenger services provided by a single railway undertaking where—

- (a) capacity for passenger services on that network has not been requested, and
- (b) the single railway undertaking is independent of any railway undertaking operating freight services.

(7C) The lines described in paragraph (7A) include those that are used also, to a limited extent, for passenger services and the regional, low traffic networks described in paragraph (7B) included those where the line is used also, to a limited extent, for freight services.

(7D) Where a railway undertaking is party to a public-private partnership concluded before 16th June 2015 and is responsible for providing passenger railway services on the infrastructure, the provisions of—

- (a) regulation 8A;
- (b) regulation 9A;
- (c) regulation 14(6), (6A) and (7); and
- (d) regulation 19(3) and (3A)

do not apply to the railway undertaking.]

Textual Amendments

- F1** Words in reg. 3(2)(ii) substituted (31.12.2020) by The Railways (Amendment) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/826), regs. 1(2), 4; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in reg. 3(6) substituted (15.3.2019) by The Railways Infrastructure (Access, Management and Licensing of Railway Undertakings) (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/15), regs. 1(1), **4(1)(a)**
- F3** Reg. 3(7A)-(7D) inserted (15.3.2019) by The Railways Infrastructure (Access, Management and Licensing of Railway Undertakings) (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/15), regs. 1(1), **4(1)(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Railways Infrastructure (Access, Management and Licensing of Railway Undertakings) Regulations (Northern Ireland) 2016, Section 3.