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DRAFT STATUTORY INSTRUMENTS

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**2006 No.**

**The Railway Safety Levy Regulations 2006**

**Interpretation**

**2.—(1)** In these Regulations—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

“the 1985 Act” means the Companies Act 1985(1);

“annual accounts” means annual accounts as defined in section 262(1) of the 1985 Act and any like accounts prepared in accordance with section 700(1) of that Act;

“auditor” means an auditor who is eligible for appointment as a company auditor under section 25 of the Companies Act 1989(2);

“company” means a company as defined in section 735(1)(a) of the 1985 Act or an overseas company as defined in section 744 of that Act;

“financial year” means a period of twelve months beginning on 1st April;

“railway safety levy” means the levy imposed by regulation 7;

“railway service provider” means a person described in section 43A(9) of the 1974 Act as a person who provides railway services;

“relevant services” means services provided in the course of managing or controlling, or participating in the management or control of, a transport system falling within paragraph 1(3) of Schedule 3 to the Railways Act 2005; and

“relevant turnover” means the turnover of the railway service provider derived from the provision of relevant services in Great Britain during a financial year after deduction of trade discounts, value added tax, and any other taxes directly related to turnover, and where the railway service provider provided railway services for a period of less than 12 months during the financial year, the relevant turnover shall be the amount which bears the same proportion to the relevant turnover during that period of time as 12 months does to the period of time for which relevant services were provided.

**(2)** In these Regulations—

(a) a reference to “accounting standards” or “international accounting standards” is a reference to that term as defined in section 256(1) and section 262(1) of the 1985 Act respectively; and

(b) turnover derived from the provision of relevant services includes, in particular, amounts derived from—

(i) aid granted to the railway service provider by a public sector operator as defined in section 25 of the Railways Act 1993, if the aid facilitates or promotes the provision of relevant services by the railway service provider;

(ii) fares paid in respect of relevant services for the carriage of passengers; and

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(1) 1985 c.6. Section 256 was substituted by section 19 of the Companies Act 1989 (c.40); section 262 was amended by section 22 of the Companies Act 1989 and S.I. 2004/2947; section 700(1) was amended by section 23 and Schedule 10 of the Companies Act 1989.

(2) 1989 c. 40.

(iii) fees paid in respect of relevant services for the carriage of goods.