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DRAFT STATUTORY INSTRUMENTS

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**2021 No.**

**The Railway (Licensing of Railway Undertakings) (Amendment) Regulations 2021**

**PART 3**

Consequential amendments to primary legislation

**The Railways Act 1993**

**10.**—(1) The Railways Act 1993<sup>(1)</sup> is amended as follows.

(2) In section 6 (prohibition on unauthorised operators of railway assets)—

(a) for subsection (1A) substitute—

“(1A) This section does not apply to a person who acts as the operator of a railway asset to the extent that the asset is operated for the purpose of providing—

- (a) a service for which a railway undertaking licence is required; or
- (b) a Channel Tunnel service for which a railway undertaking licence or a European licence is required.”;

(b) after subsection (1A) insert—

“(1B) In this section—

“Channel Tunnel service” means—

- (a) a railway passenger service between Calais-Fréthun station in France and Ashford International station in the United Kingdom;
- (b) a service for the carriage of goods by railway between Fréthun freight yard in France and Dollands Moor freight yard in the United Kingdom; or
- (c) a railway passenger service or service for the carriage of goods by railway which originates or terminates somewhere other than one of those stations or freight yards, but only while it passes between them;

“European licence” means a licence granted pursuant to any action taken by an EEA state for the purpose of implementing—

- (a) Council [Directive 95/18/EC](#) of 19 June 1995 on the licensing of railway undertakings, as amended by [Directive 2001/13/EC](#) of 26 February 2001 and [Directive 2004/49/EC](#) of 29 April 2004, both of the European Parliament and of the Council; or
- (b) Chapter III of [Directive 2012/34/EU](#) of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (recast).”.

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<sup>(1)</sup> 1993 c. 43; section 6(1A) was inserted by [S.I. 1998/1340](#) and subsequently amended by [S.I. 2005/3050](#) and [2019/700](#), subsection (2) was amended by [S.I. 2005/3050](#), [2016/645](#) and [2019/700](#); section 80(1A) was inserted by [S.I. 2005/3050](#) and amended by [S.I. 2015/1682](#), [2016/645](#) and [2019/700](#). There are other amending instruments but none is relevant.

(3) In section 6(2) (prohibition on unauthorised operators of railway assets) after the definition of “railway undertaking licence” insert—

““relevant European licence” means a European licence which an operator relies on to provide a Channel Tunnel service.”.

(4) In section 80(1A) (duty to furnish information on request), after “railway undertaking licences”, insert “, and holders of relevant European licences,”.

(5) In section 83(1) (interpretation) after the definition of “relevant condition or requirement” insert—

““relevant European licence” has the meaning given by section 6(2);”.