



# Railways Act 1993

## 1993 CHAPTER 43

### PART I

#### THE PROVISION OF RAILWAY SERVICES

##### *Introductory*

## 1 The Rail Regulator. . .

<sup>F1</sup> .....

### Textual Amendments

**F1** S. 1 repealed (5.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 16, 118, 120, Sch. 2 para. 2, **Sch. 8**; S.I. 2004/827, art. 4(g); S.I. 2004/1572, **art. 4**

## 2 [<sup>F2</sup>Passengers' Committees].

<sup>F3</sup>(1) .....

(2) The [<sup>F4</sup>Strategic Rail Authority (in this Act referred to as "the Authority")] shall establish a number of committees, not exceeding nine at any one time, to be known as Rail [<sup>F2</sup>Passengers' Committees].

(3) There shall be one [<sup>F2</sup>Rail Passengers' Committee] for Scotland, and one for Wales.

(4) In addition to the [<sup>F2</sup>Rail Passengers' Committees] established under subsection (2) above, the [<sup>F5</sup>London Transport Users Committee] shall be treated as the [<sup>F2</sup>Rail Passengers' Committee] for the Greater London area for all purposes of this Part other than—

- (a) subsections (2) and (3) above and subsections (6) to (8) below;
- (b) section 79 below; and
- (c) Schedule 2 to this Act;

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and references in this Part to a [F<sup>2</sup>Rail Passengers' Committee] shall be construed accordingly.

- (5) Subject to subsections (3) and (4) above—
- (a) each [F<sup>2</sup>Rail Passengers' Committee] shall be appointed for such area as the [F<sup>6</sup>Authority] may from time to time assign to it; and
  - (b) the [F<sup>6</sup>Authority] shall so assign areas to [Rail Passengers' Committees] as to secure that every place in Great Britain forms part of the area of a [F<sup>2</sup>Rail Passengers' Committee], and that no place forms part of the area of two or more [F<sup>2</sup>Rail Passengers' Committees].
- (6) Each [F<sup>2</sup>Rail Passengers' Committee] established under subsection (2) above [F<sup>7</sup>, except [F<sup>2</sup>the Rail Passengers' Committee] established for Scotland in accordance with subsection (3) above;] shall consist of—
- (a) a chairman appointed by the Secretary of State after consultation with the [F<sup>6</sup>Authority]; and
  - (b) such other members, being not less than ten nor more than twenty in number, as the [F<sup>6</sup>Authority] may from time to time appoint, after consultation with the Secretary of State and the chairman.
- [F<sup>8</sup>(6A) The [F<sup>2</sup>Rail Passengers' Committee] for Scotland shall consist of—
- (a) a Chairman appointed by the Scottish Ministers after consultation with the [F<sup>6</sup>Authority]; and
  - (b) such other members, being not less than ten nor more than twenty in number, as the [F<sup>6</sup>Authority] may from time to time appoint, after consultation with the Scottish Ministers and the chairman.
- (7) The chairman and other members of a [F<sup>2</sup>Rail Passengers' Committee] established under subsection (2) above shall hold and vacate office in accordance with the terms of the instruments appointing them and shall, on ceasing to hold office, be eligible for re-appointment.
- (8) The provisions of Schedule 2 to this Act shall have effect with respect to each of the [F<sup>2</sup>Rail Passengers' Committees] established under subsection (2) above.
- (9) Unless the Secretary of State, after consultation with the [F<sup>6</sup>Authority], otherwise directs, “the Greater London area” means, for the purposes of this section, the area for which, [F<sup>9</sup>immediately before the coming into force of section 252(1) of the Greater London Authority Act 1999 (which substitutes the London Transport Users' Committee for the London Regional Passengers' Committee in subsection (4) above) the London Regional Passengers' Committee was the consultative committee under subsection (4) above.]

#### Textual Amendments

- F2** Words in s. 2(2)-(6)(6A)(7)(8) and sidenote substituted (1.2.2001) by 2000 c. 38, s. 227, **Sch. 22 Pt. I para. 2**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in **Sch. 2 Pt. II**)
- F3** S. 2(1) repealed (3.7.2000) by 1999 c. 29, ss. 254(2), 423, **Sch. 19 para. 5(2)**, **Sch. 34 Pt. II** (with **Sch. 12 para. 9(1)**); S.I. 2000/801, art. 3, **Sch. Pt. 3**
- F4** Words in s. 2(2) substituted (1.2.2001) by 2000 c. 38, s. 216, **Sch. 17 para. 18(2)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in **Sch. 2 Pt. II**)

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- F5** Words in s. 2(4) substituted (3.7.2000) by 1999 c. 29, s. 252(1) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 3, **Sch. Pt. 3**
- F6** Words in s. 2(5)(6)(6A)(9) substituted (1.2.2001) by 2000 c. 38, s. 216, **Sch. 17 para. 18(3)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F7** Words in s. 2(6) inserted (1.7.1999) by S.I. 1999/1747, **arts. 1, 3** Sch. 22 Pt. II para. 2(2)(a); S.I. 1998/3178, **art. 3**
- F8** S. 2(6A) inserted (1.7.1999) by S.I. 1999/1747, **arts. 1, 3, Sch. 22 Pt. II para. 2(2)(b)**; S.I. 1998/3178, **art. 3**
- F9** Words in s. 2(9) substituted (3.7.2000) by 1999 c. 29, s. 252(2), **Sch. 19**, para. 5(3) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 3, **Sch. Pt. 3**

### 3 <sup>F10</sup>Rail Passengers' Council].

(1) <sup>F11</sup>.....

<sup>F12</sup>(2) There shall be a council to be known as the Rail Passengers' Council.]

(3) The <sup>F10</sup>Rail Passengers' Council] shall consist of—

- (a) a chairman, appointed by the Secretary of State after consultation with the <sup>F13</sup>Authority];
- (b) every person who for the time being holds office as chairman of a <sup>F10</sup>Rail Passengers' Committee] established under section 2(2) above or as chairman of the <sup>F14</sup>London Transport Users' Committee]
- (c) not more than six other members, appointed by the <sup>F13</sup>Authority] after consultation with the Secretary of State and the chairman.

(4) The chairman of the <sup>F10</sup>Rail Passengers' Council] and any members appointed under subsection (3)(c) above shall hold and vacate office in accordance with the terms of the instruments appointing them and shall, on ceasing to hold office, be eligible for re-appointment.

(5) The provisions of Schedule 3 to this Act shall have effect with respect to the <sup>F10</sup>Rail Passengers' Council].

#### Textual Amendments

- F10** Words in s. 3(3)(4)(5) and sidenote substituted (1.2.2001) by 2000 c. 38, s. 227, **Sch. 22 Pt. I para. 3(3)(4)(5)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F11** S. 3(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch.1 Pt. 5 Group 14}
- F12** S. 3(2) substituted (1.2.2001) by 2000 c. 38, s. 227, **Sch. 22 Pt. I para. 3(2)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F13** Words in s. 3(3) substituted (1.2.2001) by 2000 c. 38, s. 216, **Sch. 17 para. 19**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F14** Words in s. 3(3)(b) substituted (3.7.2000) by 1999 c. 29, s. 252(2), **Sch. 19 para. 5(4)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 3, **Sch. Pt. 3**

### 4 General duties of the Secretary of State and the Regulator.

(1) <sup>F15</sup>the Office of Rail Regulation][<sup>F16</sup>shall] have a duty to exercise the functions assigned or transferred to <sup>F17</sup>it] under or by virtue of this Part <sup>F18</sup>or the Railways

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- Act 2005 that are not safety functions] in the manner which [<sup>F17</sup>it] considers best calculated—
- [<sup>F19</sup>(za) to facilitate the furtherance by the Authority of any strategies which it has formulated with respect to its purposes;]
- (a) to protect the interests of users of railway services;
- (b) to promote the use of the railway network in Great Britain for the carriage of passengers and goods, and the development of that railway network, to the greatest extent that [<sup>F17</sup> it] considers economically practicable;
- [<sup>F20</sup>(ba) to contribute to the development of an integrated system of transport of passengers and goods;
- (bb) to contribute to the achievement of sustainable development;]
- (c) to promote efficiency and economy on the part of persons providing railway services;
- (d) to promote competition in the provision of railway services [<sup>F21</sup>for the benefit of users of railway services];
- (e) to promote measures designed to facilitate the making by passengers of journeys which involve use of the services of more than one passenger service operator;
- (f) to impose on the operators of railway services the minimum restrictions which are consistent with the performance of [<sup>F22</sup>its] functions under this Part [<sup>F18</sup>or the Railways Act 2005 that are not safety functions];
- (g) to enable persons providing railway services to plan the future of their businesses with a reasonable degree of assurance.
- (2) Without prejudice to the generality of subsection (1)(a) above, [<sup>F15</sup>the Office of Rail Regulation][<sup>F23</sup>shall] have a duty, in particular, to exercise the functions assigned or transferred to [<sup>F17</sup>it] under or by virtue of this Part [<sup>F18</sup>or the Railways Act 2005 that are not safety functions] in the manner which [<sup>F17</sup>it] considers is best calculated to protect—
- (a) the interests of users and potential users of services for the carriage of passengers by railway provided by a private sector operator otherwise than under a franchise agreement, in respect of—
- (i) the prices charged for travel by means of those services, and
- (ii) the quality of the service provided,
- <sup>F24</sup> . . . ; and
- (b) the interests of persons providing services for the carriage of passengers or goods by railway in their use of any railway facilities which are for the time being vested in a private sector operator, in respect of—
- (i) the prices charged for such use; and
- (ii) the quality of the service provided.
- (3) [<sup>F15</sup>the Office of Rail Regulation][<sup>F25</sup> shall] be under a duty in exercising the functions assigned or transferred to [<sup>F17</sup>it] under or by virtue of this Part [<sup>F18</sup>or the Railways Act 2005 that are not safety functions]—
- (a) to take into account the need to protect all persons from dangers arising from the operation of railways, taking into account, in particular, any advice given to [<sup>F17</sup>it] in that behalf by the Health and Safety Executive; and
- (b) to have regard to the effect on the environment of activities connected with the provision of railway services.

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- [<sup>F26</sup>(3A) Subsections (1) to (3) above shall have effect in relation to the Secretary of State as in relation to [<sup>F15</sup>the Office of Rail Regulation] except that in their application to the Secretary of State—
- (a) paragraph (za) of subsection (1) above shall be disregarded; and
  - (b) the references in each of the subsections to the functions transferred or assigned to the Secretary of State under or by virtue of this Part include only the functions transferred or assigned to him under or by virtue of sections 6 to 22 and 37 to 50 below.]
- (4) The Secretary of State shall also be under a duty, in exercising the functions assigned or transferred to him under or by virtue of this Part, to promote the award of franchise agreements to companies in which qualifying railway employees have a substantial interest, “qualifying railway employees” meaning for this purpose persons who are or have been employed in an undertaking which provides or provided the services to which the franchise agreement in question relates at a time before those services begin to be provided under that franchise agreement.
- (5) [<sup>F15</sup>the Office of Rail Regulation] shall also be under a duty in exercising the functions assigned or transferred to [<sup>F17</sup>it] under this Part [<sup>F27</sup>or the Railways Act 2005 that are not safety functions]—
- [<sup>F28</sup>(a) to have regard to any general guidance given to [<sup>F17</sup>it] by the Secretary of State about railway services or other matters relating to railways;]
  - (b) to act in a manner which [<sup>F17</sup>it] considers will not render it unduly difficult for persons who are holders of network licences to finance any activities or proposed activities of theirs in relation to which [<sup>F29</sup>the Office of Rail Regulation] has functions under or by virtue of this Part [<sup>F30</sup>or that Act] (whether or not the activities in question are, or are to be, carried on by those persons in their capacity as holders of such licences); <sup>F31</sup> . . .
  - (c) to have regard to the financial position of the [<sup>F32</sup>Authority in discharging its] functions <sup>F33</sup> . . . [<sup>F34</sup>, and]
  - [<sup>F35</sup>(d) to have regard to the ability of the Mayor of London, <sup>F36</sup> . . . and Transport for London to carry out the functions conferred or imposed on them by or under any enactment]
- [<sup>F37</sup>(5A) Before giving any guidance for the purposes of subsection (5)(a) above the Secretary of State must consult the National Assembly for Wales.
- (5B) In exercising its safety functions, other than its functions as an enforcing authority for the purposes of the Health and Safety at Work etc. Act 1974, the Office of Rail Regulation shall be under a duty to have regard to any general guidance given to it by the Secretary of State.
- (5C) In performing its duties under subsections (1) to (5A) above in relation to—
- (a) any matter affecting the interests of users or potential users of railway services,
  - (b) any matter affecting the interests of persons providing railway services, or
  - (c) any matter not falling within paragraph (a) or (b) but falling within subsection (5D),
- the Office of Rail Regulation must have regard, in particular, to the interests, in securing value for money, of the persons mentioned in paragraphs (a) and (b) above, of the persons who make available the resources and other funds mentioned in that subsection and of the general public.

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(5D) A matter falls within this subsection if the Office of Rail Regulation has been informed that—

- (a) public financial resources (within the meaning of paragraph 1D of Schedule 4A to this Act), or
- (b) funds that do not comprise such resources but are provided in whole or in part by Transport for London, the National Assembly for Wales, a Passenger Transport Executive or any other body in receipt of such resources,

are or are likely to become available to be applied for purposes connected with that matter.]

(6) In performing [<sup>F22</sup>its] duty under subsection (1)(a) above so far as relating to services for the carriage of passengers by railway or to station services, [<sup>F15</sup>the Office of Rail Regulation] shall have regard, in particular, to the interests of persons who are disabled.

(7) Without prejudice to the generality of paragraph (e) of subsection (1) above, any arrangements for the issue and use of through tickets shall be regarded as a measure falling within that paragraph.

[<sup>F38</sup>(7ZA) Any general guidance given by the Secretary of State to [<sup>F15</sup>the Office of Rail Regulation] about railway services or other matters relating to railways—

- (a) shall be published by the Secretary of State in such manner as he considers appropriate; and
- (b) may be varied or revoked.]

[<sup>F39</sup>(7A) Subsections (1) to (6) above do not apply in relation to anything done by [<sup>F15</sup>the Office of Rail Regulation] in the exercise of functions assigned to [<sup>F17</sup>it] by section 67(3) below (“Competition Act functions”).

(7B) [<sup>F15</sup>the Office of Rail Regulation] may nevertheless, when exercising any Competition Act function, have regard to any matter in respect of which a duty is imposed by any of subsections (1) to (6) above, if it is a matter to which [<sup>F40</sup>the Office of Fair Trading] could have regard when exercising that function.]

(8) <sup>F41</sup> .....

(9) In this section—

[<sup>F42</sup>“ the environment” means all , or any, of the following media, namely , the air, water and land (and the medium of air includes the air within buildings and the air within other natural or man-made structures above or below ground);]

“the passenger transport market” means the market for the supply of services for the carriage of passengers, whether by railway or any other means of transport;

<sup>F43</sup> . . .

- (a) .....
- (b) .....

**Textual Amendments**

**F15** Words in s. 4 substituted (5.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. 16, 120, {Sch. 2 para. 3(a) Table}; [S.I. 2004/827](#), [art. 4\(g\)](#)

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- F16** Words in s. 4(1) substituted (1.2.2001) by 2000 c. 38, s. **224(2)(a)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F17** Words in s. 4 substituted (5.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 16, 120, {Sch. 2 para. 3(b) Table}; S.I. 2004/827, **art. 4(g)**
- F18** Words in s. 4(1)-(3) inserted (8.6.2005 for certain purposes and otherwise prosp.) by Railways Act 2005 (c. 14), **ss. 3(2), 60**; S.I. 2005/1444, **art. 2(1)**, Sch. 1
- F19** S. 4(1)(za) inserted (1.2.2001) by 2000 c. 38, s. **224(2)(b)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F20** S. 4(1)(ba)(bb) inserted (1.2.2001) by 2000 c. 38, s. **224(2)(c)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F21** Words in s. 4(1)(d) inserted (1.2.2001) by 2000 c. 38, s. **224(2)(d)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F22** Word in s. 4 substituted (5.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 16, 120, {Sch. 2 para. 3(c) Table}; S.I. 2004/827, **art. 4(g)**
- F23** Words in s. 4(2) substituted (1.2.2001) by 2000 c. 38, s. **224(3)(a)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F24** Words in s. 4(2)(a) repealed (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 30(2)(a), Sch. 26; S.I. 2003/1397, **art. 2(1)**, Sch. (with art. 10)
- F25** Words in s. 4(3) substituted (1.2.2001) by 2000 c. 38, s. **224(4)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F26** S. 4(3A) inserted (1.2.2001) by 2000 c. 38, s. **224(5)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F27** Words in s. 4(5) inserted (8.6.2005 for certain purposes and otherwise prosp.) by Railways Act 2005 (c. 14), **ss. 3(8)(a), 60**; S.I. 2005/1444, **art. 2(1)**, Sch. 1
- F28** S. 4(5)(a) substituted (1.2.2001) by 2000 c. 38, s. **224(6)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F29** Word in s. 4 substituted (5.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 16, 120, {Sch. 2 para. 3 Table}; S.I. 2004/827, **art. 4(g)**
- F30** Words in s. 4(5)(b) inserted (8.6.2005) by Railways Act 2005 (c. 14), **ss. 3(8)(c), 60**; S.I. 2005, 1444, {art. 2(1)}, Sch. 1
- F31** Word in s. 4(5) omitted (3.7.2000) by virtue of 1999 c. 29, s. **200(4)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(c), **Sch.**
- F32** Words in s. 4(5)(c) substituted (1.2.2001) by 2000 c. 38, s. 215, **Sch. 16 para. 9**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F33** Words in s. 4(5)(c) repealed (10.7.2003) by Railways and Transport Safety Act 2003 (c. 20), ss. 104, 120(5), **Sch. 8**
- F34** S. 4(5)(d) and preceding word inserted (3.7.2000) by Greater London Authority Act 1999 (c. 29), **ss. 200, 425(2)(3)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(c), **Sch.**
- F35** S. 4(5)(d) and preceding word inserted (3.7.2000) by Greater London Authority Act 1999 (c. 29), **ss. 200, 425(2)(3)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(c), **Sch.**
- F36** Words in s. 4(5)(d) repealed (8.6.2005) by Railways Act 2005 (c. 14), ss. 59, 60, **Sch. 13 Pt.1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1444, **art. 2(1)**, Sch. 1
- F37** S. 4(5A)-(5D) inserted (8.6.2005 for certain purposes and 1.4.2006 for certain further purposes and 29.1.2007 in so far as not already in force) by Railways Act 2005 (c. 14), **ss. 3(9), 60**; S.I. 2005/1444, **art. 2(1)**, Sch. 1; S.I. 2006/266, **art. 2(2)**, Sch.; S.I. 2007/62, **art. 2**
- F38** S. 4(7ZA) inserted (1.2.2001) by 2000 c. 38, s. **224(7)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F39** S. 4(7A)(7B) inserted (1.3.2000) by 1998 c. 41, ss. 9(3), 66(5), **Sch. 10 Pt. II para. 6(3)** (with s. 73); S.I. 2000/344, art. 2, **Sch.**
- F40** Words in s. 4(7B) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 30(2)(b); S.I. 2003/766, **art. 2**, Sch. (with art. 3)
- F41** S. 4(8) repealed (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 30(2)(c), Sch. 26; S.I. 2003/1397, **art. 2(1)**, Sch. (with art. 10)

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- F42** S. 4(9): definition of “the environment” substituted (14.12.1999) by 1999 c. 24, s. 6, **Sch. 2 para. 12**; S.I. 1999/3376, **art. 2**
- F43** S. 4(9): definition of “through ticket” repealed (1.2.2001) by 2000 c. 38, s. 274, **Sch. 31 Pt. IV**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in **Sch. 2 Pt. II**)

**Commencement Information**

- I1** S. 4 wholly in force at 21.3.1994; s. 4 not in force at Royal Assent see s. 154(2); s. 4(1)(3)(7)(9) in force for specified purposes at 24.12.1993 by S.I. 1993/3237, **art. 2(1)**; s. 4(1)-(3)(5)(6) in force for specified purposes at 22.2.1994 by S.I. 1994/447, **art. 2** and in force at 21.3.1994 insofar as not already in force by S.I. 1994/571, **art. 3**

**F44**<sup>5</sup> .....

**Textual Amendments**

- F44** S. 5 repealed (1.2.2001) by 2000 c. 38, s. 274, **Sch. 31, Pt. IV**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in **Sch. 2 Pt. II**)



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