



# Railways Act 1993

## 1993 CHAPTER 43

### PART I

#### THE PROVISION OF RAILWAY SERVICES

##### *Modification of licences*

#### 14 Reports on modification references.

- (1) In making a report on a reference under section 13 above, the [<sup>F1</sup>Competition Commission]—
- (a) shall include in the report definite conclusions on the questions comprised in the reference together with such an account of their reasons for those conclusions as in their opinion is expedient for facilitating a proper understanding of those questions and of their conclusions;
  - (b) where they conclude that any of the matters specified in the reference operate, or may be expected to operate, against the public interest, shall specify in the report the effects adverse to the public interest which those matters have or may be expected to have; and
  - (c) where they conclude that any adverse effects so specified could be remedied or prevented by modifications of the conditions of the licence, shall specify in the report modifications by which those effects could be remedied or prevented.

[<sup>F2</sup>(1A) For the purposes of sections 15 to 15B below, a conclusion contained in a report of the Competition Commission is to be disregarded if the conclusion is not that of at least two-thirds of the members of the group constituted in connection with the reference concerned in pursuance of paragraph 15 of Schedule 7 to the Competition Act 1998.

(1B) If a member of a group so constituted disagrees with any conclusions contained in a report made on a reference under section 13 above as the conclusions of the Competition Commission, the report shall, if the member so wishes, include a statement of his disagreement and of his reasons for disagreeing.]

(2) .....

*Status: Point in time view as at 05/07/2004. This version of this provision has been superseded.*

*Changes to legislation: Railways Act 1993, Section 14 is up to date with all changes known to be in force on or before 31 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- [<sup>F3</sup>(3) For the purposes of the law relating to defamation, absolute privilege attaches to any report made by the Competition Commission on a reference under section 13 above.
- (3A) In making any report on a reference under section 13 above the Competition Commission must have regard to the following considerations before disclosing any information.
- (3B) The first consideration is the need to exclude from disclosure (so far as practicable) any information whose disclosure the Competition Commission thinks is contrary to the public interest.
- (3C) The second consideration is the need to exclude from disclosure (so far as practicable)
- (a) commercial information whose disclosure the Competition Commission thinks might significantly harm the legitimate business interests of the undertaking to which it relates, or
- (b) information relating to the private affairs of an individual whose disclosure the Competition Commission thinks might significantly harm the individual's interests.
- (3D) The third consideration is the extent to which the disclosure of the information mentioned in subsection (3C)(a) or (b) above is necessary for the purposes of the report.]
- (4) A report of the [<sup>F1</sup>Competition Commission] on a reference under section 13 above shall be made to the [<sup>F4</sup>appropriate authority].
- (5) Subject to subsection (6) below, the [<sup>F5</sup>appropriate authority]—
- (a) shall, on receiving such a report, send a copy of it to the holder of the licence to which the report relates and to the Secretary of State; and
- (b) shall, not less than 14 days after that copy is received by the Secretary of State, publish the report in such manner as [<sup>F5</sup>it] considers appropriate for bringing the report to the attention of persons likely to be affected by it.
- [<sup>F6</sup>(5A) When the Authority receives such a report it shall send a copy of it to [<sup>F7</sup>the Office of Rail Regulation] ; and when [<sup>F7</sup>the Office of Rail Regulation] receives such a report [<sup>F8</sup>it] shall send a copy of it to the Authority.]
- (6) If it appears to the Secretary of State that the publication of any matter in such a report would be against the public interest or the commercial interests of any person, he may, before the end of the period of 14 days mentioned in paragraph (b) of subsection (5) above, direct the [<sup>F9</sup>appropriate authority] to exclude that matter from every copy of the report to be published by virtue of that paragraph.
- (7) Nothing in this section applies in relation to any term of a licence to the extent that it makes provision for the revocation or surrender of the licence.

#### Textual Amendments

- F1** Words in s. 14(1)-(2) substituted (1.4.1999) by S.I. 1999/506, art. 33(b)
- F2** S 14(1A)(1B) inserted (20.6.2003) by 2002 c. 40, ss 278, 279, Sch. 25 para. 30(5)(a); S.I. 2003/1397, art. 2(1), Sch.
- F3** S. 14(3)-(3D) substituted (20.6.2003) for s. 14(3) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 30(5)(b); S.I. 2003/1397, art. 2(1), Sch.

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- F4** Words in s. 14(4) substituted (1.2.2001) by 2000 c. 38, s. 216, **Sch. 17 para. 8(2)** (with Sch. 28 paras. 2(5), 17); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F5** Words in s. 14(5) substituted (1.2.2001) by 2000 c. 38, s. 216, **Sch. 17 para. 8(3)** (with Sch. 28 paras. 2(5), 17); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F6** S. 14(5A) inserted (1.2.2001) by 2000 c. 38, s. 216, 275(1), **Sch. 17 para. 8(4)** (with Sch. 28 paras. 2(5), 17); 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. 14 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)**
- F8** Word in s. 14 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)}
- F9** Words in s. 14(6) substituted (1.2.2001) by 2000 c. 38, s. 216, **Sch. 17 para. 8(5)** (with Sch. 28 paras. 2(5), 17); 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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