



Railways Act 1993

1993 CHAPTER 43

PART III

MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS

Supplemental

151 General interpretation.

(1) In this Act, unless the context otherwise requires—

“the Board” means the British Railways Board;

“body corporate” has the meaning given by section 740 of the ^{M1}Companies Act 1985;

“company” means any body corporate;

“contravention”, in relation to any direction, condition, requirement, regulation or order, includes any failure to comply with it and cognate expressions shall be construed accordingly;

“debentures” includes debenture stock;

“the Franchising Director” means the Director of Passenger Rail Franchising;

“functions” includes powers, duties and obligations;

“local authority” means any county council, [^{F1}county borough council,] district council, ^{F2}. . . or London borough council, the Common Council of the City of [^{F3}London,] the Council of the Isles of Scilly [^{F4}or any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

“modifications” includes additions, alterations and omissions and cognate expressions shall be construed accordingly;

^{F5}
. . .

“notice” means notice in writing;

“publicly owned railway company” means a company which is wholly owned by the Crown and which carries on, or is to carry on,—

Status: Point in time view as at 01/04/1999. This version of this provision has been superseded.

Changes to legislation: Railways Act 1993, Section 151 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)

- (a) an undertaking derived, or to be derived, (whether wholly or partly and whether directly or indirectly) from, or from some part of, an undertaking carried on by the Board or a wholly owned subsidiary of the Board; or
 - (b) an undertaking in the course of which the company uses, or will use, any property, rights or liabilities acquired, or to be acquired, (whether directly or indirectly) from the Board or a wholly owned subsidiary of the Board;
- “the Regulator” means the Rail Regulator;
- “securities” has the meaning given by section 142 of the ^{M2}Financial Services Act 1986;
- “shares” includes stock;
- “subsidiary” has the meaning given by section 736 of the ^{M3}Companies Act 1985;
- “transfer scheme” means a scheme made under or by virtue of section 85 or 86 above;
- “wholly owned subsidiary” has the meaning given by section 736 of the ^{M4}Companies Act 1985.
- (2) For the purposes of this Act, a company shall be regarded as “wholly owned by the Crown” at any time when it has no members other than—
 - (a) the Secretary of State, the Franchising Director or a Government department,
 - (b) a company which is itself wholly owned by the Crown, or
 - (c) a person acting on behalf of the Secretary of State, the Franchising Director, a Government department or such a company.
 - (3) For the purposes of this Act, a company shall be regarded as “wholly owned by the Franchising Director” at any time when it has no members other than—
 - (a) the Franchising Director,
 - (b) a company which is itself wholly owned by the Franchising Director, or
 - (c) a person acting on behalf of the Franchising Director or such a company.
 - (4) Any consent or approval under or by virtue of this Act shall be given in writing.
 - (5) For the purposes of this Act any class or description may be framed by reference to any matters or circumstances whatever.
 - (6) Nothing in this Act affects the operation of the ^{M5}Transfer of Undertakings (Protection of Employment) Regulations 1981, in their application in relation to the transfer of an undertaking, or part of an undertaking, within the meaning of those Regulations.
 - (7) Nothing in this Act, and nothing done under it, shall prejudice or affect the operation of any of the relevant statutory provisions (whenever made) as defined in Part I of the ^{M6}Health and Safety at Work etc. Act 1974.
 - (8) Subsection (7) above is without prejudice to section 117 above.
 - (9) The provisions of section 3 of the ^{M7}Administration of Justice (Scotland) Act 1972 (power of arbiter to state case to Court of Session) shall not apply in relation to any determination under this Act made by an arbiter.

Status: Point in time view as at 01/04/1999. This version of this provision has been superseded.

Changes to legislation: Railways Act 1993, Section 151 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)

Textual Amendments

- F1** Words in definition of 'local authority' in s. 151(1) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 107** (with s. 66(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, **art. 4**
- F2** Words in definition of 'local authority' in s. 151(1) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 184(3)(a), **Sch. 14**; S.I. 1996/323, **art. 4(1)(d)**
- F3** Word in definition of 'local authority' in s. 151(1) substituted (1.4.1994) by 1994 c. 39, s. 180(1), **Sch. 13 para. 184(3)(b)**
- F4** Words in definition of 'local authority' inserted (1.4.1994) by 1994 c. 39, s. 180(1), **Sch. 13 para. 184(3)(c)**
- F5** S. 151: definition of "Monopolies Commission" repealed (1.4.1999) by S.I. 1999/506, **art. 33(c)**

Commencement Information

- I1** S. 151 wholly in force at 6.1.1994; s. 151 not in force at Royal Assent see s. 154(2); s. 151(1) in force for specified purposes and s. 151(5) wholly in force at 24.12.1993 by S.I. 1993/3237, **art. 2(1)**; S. 151 in force insofar as not already in force at 6.1.1994 by S.I. 1993/3237, **art. 2(2)**

Marginal Citations

- M1** 1985 c. 6.
M2 1986 c.60.
M3 1985 c. 6.
M4 1985 c. 6.
M5 S.I. 1981/1794.
M6 1974 c. 37.
M7 1972 c. 59.

151 General interpretation. **U.K.**

- (1) In this Act, unless the context otherwise requires—
- “the Board” means the British Railways Board;
 - “body corporate” has the meaning given by section 740 of the ^{M8}Companies Act 1985;
 - “company” means any body corporate;
 - “contravention”, in relation to any direction, condition, requirement, regulation or order, includes any failure to comply with it and cognate expressions shall be construed accordingly;
 - “debentures” includes debenture stock;
 - “the Franchising Director” means the Director of Passenger Rail Franchising;
 - “functions” includes powers, duties and obligations;
 - “local authority” means any county council, [^{F6}county borough council,]district council, ^{F7}. . . or London borough council, the Common Council of the City of [^{F8}London,] the Council of the Isles of Scilly [^{F9}or any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];
 - “modifications” includes additions, alterations and omissions and cognate expressions shall be construed accordingly;
 - “the Monopolies Commission” means the Monopolies and Mergers Commission;
 - “notice” means notice in writing;

Status: Point in time view as at 01/04/1999. This version of this provision has been superseded.

Changes to legislation: Railways Act 1993, Section 151 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)

“publicly owned railway company” means a company which is wholly owned by the Crown and which carries on, or is to carry on,—

- (a) an undertaking derived, or to be derived, (whether wholly or partly and whether directly or indirectly) from, or from some part of, an undertaking carried on by the Board or a wholly owned subsidiary of the Board; or
- (b) an undertaking in the course of which the company uses, or will use, any property, rights or liabilities acquired, or to be acquired, (whether directly or indirectly) from the Board or a wholly owned subsidiary of the Board;

“the Regulator” means the Rail Regulator;

“securities” has the meaning given by section 142 of the ^{M9}Financial Services Act 1986;

“shares” includes stock;

“subsidiary” has the meaning given by section 736 of the ^{M10}Companies Act 1985;

“transfer scheme” means a scheme made under or by virtue of section 85 or 86 above;

“wholly owned subsidiary” has the meaning given by section 736 of the ^{M11}Companies Act 1985.

- (2) For the purposes of this Act, a company shall be regarded as “wholly owned by the Crown” at any time when it has no members other than—
 - (a) the Secretary of State, the Franchising Director or a Government department,
 - (b) a company which is itself wholly owned by the Crown, or
 - (c) a person acting on behalf of the Secretary of State, the Franchising Director, a Government department or such a company.
- (3) For the purposes of this Act, a company shall be regarded as “wholly owned by the Franchising Director” at any time when it has no members other than—
 - (a) the Franchising Director,
 - (b) a company which is itself wholly owned by the Franchising Director, or
 - (c) a person acting on behalf of the Franchising Director or such a company.
- (4) Any consent or approval under or by virtue of this Act shall be given in writing.
- (5) For the purposes of this Act any class or description may be framed by reference to any matters or circumstances whatever.
- (6) Nothing in this Act affects the operation of the ^{M12}Transfer of Undertakings (Protection of Employment) Regulations 1981, in their application in relation to the transfer of an undertaking, or part of an undertaking, within the meaning of those Regulations.
- (7) Nothing in this Act, and nothing done under it, shall prejudice or affect the operation of any of the relevant statutory provisions (whenever made) as defined in Part I of the ^{M13}Health and Safety at Work etc. Act 1974.
- (8) Subsection (7) above is without prejudice to section 117 above.
- (9) The provisions of section 3 of the ^{M14}Administration of Justice (Scotland) Act 1972 (power of arbiter to state case to Court of Session) shall not apply in relation to any determination under this Act made by an arbiter.

Status: Point in time view as at 01/04/1999. This version of this provision has been superseded.

Changes to legislation: Railways Act 1993, Section 151 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)

Textual Amendments

- F6** Words in definition of 'local authority' in s. 151(1) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 107** (with s. 66(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, **art. 4**
- F7** Words in definition of 'local authority' in s. 151(1) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 184(3)(a), **Sch. 14**; S.I. 1996/323, **art. 4(1)(d)**
- F8** Word in definition of 'local authority' in s. 151(1) substituted (1.4.1994) by 1994 c. 39, s. 180(1), **Sch. 13 para. 184(3)(b)**
- F9** Words in definition of 'local authority' inserted (1.4.1994) by 1994 c. 39, s. 180(1), **Sch. 13 para. 184(3)(c)**

Commencement Information

- I2** S. 151 wholly in force at 6.1.1994; s. 151 not in force at Royal Assent see s. 154(2); s. 151(1) in force for specified purposes and s. 151(5) wholly in force at 24.12.1993 by S.I. 1993/3237, **art. 2(1)**; S. 151 in force insofar as not already in force at 6.1.1994 by S.I. 1993/3237, **art. 2(2)**

Marginal Citations

- M8** 1985 c. 6.
M9 1986 c.60.
M10 1985 c. 6.
M11 1985 c. 6.
M12 S.I. 1981/1794.
M13 1974 c. 37.
M14 1972 c. 59.

Status:

Point in time view as at 01/04/1999. This version of this provision has been superseded.

Changes to legislation:

Railways Act 1993, Section 151 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.