



Railways Act 1993

1993 CHAPTER 43

PART I

THE PROVISION OF RAILWAY SERVICES

^{F1} Directions to provide, improve or develop railway facilities

^{F1}16D Procedure for considering applications.

- (1) When [^{F2}the Office of Rail and Road] has received the application or notice of a variation, [^{F3}it]
 - (a) send a copy to the person specified in the application, the [^{F4}appropriate facilities authority] (if it is not the applicant) and any other persons who [^{F2}the Office of Rail and Road] considers ought to be sent one; and
 - (b) invite them to make written representations within a period specified in the invitation.
- (2) If the person specified in the application makes representations that he is not an appropriate person to do what the direction would require him to do, [^{F2}the Office of Rail and Road] must decide that issue in advance of considering any other matters which may be relevant in deciding whether to give the direction.
- (3) If that person makes such representations but [^{F2}the Office of Rail and Road] decides that he is an appropriate person to do what the direction would require him to do, [^{F2}the Office of Rail and Road] must—
 - (a) notify him of that decision; and
 - (b) invite him to make written representations within a period specified in the invitation about any other matters which may be relevant in deciding whether to give the direction.
- (4) [^{F2}The Office of Rail and Road] must—
 - (a) send the applicant a copy of any representations received by [^{F3}it] in response to any invitation under subsection (1) or (3) above; and

*Changes to legislation: There are currently no known outstanding effects
 for the Railways Act 1993, Section 16D. (See end of Document for details)*

- (b) invite him to make further written representations within a period specified in the invitation.
- (5) Subject to subsection (6) below, [F²the Office of Rail and Road] may substitute as the applicant any other person if—
- (a) the applicant,
 - (b) the other person, and
 - (c) the [F⁴appropriate facilities authority] (if it is neither the applicant nor the other person),
- consent to the substitution.
- (6) The applicant may, by giving notice in writing to [F²the Office of Rail and Road], withdraw or suspend the application at any time before [F²the Office of Rail and Road] decides whether to give the direction.
- (7) [F²The Office of Rail and Road] may direct—
- (a) the person specified in the application,
 - (b) the applicant, or
 - (c) any other person (apart from the [F⁴appropriate facilities authority]),
- to provide him with any information required by him in order to decide whether to give the direction.
- (8) If a person fails to comply with a direction under subsection (7) above, the High Court or the Court of Session may, on the application of [F²the Office of Rail and Road] make such order as it thinks fit for requiring the failure to be made good.
- (9) Such an order may provide that all the costs or expenses of and incidental to the application shall be borne by—
- (a) the person who failed to comply; or
 - (b) in the case of a company or other association, any officers who are responsible for the failure to comply.

Textual Amendments

- F1** S. 16D inserted (15.10.2005) by 2000 c. 38, ss. 223, 275; S.I. 2005/2862, **art. 3**
- F2** Words in s. 16D substituted (16.10.2015) by The Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), reg. 1(2), **Sch. para. 1(s)**
- F3** S. 16D: word in prospectively inserted section substituted (5.7.2004) by virtue of Railways and Transport Safety Act 2003 (c. 20), ss. 16, 120, {Sch. 2 para. 3(b) Table}; S.I. 2004/827, **art. 4(g)**
- F4** Words in s. 16D substituted (16.10.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 11(1)**: S.I. 2005/2812, **art. 2(1)**, Sch. 1

Changes to legislation:

There are currently no known outstanding effects for the Railways Act 1993, Section 16D.