



# Railways Act 1993

## 1993 CHAPTER 43

### PART I

#### THE PROVISION OF RAILWAY SERVICES

*Enforcement by [<sup>F1</sup>the Office of Rail and Road] and the [<sup>F1</sup>Authority]*

#### <sup>F1</sup>57C Procedural requirements for penalties.

- (1) Before it imposes a penalty on a relevant operator, the appropriate authority shall give notice—
- (a) stating that it proposes to impose a penalty on the relevant operator and the amount of the penalty proposed,
  - (b) setting out the relevant condition or requirement or order in question,
  - (c) specifying the acts or omissions which, in its opinion, constitute contraventions of that condition or requirement or order and the other facts which, in its opinion, justify the imposition of a penalty and the amount of the penalty proposed,
  - (d) specifying the manner in which, and place at which, it is proposed to require the penalty to be paid, and
  - (e) specifying the period (not being less than 21 days from the date of publication of the notice) within which representations or objections with respect to the proposed penalty may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

- (2) A notice under subsection (1) above shall be given—
- (a) by publishing the notice in such manner as the appropriate authority considers appropriate; and
  - (b) by serving a copy of the notice on the relevant operator.

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*Changes to legislation: There are currently no known outstanding effects for the Railways Act 1993, Section 57C. (See end of Document for details)*

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- (3) Where [<sup>F2</sup>the Office of Rail and Road] serves a copy of a notice under subsection (1) above on a licence holder, he shall also serve a copy on the [<sup>F3</sup>Secretary of State and on the Scottish Ministers][<sup>F4</sup>and the Welsh Ministers].
- (4) The appropriate authority shall not modify a proposal to impose a penalty except—
- (a) with the consent of the relevant operator;
  - (b) where the modifications consist of a reduction of the amount of the penalty or a deferral of the date by which it is to be paid; or
  - (c) after complying with the requirements of subsection (5) below.
- (5) The requirements mentioned in subsection (4)(c) above are that the appropriate authority shall—
- (a) give to the relevant operator such notice as appears to it requisite of its modified proposal;
  - (b) unless the proposed modifications are trivial, in that notice specify a period (not being less than seven days from the date of service of the notice) within which representations or objections with respect to the proposed modifications may be made; and
  - (c) consider any representations or objections which are duly made and not withdrawn.
- (6) As soon as practicable after imposing a penalty, the appropriate authority shall give notice—
- (a) stating that it has imposed a penalty on the relevant operator and its amount;
  - (b) setting out the relevant condition or requirement or order in question;
  - (c) specifying the acts or omissions which, in its opinion, constitute contraventions of that condition or requirement or order and the other facts which, in its opinion, justify the imposition of the penalty and its amount;
  - (d) specifying the manner in which, and place at which, the penalty is to be paid; and
  - (e) specifying the date (not being less than fourteen days from the date of publication of the notice) by which the penalty is to be paid.
- (7) A notice under subsection (6) above shall be given—
- (a) by publishing the notice in such manner as the appropriate authority considers appropriate; and
  - (b) by serving a copy of the notice on the relevant operator.
- (8) The relevant operator may, within 21 days of the date of service on him of the notice under subsection (6) above, make an application to the appropriate authority for it to specify different dates by which different portions of the penalty are to be paid.

#### Textual Amendments

- F1** Ss. 57A-57F inserted (1.2.2001) by 2000 c. 38, s. 225(1) (with Sch. 28 paras. 6-8, 17); S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F2** Words in s. 57C(3) 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(nn)
- F3** Words in s. 57C(3) substituted (24.7.2005 for certain purposes and 16.10.2005 for certain further purposes and 1.12.2006 in so far as not already in force) by [Railways Act 2005 \(c. 14\)](#), ss. 1, 60, Sch.

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**1 para. 25**; S.I. 2005/1909, {art. 1}, Sch.; S.I. 2005/2812, **art. 2(1)**, Sch. 1; S.I. 2006/2911, **art. 2**, Sch. (subject to the transitional and saving provisions in arts. 3-7)

**F4** Words in s. 57C(3) inserted (14.10.2018 at 2.00 a.m.) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), **Sch. para. 17**

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**Modifications etc. (not altering text)**

**C1** S. 57C applied (with modifications) (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050), reg. 14, **Sch. 3 para. 1(c)**

**C2** Ss. 55-58 applied (25.6.2010) by The Rail Passengers Rights and Obligations Regulations 2010 (S.I. 2010/1504), **reg. 17**

**C3** S. 57C modified (29.7.2016) by The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 (S.I. 2016/645), regs. 1(1), **38(3)(4)** (with reg. 4)

**Changes to legislation:**

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