



Railways Act 1993

1993 CHAPTER 43

PART I

THE PROVISION OF RAILWAY SERVICES

Enforcement by [^{F1}the Office of Rail and Road] and the [^{F1}Authority]

^{F1}57F Validity and effect of penalties.

- (1) If the relevant operator to whom a [^{F2}penalty notice] relates is aggrieved by a penalty and desires to question its validity on the ground—
 - (a) that it was not within the powers of section 57A above,
 - (b) that any of the requirements of section 57C above have not been complied with in relation to it and his interests have been substantially prejudiced by the non-compliance, or
 - (c) that it was unreasonable of the appropriate authority not to grant an application under section 57C(8) above;he may make an application to the court under this section.
- (2) An application under this section by a person shall be made—
 - (a) where it is on the ground mentioned in subsection (1)(c) above, within 42 days from the date on which he is notified of the decision not to grant the application under section 57C(8) above, and
 - (b) in any other case, within 42 days from the date of service on him of the notice under section 57C(6) above.
- (3) If an application is made under this section in relation to a penalty, the penalty need not be paid until the application has been determined.
- (4) On an application under this section on the ground mentioned in subsection (1)(a) or (b) above the court, if satisfied that the ground is established, may quash the penalty or (instead of quashing it) make provision under either or both of paragraphs (a) and (b) of subsection (5) below.

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

- (5) The provision referred to in subsection (4) above is—
- (a) provision substituting a penalty of such lesser amount as the court considers appropriate in all the circumstances of the case; and
 - (b) provision substituting as the date by which the penalty, or any portion of the penalty, is to be paid a date later than that specified in the notice under section 57C(6) above.
- (6) On an application under this section on the ground mentioned in subsection (1)(c) above the court, if satisfied that the ground is established, may specify different dates by which different portions of the penalty are to be paid.
- (7) Where the court substitutes a penalty of a lesser amount it may require the payment of interest on the substituted penalty at such rate, and from such date, as it determines; and where it specifies as the date by which the penalty, or a portion of the penalty, is to be paid a date before the determination of the application it may require the payment of interest on the penalty, or portion, from that date at such rate as it determines.
- (8) Except as provided by this section, the validity of a penalty shall not be questioned by any legal proceedings whatever.

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. 57F(1) substituted (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), ss. 54, 60, [Sch. 11 para. 8](#); [S.I. 2005/1909](#), {art. 1}, Sch.

Modifications etc. (not altering text)

- C1** S. 57F applied (with modifications) (28.11.2005) by [The Railway \(Licensing of Railway Undertakings\) Regulations 2005 \(S.I. 2005/3050\)](#), [reg. 15](#), {[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. 57F 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:

There are currently no known outstanding effects for the Railways Act 1993, Section 57F.