



# Railways Act 1993

## 1993 CHAPTER 43

### PART I **U.K.**

#### THE PROVISION OF RAILWAY SERVICES

##### *Railway administration orders, winding up and insolvency*

#### **59** **Meaning and effect of railway administration order.** **E+W+S**

- (1) A “railway administration order” is an order of the court made in accordance with section 60, 61 or 62 below in relation to a protected railway company and directing that, during the period for which the order is in force, the affairs, business and property of the company shall be managed, by a person appointed by the court,—
  - (a) for the achievement of the purposes of such an order; and
  - (b) in a manner which protects the respective interests of the members and creditors of the company.
- (2) The purposes of a railway administration order made in relation to any company shall be—
  - (a) the transfer to another company, or (as respects different parts of its undertaking) to two or more different companies, as a going concern, of so much of the company’s undertaking as it is necessary to transfer in order to ensure that the relevant activities may be properly carried on; and
  - (b) the carrying on of those relevant activities pending the making of the transfer.
- (3) Schedule 6 to this Act shall have effect for applying provisions of the <sup>M1</sup>Insolvency Act 1986 where a railway administration order is made.
- (4) Schedule 7 to this Act shall have effect for enabling provision to be made with respect to cases in which, in pursuance of a railway administration order, another company is to carry on all or any of the relevant activities of a protected railway company in place of that company.

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*Changes to legislation: There are currently no known outstanding effects  
for the Railways Act 1993, Section 59. (See end of Document for details)*

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- (5) Without prejudice to paragraph 20 of Schedule 6 to this Act, the power conferred by section 411 of the <sup>M2</sup>Insolvency Act 1986 to make rules shall apply for the purpose of giving effect to the railway administration order provisions of this Act as it applies for the purpose of giving effect to Parts I to VII of that Act, but taking any reference in that section to those Parts as a reference to those provisions.
- (6) For the purposes of this Part—
- [<sup>F1</sup>(za) “appropriate national authority”—
- (i) in relation to a Scottish protected railway company or a company subject to a railway administration order that was such a company when the order was made, means the Scottish Ministers; <sup>F2</sup>...
- [ in relation to a Welsh protected railway company or a company
- <sup>F3</sup>(ia) subject to a railway administration order that was such a company when the order was made, means the Welsh Ministers; and]
- (ii) in relation to any other protected railway company or company subject to a railway administration order, means the Secretary of State;]
- (a) “protected railway company” means a company which is both a private sector operator and the holder of—
- (i) a passenger licence [<sup>F4</sup>or a [<sup>F5</sup>railway undertaking] licence which authorises the carriage of passengers by railway (or both)]; or
- (ii) a network licence, a station licence or a light maintenance depot licence; <sup>F6</sup> . . .
- (b) the “relevant activities”, in relation to a protected railway company, are—
- (i) in the case of a company which is the holder of a [<sup>F4</sup>or a European licence which authorises the carriage of passengers by railway (or both)] passenger licence, the carriage of passengers by railway; or
- (ii) in the case of a company which is the holder of a network licence, a station licence or a light maintenance depot licence, the management of a network, a station or a light maintenance depot, according to the description of licence in question.
- [<sup>F7</sup>(c) “Scottish protected railway company” means a protected railway company that is such a company only in respect of activities carried on by it as franchise operator in relation to a Scottish franchise agreement.]
- [<sup>F8</sup>(d) “Welsh protected railway company” means a protected railway company that is such a company only in respect of activities carried on by it as franchise operator in relation to a Welsh franchise agreement the franchised services under which consist of Wales-only services.]
- (7) In this section—
- “business” and “property” have the same meaning as they have in the <sup>M3</sup>Insolvency Act 1986;
- [<sup>F9</sup>“the court”, in relation to a protected railway company, means the court—
- (a) having jurisdiction to wind up the company, or
- (b) that would have such jurisdiction apart from section 221(2) or 441(2) of the Insolvency Act 1986 (exclusion of winding up jurisdiction in case of companies having principal place of business in, or incorporated in, Northern Ireland);]

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*Changes to legislation: There are currently no known outstanding effects for the Railways Act 1993, Section 59. (See end of Document for details)*

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“the railway administration order provisions of this Act” means this section, sections 60 to 65 below and Schedules 6 and 7 to this Act.

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#### Textual Amendments

- F1** S. 59(6)(za) inserted (16.10.2005) by Railways Act 2005 (c. 14), **ss. 49(1)(a)**, 60; S.I. 2005/2812, **art. 2(1)**, Sch. 1
- F2** Word in s. 59(6)(za) omitted (14.10.2018 at 2.00 a.m.) by virtue of The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), **Sch. para. 18(2)(a)**
- F3** S. 59(6)(za)(ia) 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. 18(2)(a)**
- F4** Words in s. 59(6) inserted (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050), reg. 3, **Sch. 1 para. 3(5)**
- F5** Words in s. 59(6)(a)(i) substituted (31.12.2020) by The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/700), regs. 1(2), **22(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Word in s. 59(6)(a) repealed (16.10.2005) by Railways Act 2005 (c. 14), ss. 59, 60, **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, **art. 2(1)**, Sch. 1
- F7** S. 59(6)(c) inserted (16.10.2005) by Railways Act 2005 (c. 14), **s. 49(1)(b)**; S.I. 2005/2812, **art. 2(1)**, Sch. 1
- F8** S. 59(6)(d) 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. 18(2)(b)**
- F9** Words in s. 59(7) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 143(3)** (with art. 10)

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

- C1** S. 59(6) modified (18.12.1996) by 1996 c. 61, **s. 19(1)**

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#### Marginal Citations

- M1** 1986 c. 45.
- M2** 1986 c. 45.
- M3** 1986 c. 45.

**Changes to legislation:**

There are currently no known outstanding effects for the Railways Act 1993, Section 59.