



# Railways Act 1993

## 1993 CHAPTER 43

### PART I

#### THE PROVISION OF RAILWAY SERVICES

##### *Licensing of operators of railway assets*

#### **6 Prohibition on unauthorised operators of railway assets.**

- (1) Any person who acts as the operator of a railway asset is guilty of an offence unless—
- he is authorised to be the operator of that railway asset by a licence; or
  - he is exempt, by virtue of section 7 below, from the requirement to be so authorised.

[<sup>F1</sup>(1A) This section does not apply to a person who acts as the operator of a railway asset to the extent that the asset is operated for the purpose of providing—

- a service for which a railway undertaking licence is required; or
- a Channel Tunnel service for which a railway undertaking licence or a European licence is required.]

[<sup>F2</sup>(1B) In this section—

“Channel Tunnel service” means—

- a railway passenger service between Calais-Fréthun station in France and Ashford International station in the United Kingdom;
- a service for the carriage of goods by railway between Fréthun freight yard in France and Dollands Moor freight yard in the United Kingdom; or
- a railway passenger service or service for the carriage of goods by railway which originates or terminates somewhere other than one of those stations or freight yards, but only while it passes between them;

“European licence” means a licence granted pursuant to any action taken by an EEA state for the purpose of implementing—

*Status: Point in time view as at 31/01/2022.*

*Changes to legislation: There are currently no known outstanding effects for the Railways Act 1993, Section 6. (See end of Document for details)*

- (a) Council [Directive 95/18/EC](#) of 19 June 1995 on the licensing of railway undertakings, as amended by [Directive 2001/13/EC](#) of 26 February 2001 and [Directive 2004/49/EC](#) of 29 April 2004, both of the European Parliament and of the Council; or
- (b) Chapter III of [Directive 2012/34/EU](#) of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (recast).]

(2) In this Part—

<sup>F3</sup>.....  
<sup>F4</sup>.....

“operator”, in relation to any railway asset, means the person having the management of that railway asset for the time being;

“railway asset” means—

- (a) any train being used on a network, whether for the purpose of carrying passengers or goods by railway or for any other purpose whatsoever;
- (b) any network;
- (c) any station; or
- (d) any light maintenance depot.

<sup>F5</sup>“railway undertaking licence” means a licence granted pursuant to the Railway (Licensing of Railway Undertakings) Regulations 2005;]

<sup>F6</sup>“relevant European licence” means a European licence which an operator relies on to provide a Channel Tunnel service.]

<sup>F7</sup>(2A).....

- (3) Any person who is guilty of an offence under this section shall be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine.
- (4) No proceedings shall be instituted in England and Wales in respect of an offence under this section except by or on behalf of the Secretary of State or <sup>F8</sup>[the Office of Rail and Road].

#### Textual Amendments

- F1** S. 6(1A) substituted (31.1.2022 at 11.00 p.m.) by [The Railway \(Licensing of Railway Undertakings\) \(Amendment\) Regulations 2021](#) (S.I. 2021/1105), regs. 1(3), **10(2)(a)**
- F2** S. 6(1B) inserted (31.1.2022 at 11.00 p.m.) by [The Railway \(Licensing of Railway Undertakings\) \(Amendment\) Regulations 2021](#) (S.I. 2021/1105), regs. 1(3), **10(2)(b)**
- F3** Words in s. 6(2) omitted (31.12.2020) by virtue of [The Railway \(Licensing of Railway Undertakings\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/700), regs. 1(2), **22(2)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** S. 6(2): definition of "international services" omitted (28.11.2005) by virtue of [The Railway \(Licensing of Railway Undertakings\) Regulations 2005](#) (S.I. 2005/3050), reg. 3, **Sch. 1 para. 3(3)(b)**
- F5** Words in s. 6(2) inserted (31.12.2020) by [The Railway \(Licensing of Railway Undertakings\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/700), regs. 1(2), **22(2)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in s. 6(2) inserted (31.1.2022 at 11.00 p.m.) by [The Railway \(Licensing of Railway Undertakings\) \(Amendment\) Regulations 2021](#) (S.I. 2021/1105), regs. 1(3), **10(3)**

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**Changes to legislation:** *There are currently no known outstanding effects for the Railways Act 1993, Section 6. (See end of Document for details)*

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- F7** S. 6(2A) omitted (31.12.2020) by virtue of The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/700), regs. 1(2), **22(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in s. 6(4) 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(b)**

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

- C1** S. 6(1) excluded (18.12.1996) by 1996 c. 61, **s. 16(1)**
- C2** S. 6(1) excluded (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 24**
- C3** S. 6(1) excluded (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 40, 70(1)**
- C4** S. 6(1) excluded (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 35, 64(1)**

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**Commencement Information**

- I1** S. 6 wholly in force at 1.4.1994; s. 6 not in force at Royal Assent see s. 154(2); s. 6(2) in force at 6.1.1994 by S.I. 1993/3237, **art. 2(2)**, s. 6 in force at 1.4.1994 insofar as not already in force by S.I. 1994/571, **art. 5**

**Status:**

Point in time view as at 31/01/2022.

**Changes to legislation:**

There are currently no known outstanding effects for the Railways Act 1993, Section 6.