



Railways Act 1993

1993 CHAPTER 43

PART I

THE PROVISION OF RAILWAY SERVICES

Railway administration orders, winding up and insolvency

62 Restrictions on voluntary winding up and insolvency proceedings in the case of protected railway companies.

- (1) No resolution for voluntary winding up shall be passed by a protected railway company without leave of the court granted on an application made for the purpose by the company.
- (2) No such leave shall be granted unless—
 - (a) notice of the application has been served on—
 - (i) the Secretary of State; and
 - (ii) the [^{F1}Authority], if the protected railway company is the holder of a passenger licence; and
 - (b) a period of at least fourteen days has elapsed since the service of that notice.
- (3) Where an application for leave under subsection (1) above has been made by a protected railway company—
 - (a) the Secretary of State, or
 - (b) if the company is the holder of a passenger licence, the [^{F1}Authority] with the consent of the Secretary of State,

may, at any time before leave has been granted under subsection (1) above, make an application to the court for a railway administration order in relation to that company; and where such an application is made the court may, if it is satisfied as mentioned in section 60(1) above, make a railway administration order instead of granting leave under subsection (1) above.

Status: Point in time view as at 01/02/2001. This version of this provision has been superseded.

Changes to legislation: Railways Act 1993, Section 62 is up to date with all changes known to be in force on or before 28 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) Where, on an application for leave under subsection (1) above, the court makes, or proposes to make, a railway administration order by virtue of subsection (3) above, subsections (4) and (5) of section 9 of the ^{M1}Insolvency Act 1986 (powers on application for administration order) shall apply on the hearing of that application as they apply on the hearing of a petition for an administration order.
- (5) No administration order under Part II of the ^{M2}Insolvency Act 1986 shall be made in relation to a protected railway company unless—
- (a) notice of the application for the order has been served on—
 - (i) the Secretary of State; and
 - (ii) the [^{F1}Authority], if the protected railway company is the holder of a passenger licence; and
 - (b) a period of at least fourteen days has elapsed since the service of that notice.
- (6) Where an application for an administration order under Part II of the ^{M3}Insolvency Act 1986 has been made in the case of a protected railway company—
- (a) the Secretary of State, or
 - (b) if the company is the holder of a passenger licence, the [^{F1}Authority] with the consent of the Secretary of State,
- may, at any time before such an order has been made on that application, make an application to the court for a railway administration order in relation to that company; and where such an application is made the court may, if it is satisfied as mentioned in section 60(1) above, make a railway administration order instead of an administration order under Part II of the ^{M4}Insolvency Act 1986.
- (7) No step shall be taken by any person to enforce any security over a protected railway company's property, except where that person has served fourteen days' notice of his intention to take that step on—
- (a) the Secretary of State; and
 - (b) the [^{F1}Authority], if the company is the holder of a passenger licence.
- (8) In this section—
- “the court” has the same meaning as in section 59 above;
- “resolution for voluntary winding up” has the same meaning as in the ^{M5}Insolvency Act 1986;
- “security” and “property” have the same meaning as in the ^{M6}Insolvency Act 1986.

Textual Amendments

- F1** Words in s. 62 substituted (1.2.2001) by 2000 c. 38, s. 215, **Sch. 16 para. 41**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in **Sch. 2 Pt. II**) (which S.I. was amended by S.I. 2001/115, art. 2(2))

Modifications etc. (not altering text)

- C1** S. 62 restricted (18.12.1996) by 1996 c. 61, s. 19(7)
- C2** S. 62(2)(a)(ii) modified (18.12.1996) by 1996 c. 61, s. 19(2)(a)
- C3** S. 62(3)(b) modified (18.12.1996) by 1996 c. 61, s. 19(2)(a)
- C4** S. 62(5)(a)(ii) modified (18.12.1996) by 1996 c. 61, s. 19(2)(a)
- C5** S. 62(6)(b) modified (18.12.1996) by 1996 c. 61, s. 19(2)(a)
- C6** S. 62(7)(b) modified (18.12.1996) by 1996 c. 61, s. 19(2)(a)

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Marginal Citations

- M1** 1986 c. 45.
- M2** 1986 c. 45.
- M3** 1986 c. 45.
- M4** 1986 c. 45.
- M5** 1986 c. 45.
- M6** 1986 c. 45.

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