



# Railways Act 1993

## 1993 CHAPTER 43

### PART I

#### THE PROVISION OF RAILWAY SERVICES

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

#### **[<sup>F17A</sup> Consumer protection conditions.**

- (1) For the purposes of this Part conditions of a licence or licence exemption relate to consumer protection if they are—
  - (a) conditions about fares, other than conditions about predatory fare pricing;
  - (b) conditions about complaints against the operator by members of the public or liabilities of the operator to members of the public;
  - (c) conditions about insurance;
  - (d) conditions about policing or security;
  - (e) conditions for facilitating the use of railway services by members of the public (for instance, conditions about timetable information, enquiries, sale of tickets, through ticketing and conditions of carriage);
  - (f) conditions about liaison with the Rail Passengers' Council or Rail Passengers' Committees; or
  - (g) conditions for protecting the interests of persons who are disabled.
- (2) The Secretary of State may make regulations providing that for the purposes of this Part—
  - (a) further prescribed descriptions of conditions of licences or licence exemptions are conditions which relate to consumer protection; or
  - (b) conditions of any description within subsection (1) above are not conditions which so relate.
- (3) Only conditions for protecting the interests of the public may be prescribed under subsection (2)(a) above and conditions of the following descriptions may not be so prescribed—

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*Status: Point in time view as at 05/07/2004. This version of this provision has been superseded.*

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- (a) conditions about technical standards or procedures (including safety standards or procedures);
  - (b) conditions about the protection of the environment;
  - (c) conditions about responsibility for, or access to, the railway assets to which the licence or licence exemption relates;
  - (d) conditions relating to the development, improvement or maintenance of the network; and
  - (e) conditions about anti-competitive practices (including predatory fare pricing and cross-subsidy), investment, financial standards or auditing (including efficiency audits).
- (4) The Secretary of State may make in relation to any licence or licence exemption granted before the coming into force of regulations under subsection (2) above a scheme making such provision as appears to him to be appropriate in consequence of the provision made by the regulations.
- (5) A scheme under subsection (4) above may include modifications of—
- (a) the licence or licence exemption, and
  - (b) any agreements or other arrangements or other documents relating to the person (or any of the persons) to whom it was granted,
- (in particular so that references to [<sup>F2</sup>the Office of Rail Regulation] have effect as references to the Authority or that references to the Authority have effect as references to [<sup>F2</sup>the Office of Rail Regulation]).
- (6) The scheme may include provision—
- (a) for things done by [<sup>F2</sup>the Office of Rail Regulation] before the time when the scheme comes into force to be treated after that time as if done by the Authority; or
  - (b) for things done by the Authority before the time when the scheme comes into force to be treated after that time as if done by [<sup>F2</sup>the Office of Rail Regulation]
- (7) Before making a scheme under subsection (4) above the Secretary of State must consult—
- (a) the Authority;
  - (b) [<sup>F2</sup>the Office of Rail Regulation];
  - (c) the person or persons to whom the licence or licence exemption was granted; and
  - (d) any such other persons as the Secretary of State considers appropriate.
- (8) The provision made by regulations under subsection (2) above applies in relation to any licence or licence exemption granted before the coming into force of the regulations only from the coming into force of a scheme made under subsection (4) above in relation to the licence or licence exemption.
- (9) In the case of the exercise by the Authority of any function in relation to conditions of a licence or licence exemption which relate to consumer protection—
- (a) section 207 of the Transport Act 2000 shall not apply; but
  - (b) section 4 above shall apply (as if the Authority were [<sup>F2</sup>the Office of Rail Regulation] ).]

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#### Textual Amendments

- F1** S. 7A inserted (1.2.2001) by 2000 c. 38, s. 216, **Sch. 17 para. 3** (with Sch. 28 paras. 2(5), 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. 7A substituted (5.7.2004) by Railways and Transport Safety Act 2003 (c. 20), 22. 16, 120, {Sch. 2 para. 3(a) Table}; S.I. 2004/827, **art. 4(g)**

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