
STATUTORY INSTRUMENTS

1994 No. 572

TRANSPORT

The Railways (Licence Application) Regulations 1994

<i>Made</i>	- - - -	<i>7th March 1994</i>
<i>Laid before Parliament</i>		<i>8th March 1994</i>
<i>Coming into force</i>	- -	<i>1st April 1994</i>

The Secretary of State, in exercise of the powers conferred on him by sections 8(3) and 143(3) of the Railways Act 1993⁽¹⁾ and of all other powers enabling him in that behalf, after consultation with the Rail Regulator and the Director of Passenger Rail Franchising in accordance with section 8(8) of that Act, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Railways (Licence Application) Regulations 1994 and shall come into force on 1st April 1994. Interpretation.

2.—(1) In these Regulations,

“application” means an application for a licence;

“the Act” means the Railways Act 1993.

(2) In these Regulations, any reference to a numbered regulation shall mean the regulation bearing that number in these Regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation. Manner of making licence applications.

3.—(1) Every application—

- (a) shall be in writing;
- (b) shall specify in full the name of the applicant and his address (being, in the case of a company, the address of its registered or principal office);
- (c) shall specify the railway assets, or class or description of railway assets, of which the applicant wishes to be authorised to be the operator;
- (d) shall describe the activities which the applicant wishes to carry out pursuant to the licence;
- (e) shall specify every licence held, and every licence applied for, by the applicant;

(1) 1993 c. 43. See section 83 for the definition of “prescribed”.

(f) shall be signed by or on behalf of the applicant.

(2) Every application shall specify any bankruptcy order, as defined in section 381(1) of the Insolvency Act 1986⁽²⁾, which has at any time been made against the applicant, or, where the applicant is a company, against the directors for the time being of that company.

(3) Every application made by a company shall specify—

- (a) the amount of any issued share capital of that company and the full name and address of every person owning more than 3% of that issued share capital; and
- (b) the full name and address of every director of that company;

and, where any such person or any such director is a company, the address shall be that of the registered or principal office of that company.

Lodgement of applications

4. Every application shall be addressed to the Regulator and shall be delivered to or sent by pre-paid post to the principal office of the Regulator.

Fee payable with applications

5. The fee to accompany an application shall be £250. Documents to accompany applications.

6.—(1) Subject to paragraph (2), every application shall include the following documents—

- (a) the most recent audited financial statements of the applicant (in this regulation referred to as the “audited accounts”);
- (b) the audited financial statements of the applicant for the two financial years preceding that to which the audited accounts relate;
- (c) an interim financial statement whether audited or not for the period or any part of the period from the end of the financial year in respect of which the audited accounts relate, up to the date of the application.

(2) Where the applicant is a subsidiary undertaking, the application shall include the following documents—

- (a) the most recent audited group accounts (in this regulation referred to as “the latest audited group accounts”) in respect of the group of which the subsidiary undertaking forms part;
- (b) the audited group accounts in respect of that group for the two financial years preceding that to which the latest audited group accounts relate;
- (c) an interim financial statement for that group, whether audited or not, for the period or any part of the period from the end of the financial year in respect of which the audited group accounts relate to the date of the application.

(3) The audited accounts, the latest audited group accounts, the audited financial statements referred to in paragraph (1)(b) and the audited group accounts referred to in paragraph (2)(b) shall include any audited consolidated financial statements or accounts for the relevant periods.

(4) In this regulation—

“the 1985 Act” means the Companies Act 1985⁽³⁾;

“group” has the meaning given by section 262 of the 1985 Act⁽⁴⁾; the expression “group accounts” has the same meaning as it has in section 227 of the 1985 Act⁽⁵⁾;

(2) 1986 c. 45.

(3) 1985 (c. 6).

(4) Section 262 was inserted by section 22 of the Companies Act 1989 (c. 40).

(5) Section 227 was inserted by section 5(1) of the Companies Act 1989.

“subsidiary undertaking” has the meaning given by section 258 of the 1985 Act⁽⁶⁾. Manner of publishing applications.

7.—(1) If the Secretary of State requires that an application be published by the applicant pursuant to section 8(3)(c) of the Act, the manner of publication shall be in accordance with paragraph (2).

(2) There shall be published at least once in the London Gazette, the Edinburgh Gazette and in one or more newspapers whose circulation (together) covers the whole of Great Britain a notice containing the following particulars—

- (a) a statement that the applicant has made an application for a licence under the Act;
- (b) the information referred to in regulation 3(1)(b) and (e), and a summary of the information referred to in regulation 3(1)(c) and (d), contained in the application;
- (c) a statement that the application has been sent to the Regulator and the address of the principal office of the Regulator.

Signed by the authority of the Secretary of State for Transport

Department of Transport
7th March 1994

Roger Freeman
Minister of State,

⁽⁶⁾ Section 258 was inserted by section 21(1) of the Companies Act 1989.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the manner in which applications for a licence to operate a railway asset under section 8 of the Railways Act 1993 are to be made, including the documents which are to be submitted and the manner in which applications are to be published, if required by the Secretary of State under section 8(3)(c) of that Act. Every application for a licence is to be sent to the Rail Regulator whose principal office at the time these Regulations come into force is 1, Waterhouse Square, Holborn Bars, 138/140, Holborn, London EC1. The fee to be paid with each application is £250.