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## EXPLANATORY NOTE

*(This note is not part of the Order)*

These Regulations amend the Railways Regulations 1992 (“the 1992 Regulations”) which implement Council Directive [91/440/EEC](#) of 29th July 1991 on the development of the Community’s railways (OJNo. L237, 24.8.91, p.25) (“the Directive”).

They take account of the coming into force of certain provisions of the Railways Act 1993.

Regulation 4 of the 1992 Regulations (Modification of enactments concerning the powers of the Secretary of State or the obligations of the British Railways Board) is deleted (Regulation 4).

In accordance with article 8 of the Directive, they lay down new rules for the determination of fees to be charged for the use of railway infrastructure (Regulations 5, 7(d) and 8). The rules apply to the determination of fees on the conclusion, modification or renewal of agreements for the use of railway infrastructure.

They also enable the infrastructure manager to whom an application is made under regulation 8 of the 1992 Regulations for access or transit rights (as defined in regulation 2(2) of the 1992 Regulations) to require the payment of a charge to cover his reasonable costs of dealing with the application (Regulation 6). Provision is made for an appeal by the applicant to the International Rail Regulator (as defined in regulation 2(2) of the 1992 Regulations) concerning the charge required to be paid (Regulation 7(a) to (c)).