

## THE SCHEDULE

Regulation 2(1)

### MEANING OF RAILWAY

1. “Railway” means a system of transport employing parallel rails which provide support and guidance for vehicles carried on flanged wheels and form a track which either is of a gauge of at least 350 millimetres or crosses a carriageway (whether or not on the same level), except that it does not include—

- (a) a tramway;
- (b) any part which runs along and at the same level as a street or in any other place to which the public has access (including a place to which the public has access only on making a payment);
- (c) any part where the permitted speed is such as to enable the driver to stop the train in the distance he can see ahead in clear weather conditions;
- (d) any part normally used other than for the carriage of fare paying passengers; or
- (e) such a system if on no part of it there is a line speed exceeding 25 miles per hour.

2. In this Schedule—

“carriageway” has the same meaning as in the Highways Act 1980(1) or in Scotland, the Roads (Scotland) Act 1984(2);

“street” means—

- (a) in England and Wales, a street within the meaning of section 48 of the New Roads and Street Works Act 1991(3), together with land on the verge of a street or between two carriageways;
- (b) in Scotland, a road within the meaning of section 107 of the New Roads and Street Works Act 1991, together with land on the verge of a road or between two carriageways;

“tramway” means a system of transport used wholly or mainly for the carriage of passengers and employing parallel rails which—

- (a) provide support and guidance for vehicles carried on flanged wheels;
- (b) are laid wholly or mainly along a street or in any other place to which the public has access (including a place to which the public has access only on making a payment);

“vehicle” includes a mobile traction unit.

---

(1) 1980 c. 66.  
(2) 1984 c. 54.  
(3) 1991 c. 22.