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STATUTORY INSTRUMENTS

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**2005 No. 3050**

The Railway (Licensing of Railway Undertakings) Regulations 2005

**PART 1** **E+W+S**

GENERAL

**Citation, commencement and extent** **E+W+S**

1.—(1) These Regulations may be cited as the Railway (Licensing of Railway Undertakings) Regulations 2005 and shall come into force on 28th November 2005.

(2) These Regulations do not extend to Northern Ireland.

**Interpretation** **E+W+S**

2.—(1) In these Regulations, except where the context otherwise requires—

“the 1993 Act” means the Railways Act 1993 <sup>M1</sup>;

[<sup>F1</sup>“the 1995 Directive” means Council Directive 95/18/EC of 19th June 1995 on the licensing of railway undertakings, as amended by Directive 2001/13/EC of 26th February 2001 and Directive 2004/49/EC of 29th April 2004, both of the European Parliament and of the Council;]

[<sup>F1</sup>“the 2012 Directive” means Directive 2012/34/EU of the European Parliament and of the Council of 21st November 2012 establishing a single European railway area (recast);]

[<sup>F1</sup>“Channel Tunnel service” means—

- (a) a service for the transport of passengers by rail between Calais-Fréthun station in France and Ashford International station in the United Kingdom,
- (b) a service for the transport of goods by rail between Fréthun freight yard in France and Dollands Moor freight yard in the United Kingdom, or
- (c) a service for the transport of passengers or goods by rail which originates or terminates somewhere other than one of those stations or freight yards, but only while it passes between them;]

[<sup>F1</sup>“European licence” means a licence granted pursuant to any action taken by an EEA state for the purpose of implementing the 1995 Directive or Chapter III of the 2012 Directive;]

[<sup>F1</sup>“French licensing authority” means the body responsible for granting European licences in France;]

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**Changes to legislation:** There are currently no known outstanding effects for the The Railway (Licensing of Railway Undertakings) Regulations 2005, PART 1. (See end of Document for details)

“ORR” means [<sup>F3</sup> the Office of Rail and Road], being the body established under section 15 of the Railways and Transport Safety Act 2003 <sup>M2</sup>;

[<sup>F4</sup>“railway undertaking” means any public or private undertaking, the principal business of which is to provide services for the transport of goods and/or passengers by rail with a requirement that the undertaking ensure traction; this includes undertakings which provide traction only;]

[<sup>F5</sup>“railway undertaking licence” means a licence, granted by the ORR to a railway undertaking pursuant to these Regulations, which authorises the undertaking to provide such train services as may be specified in the licence;]

“SNRP” means a statement of national regulatory provisions, issued pursuant to regulation 10; and

“train service” means a service for the transport of goods or passengers (or both) by rail.

<sup>F6</sup>(2) .....

<b>Textual Amendments</b>	
<b>F1</b>	Words in reg. 2(1) inserted (31.1.2022 at 11.00 p.m.) by <a href="#">The Railway (Licensing of Railway Undertakings) (Amendment) Regulations 2021 (S.I. 2021/1105)</a> , regs. 1(3), <b>4</b>
<b>F2</b>	Words in reg. 2(1) omitted (31.12.2020) by virtue of <a href="#">The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/700)</a> , regs. 1(2), <b>4(a)</b> (with regs. 32-39); 2020 c. 1, Sch. 5 para. 1(1)
<b>F3</b>	Words in reg. 2(1) substituted (16.10.2015) by <a href="#">The Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682)</a> , reg. 1(2), <b>Sch. para. 10(1)</b>
<b>F4</b>	Words in reg. 2 inserted (29.7.2016) by <a href="#">The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 (S.I. 2016/645)</a> , regs. 1(1), <b>39(2)(b)</b> (with reg. 4)
<b>F5</b>	Words in reg. 2(1) inserted (31.12.2020) by <a href="#">The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/700)</a> , regs. 1(2), <b>4(b)</b> (with regs. 32-39); 2020 c. 1, Sch. 5 para. 1(1)
<b>F6</b>	Reg. 2(2) omitted (29.7.2016) by virtue of <a href="#">The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 (S.I. 2016/645)</a> , regs. 1(1), <b>39(2)(c)</b> (with reg. 4)
<b>Modifications etc. (not altering text)</b>	
<b>C1</b>	<a href="#">Reg. 2</a> applied (with modifications) (temp) (11.2.2019) by <a href="#">The Railways (Access, Management and Licensing of Railway Undertakings) (Amendment) Regulations 2019 (S.I. 2019/82)</a> , regs. 1(2), <b>2</b>
<b>Marginal Citations</b>	
<b>M1</b>	1993 c. 43.
<b>M2</b>	2003 c. 20.

**Repeals and revocations, and consequential amendments** **E+W+S**

3. Schedule 1 (amendments, repeals and revocations) shall have effect.

**Scope** **E+W+S**

4.—(1) Subject to paragraph (2), these Regulations apply in relation to the licensing of railway undertakings which provide train services [<sup>F7</sup>in Great Britain]<sup>F8</sup>...

(2) These Regulations do not apply in relation to a railway undertaking whose activity is limited to any of the following—

- (a) operating rail passenger services on local and regional stand-alone railway infrastructure;
- (b) operating urban or suburban rail passenger services;
- (c) the provision of regional rail freight services<sup>F9</sup> ...;
- (d) carrying out freight operations on privately owned railway infrastructure that exists solely for use by the infrastructure owner for its own freight operations; or
- (e) providing shuttle services for road vehicles through the Channel Tunnel.

[<sup>F10</sup>(3) For the purposes of paragraph (2)—

- (a) “urban or suburban rail passenger services” means transport services whose principal purpose is to meet the passenger transport needs of an urban centre or conurbation,<sup>F11</sup>... together with transport needs between such a centre or conurbation and surrounding areas; and
- (b) “regional rail freight services” means transport services whose principal purpose is to meet the rail freight transport needs of a region<sup>F12</sup>...]

#### Textual Amendments

- F7** Words in reg. 4(1) inserted (31.12.2020) by The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/700), regs. 1(2), **5(2)(a)** (with regs. 32-39); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in reg. 4(1) omitted (31.12.2020) by virtue of The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/700), regs. 1(2), **5(2)(b)** (with regs. 32-39); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in reg. 4(2)(c) omitted (29.7.2016) by virtue of The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 (S.I. 2016/645), regs. 1(1), **39(3)(a)** (with reg. 4)
- F10** Reg. 4(3) inserted (29.7.2016) by The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 (S.I. 2016/645), regs. 1(1), **39(3)(b)** (with reg. 4)
- F11** Words in reg. 4(3)(a) omitted (31.12.2020) by virtue of The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/700), regs. 1(2), **5(3)(a)** (with regs. 32-39); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in reg. 4(3)(b) omitted (31.12.2020) by virtue of The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/700), regs. 1(2), **5(3)(b)** (with regs. 32-39); 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

There are currently no known outstanding effects for the The Railway (Licensing of Railway Undertakings) Regulations 2005, PART 1.