

STATUTORY INSTRUMENTS

**2005 No. 3050**

**The Railway (Licensing of Railway Undertakings) Regulations 2005**

**PART 3** **E+W+S**

STATEMENTS OF NATIONAL REGULATORY PROVISIONS

**Prohibition on operating trains without a statement of national regulatory provisions** **E+W+S**

9.—(1) [<sup>F1</sup>Subject to paragraph (4A), where] a person is a railway undertaking to which these Regulations apply, that person may not provide train services in Great Britain unless (in addition to being authorised by a [<sup>F2</sup>railway undertaking] licence) he holds a valid statement of national regulatory provisions (“SNRP”).

(2) Any person who provides such services without holding such a statement shall be guilty of an offence.

(3) Any person who is guilty of an offence under this regulation shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
- (b) on conviction on indictment, to a fine.

(4) No proceedings shall be instituted in England or Wales in respect of an offence under this regulation except by or on behalf of the ORR.

[<sup>F3</sup>(4A) Paragraphs (1) to (4) do not apply where that person—

- (a) holds a European licence but not a railway undertaking licence; and
- (b) provides a Channel Tunnel service.]

<sup>F4</sup>(5) .....

**Textual Amendments**

- F1** Words in reg. 9(1) substituted (31.1.2022 at 11.00 p.m.) by [The Railway \(Licensing of Railway Undertakings\) \(Amendment\) Regulations 2021](#) (S.I. 2021/1105), regs. 1(3), **7(2)**
- F2** Words in reg. 9(1) substituted (31.12.2020) by [The Railway \(Licensing of Railway Undertakings\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/700), regs. 1(2), **11(a)** (with regs. 32-39); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Reg. 9(4A) inserted (31.1.2022 at 11.00 p.m.) by [The Railway \(Licensing of Railway Undertakings\) \(Amendment\) Regulations 2021](#) (S.I. 2021/1105), regs. 1(3), **7(3)**
- F4** Reg. 9(5) 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), **11(b)** (with regs. 32-39); 2020 c. 1, Sch. 5 para. 1(1)

**Statements of national regulatory provisions (“SNRPs”) E+W+S**

**10.**—(1) Upon application being made, the ORR shall issue a SNRP to a holder of a valid [<sup>F5</sup>railway undertaking] licence who desires to provide train services in Great Britain.

(2) Any application for a SNRP—

(a) shall be made to the ORR and in such form and manner as the ORR may from time to time determine and publish, and

(b) shall be accompanied by a copy of the [<sup>F6</sup>railway undertaking] licence, if already held.

(3) A SNRP shall continue in force for such period as may be specified in or determined by or under the SNRP.

**Textual Amendments**

**F5** Words in reg. 10(1) substituted (31.12.2020) by *The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/700)*, regs. 1(2), **12** (with regs. 32-39); 2020 c. 1, Sch. 5 para. 1(1)

**F6** Words in reg. 10(2)(b) substituted (31.12.2020) by *The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/700)*, regs. 1(2), **12** (with regs. 32-39); 2020 c. 1, Sch. 5 para. 1(1)

**Conditions of SNRPs E+W+S**

**11.**—(1) Subject to paragraph (4), a SNRP shall include one or more conditions (whether or not relating to the activities for which the applicant for the SNRP requires a [<sup>F7</sup>railway undertaking] licence) as appear to the ORR to be requisite or expedient having regard to the duties imposed on it by section 4 of the 1993 Act; and in this context, the references in that section to the functions assigned or transferred to the ORR under or by virtue of Part 1 of the 1993 Act shall have effect as if they were references to the functions conferred on the ORR under or by virtue of this Part of these Regulations.

(2) Subject to paragraph (4), a SNRP may include conditions requiring the rendering to the ORR of a payment on the grant of the SNRP or payments during the currency of the SNRP, or both, of such amount or amounts as may be determined by or under the SNRP.

(3) Without prejudice to the generality of paragraph (1), conditions included in a SNRP by virtue of paragraph (1) may impose any of the following requirements—

(a) specific technical and operational requirements for rail services;

(b) safety requirements applying to staff, rolling stock and the internal organisation of the undertaking;

(c) provisions on health, safety, social conditions and the rights of workers and consumers;

(d) requirements applying to all undertakings in the relevant railway sector designed to offer benefits or protection to consumers.

(4) A condition may not—

<sup>F8</sup>(a) .....

(b) be applied in a discriminatory manner.

(5) Any sums received by the ORR in consequence of the provisions of any condition of a SNRP shall be paid into the Consolidated Fund.

**Textual Amendments**

- F7** Words in [reg. 11\(1\)](#) substituted (31.12.2020) by [The Railway \(Licensing of Railway Undertakings\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/700\)](#), regs. 1(2), **13(a)** (with regs. 32-39); 2020 c. 1, Sch. 5 para. 1(1)
- F8** [Reg. 11\(4\)\(a\)](#) 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), **13(b)** (with regs. 32-39); 2020 c. 1, Sch. 5 para. 1(1)

**Referral for Commission's opinion** **E+W+S**

<sup>F9</sup>**12.** .....

**Textual Amendments**

- F9** [Reg. 12](#) 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), **14** (with regs. 32-39); 2020 c. 1, Sch. 5 para. 1(1)

**Modification of SNRPs by consent** **E+W+S**

**13.**—(1) Subject to regulation 11 and to the following provisions of this regulation, the ORR may modify the conditions of a SNRP if the SNRP holder consents to the modifications.

(2) Before making modifications under this regulation, the ORR shall give notice—

- (a) stating that it proposes to make the modifications and setting out their effect,
- (b) stating the reasons why it proposes to make the modifications, and
- (c) specifying the period (not being less than 28 days from the date of publication of the notice) within which representations or objections with respect to the proposed modifications may be made,

and shall, before making the modifications, consider any representations or objections which are duly made and not withdrawn.

(3) A notice under paragraph (2) shall be given—

- (a) by publishing the notice in such manner as the ORR considers appropriate for the purpose of bringing the notice to the attention of persons likely to be affected by the making of the modifications; and
- (b) by serving a copy of the notice on the SNRP holder.

**Application and modification of statutory provisions in relation to SNRPs and SNRP holders** **E+W+S**

**14.** Schedule 3 (application and modification of statutory provisions in relation to SNRPs and SNRP holders) shall have effect for the purpose of applying certain enactments to SNRPs and SNRP holders.

**Changes to legislation:**

There are currently no known outstanding effects for the The Railway (Licensing of Railway Undertakings) Regulations 2005, PART 3.