



Railways Act 2005

2005 CHAPTER 14

PART 5

FURTHER MISCELLANEOUS PROVISIONS

Conduct and accessibility on railways

46 Bye-laws

- (1) A railway operator may make bye-laws regulating one or more of the following—
 - (a) the use and working of a relevant asset;
 - (b) travel on or by means of a relevant asset;
 - (c) the maintenance of order on relevant assets;
 - (d) the conduct of persons while on relevant assets.
- (2) Those bye-laws may include, in particular—
 - (a) bye-laws with respect to tickets issued for entry on relevant assets or for travel by railway or with respect to evasion of the payment of fares or other charges;
 - (b) bye-laws with respect to the obstruction of a railway;
 - (c) bye-laws with respect to any other interference with the working of a railway, with a relevant asset or with the provision of a railway service;
 - (d) bye-laws prohibiting or restricting smoking in railway carriages and elsewhere;
 - (e) bye-laws for the prevention of nuisance;
 - (f) bye-laws with respect to the receipt and delivery of goods; and
 - (g) bye-laws for regulating the passage of bicycles and other vehicles on footways and other premises controlled by the railway operator in question and intended to be used by those on foot.
- (3) Schedule 9 (which makes provisions about bye-laws under this section) has effect.
- (4) Bye-laws which—

Changes to legislation: There are currently no known outstanding effects for the Railways Act 2005. Cross Heading: Conduct and accessibility on railways. (See end of Document for details)

- (a) were made by the Strategic Rail Authority under section 219 of the 2000 Act, and
 - (b) are in force immediately before the repeal of that section by this Act,
- shall continue to have effect after the coming into force of that repeal as if every reference in those bye-laws to that Authority were a reference to the Secretary of State.
- (5) The Secretary of State may by order revoke or amend—
- (a) any bye-laws having effect in accordance with subsection (4); or
 - (b) any bye-laws saved by the 2000 Act.
- [^{F1}(5A) The Welsh Ministers may by order revoke or amend any bye-laws falling within subsection (5)(a) or (b) to the extent that they regulate—
- (a) the use and working of a relevant asset that is a Welsh asset;
 - (b) travel on or by means of such an asset;
 - (c) the maintenance of order on such an asset; or
 - (d) the conduct of persons while on such an asset.]
- (6) In subsection (5), “bye-laws saved by the 2000 Act” means bye-laws which—
- (a) were made (or have effect as if they were made) under section 67 of the Transport Act 1962 (c. 46) or section 129 of the 1993 Act;
 - (b) were continued in force by paragraph 5(2) of Schedule 28 to the 2000 Act; and
 - (c) are in force immediately before the commencement of this section.
- (7) In this section “railway operator” means an operator of a railway asset who is—
- (a) authorised to be the operator of that asset by a licence granted under section 8 of the 1993 Act; ^{F2}...
 - (b) exempt by virtue of section 7 of that Act or any other enactment from the requirement to be so authorised [^{F3}or
 - (c) authorised to provide train services by a [^{F4}railway undertaking] licence [^{F5}or a relevant European licence].]
- (8) In this section “relevant asset”, in relation to a railway operator, means—
- (a) a railway asset of which he is the operator; or
 - (b) any rolling stock not falling within paragraph (a) of which he has the management for the time being.
- [^{F6}(9) In this section “Welsh asset” means an asset (other than an asset that is part of a network) that is—
- (a) permanently situated in Wales; or
 - (b) used only in Wales.]

Textual Amendments

- F1** S. 46(5A) inserted (14.10.2018) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(3), **Sch. para. 59(2)**
- F2** Word in s. 46(7)(a) omitted (28.11.2005) by virtue of [The Railway \(Licensing of Railway Undertakings\) Regulations 2005 \(S.I. 2005/3050\)](#), **Sch. 1 para. 5(a)**
- F3** S. 46(7)(c) and word added (28.11.2005) by [The Railway \(Licensing of Railway Undertakings\) Regulations 2005 \(S.I. 2005/3050\)](#), **Sch. 1 para. 5(b)**

Changes to legislation: There are currently no known outstanding effects for the Railways Act 2005, Cross Heading: Conduct and accessibility on railways. (See end of Document for details)

- F4** Words in s. 46(7)(c) substituted (31.12.2020) by [The Railway \(Licensing of Railway Undertakings\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/700\)](#), regs. 1(2), **25(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in s. 46(7)(c) 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), **12**
- F6** S. 46(9) inserted (14.10.2018) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(3), **Sch. para. 59(3)**

Modifications etc. (not altering text)

- C1** S. 46 modified (31.12.2020) by [The Railway \(Licensing of Railway Undertakings\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/700\)](#), regs. 1(2), **41**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I1** S. 46(1)(2)(7)(8) in force at 24.7.2005 by [S.I. 2005/1909](#), art. 2, **Sch.**
- I2** S. 46(3) in force at 24.7.2005 for specified purposes by [S.I. 2005/1909](#), art. 2, **Sch.**
- I3** S. 46(3) in force at 16.10.2005 in so far as not already in force by [S.I. 2005/2812](#), art. 2(1), **Sch. 1**
- I4** S. 46(4)-(6) in force at 16.10.2005 by [S.I. 2005/2812](#), art. 2(1), **Sch. 1**

47 Power of Scottish Ministers to make penalty fare regulations

(1) In section 130 of the 1993 Act (penalty fare regulations), in subsection (1), for “The Secretary of State may by regulations” substitute “ The Secretary of State and the Scottish Ministers shall each have power by regulations to ”.

(2) After subsection (1) insert—

“(1A) The power of the Scottish Ministers under this section shall be exercisable only in relation to trains and stations used for the purposes of—

- (a) railway passenger services provided under Scottish franchise agreements; or
- (b) a railway passenger service not falling within paragraph (a) which is a Scotland-only service or (without being such a service) is a service the provision of which is secured by the Scottish Ministers.”

(3) After subsection (11) insert—

“(11A) A statutory instrument containing regulations made by the Scottish Ministers under this section is subject to annulment in pursuance of a resolution of the Scottish Parliament.”

Commencement Information

- I5** S. 47 in force at 16.10.2005 by [S.I. 2005/2812](#), art. 2(1), **Sch. 1**

48 Code of practice for disabled rail users in Scotland

(1) The Scottish Ministers shall have power to prepare, and from time to time to revise, a code of practice for protecting the interests of users of relevant Scottish services who are disabled.

(2) The Scottish Ministers must publish a code prepared by them under this section, and every revision of it, in such manner as they consider appropriate.

Changes to legislation: There are currently no known outstanding effects for the Railways Act 2005, Cross Heading: Conduct and accessibility on railways. (See end of Document for details)

- (3) Before preparing or revising a code under this section the Scottish Ministers must consult the Disabled Persons Transport Advisory Committee established under section 125 of the Transport Act 1985 (c. 67).
- (4) In this section “relevant Scottish service” means—
- (a) a railway passenger service provided under a Scottish franchise agreement;
 - (b) a railway passenger service not falling within paragraph (a) which is a Scotland-only service or (without being such a service) is a service the provision of which is secured by the Scottish Ministers; or
 - (c) a station service provided in relation to a station in Scotland at which a service falling within paragraph (a) or (b) makes a scheduled call.

Commencement Information

I6 S. 48 in force at 16.10.2005 by [S.I. 2005/2812](#), art. 2(1), [Sch. 1](#)

[^{F7}48A. Code of practice for disabled rail users in Wales

- (1) The Welsh Ministers may prepare, and from time to time to revise, a code of practice for protecting the interests of users of relevant Welsh services who are disabled.
- (2) The Welsh Ministers must publish a code prepared by them under this section, and every revision of it, in such manner as they consider appropriate.
- (3) Before preparing or revising a code under this section the Welsh Ministers must consult the Disabled Persons Transport Advisory Committee established under section 125 of the Transport Act 1985.
- (4) In this section “relevant Welsh service” means—
 - (a) a Wales-only service which is provided under a Welsh franchise agreement or secured by the Welsh Ministers;
 - (b) a Welsh component of a Welsh service which is provided under a Welsh franchise agreement or secured by the Welsh Ministers;
 - (c) a station service provided in relation to a station at which scheduled calls are made only by—
 - (i) a Wales-only service which is provided under a Welsh franchise agreement or secured by the Welsh Ministers, or
 - (ii) a Welsh component of a Welsh service which is provided under a Welsh franchise agreement or secured by the Welsh Ministers.]

Textual Amendments

F7 S. 48A inserted (14.10.2018) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(3), [Sch. para. 60](#)

Changes to legislation:

There are currently no known outstanding effects for the Railways Act 2005, Cross Heading:
Conduct and accessibility on railways.