STATUTORY INSTRUMENTS

1999 No. 1443

TRANSPORT

The Railways Act 1993 (Consequential Modifications) Order 1999

Made - - - -	*23rd May 1999*
Laid before Parliament	*26th May 1999*
Coming into force	*16th June 1999*

Whereas it appears to the Secretary of State to be necessary or expedient in consequence of the provisions of the Railways Act 1993**(a)** and instruments made under or by virtue of that Act to make such modifications of existing provisions as are set out in the following Order;

Now therefore the Secretary of State, in exercise of powers conferred by sections 143 and 153 of the Railways Act 1993**(b)**, hereby makes the following Order:–

Title and commencement

1. This Order may be cited as the Railways Act 1993 (Consequential Modifications) Order 1999 and shall come into force on 16th June 1999.

Modification of the Environmental Protection Act 1990

2.—(1) Section 98 of the Environmental Protection Act 1990**(c)** ("the Act") (definitions for Part IV) shall be amended in accordance with the following provisions of this article.

(2) After subsection (6)(a) there shall be inserted the following paragraph–

"(aa) any operator of a relevant railway asset;".

(3) After subsection (6) there shall be inserted the following subsections–

"(7) Subject to subsection (8) below, "relevant railway asset" means–

(a) a transferred network, that is to say a network which was transferred by virtue of a transfer scheme made under section 85 of the Railways Act 1993 from the British Railways Board and vested in the company formed and registered under the Companies Act 1985 and known, at the date of the vesting, as Railtrack PLC,

(b) a station which is used in connection with the provision of services for the carriage of passengers on a transferred network and is operated by a provider of such services or by the operator of such a network, or

(a) 1993 c. 43.
(b) *See* section 151(1) for the definition of "modifications" and section 153(2) for the definition of "existing provision".
(c) 1990 c. 43.

(c) a light maintenance depot which is used to provide light maintenance services for rolling stock which is used on a transferred network.

(8) A transferred network shall not cease to be such a network where it is modified by virtue of having any network or part of a network added to or removed from it.

(9) Expressions used in subsections (6)(aa), (7) and (8) above and in Part I of the Railways Act 1993 have the same meaning in those subsections as they have in that Part.".

3. In Schedule 4 to the Act (abandoned shopping and luggage trolleys) in paragraph 1(2)(d) after "road transport undertaking" there shall be inserted ", by an operator of railway services (within the meaning of Part I of the Railways Act 1993) provided in connection with a transferred network".

Modification of the Litter (Statutory Undertakers) (Designation and Relevant Land) Order 1991

4.—(1) The Litter (Statutory Undertakers) (Designation and Relevant Land) Order 1991**(a)** shall be amended in accordance with the provisions of this article.

(2) In article 1(2), after paragraph (a) in the definition of "operational land", there shall be inserted the following paragraph–

"(aa) in relation to any operator of a relevant railway asset, land required or used for the operation of that asset,".

(3) In article 2, after the paragraph commencing "the British Railways Board and London Regional Transport", there shall be inserted the following paragraph–

"any operator of a relevant railway asset,".

Signed by authority of the
Secretary of State for the Environment,
Transport and the Regions

Glenda Jackson
Parliamentary Under Secretary of State,
Department of the Environment,
Transport and the Regions

23rd May 1999

(a) S.I. 1991/1043, to which there are amendments not relevant to this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies the Environmental Protection Act 1990 ("the 1990 Act") and the Litter (Statutory Undertakers) (Designation and Relevant Land) Order 1991 in consequence of the provisions of the Railways Act 1993.

Section 98 of the 1990 Act defines the term "statutory undertaker" for the purposes of Part IV of the 1990 Act. It is modified to confirm that certain successors of the British Railways Board—essentially, operators of the Board's former rail network, operators of stations which are used in connection with that network, and operators of light maintenance depots—are also statutory undertakers for those purposes. This means that these successors can be designated by Order under section 86(6) of the 1990 Act, and so made subject to the litter duty imposed on designated statutory undertakers by section 89(1)(e) of that Act. This is effected through this Order by the modification of the Litter (Statutory Undertakers) (Designation and Relevant Land) Order 1991.

Paragraph 1(2)(d) of Schedule 4 to the 1990 Act is modified to ensure that local authorities' powers under that Schedule in relation to abandoned luggage trolleys do not apply to luggage trolleys found on land which is used for the purposes of their undertaking by the operators of network, passenger, goods, station and light maintenance services in connection with a transferred network.

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