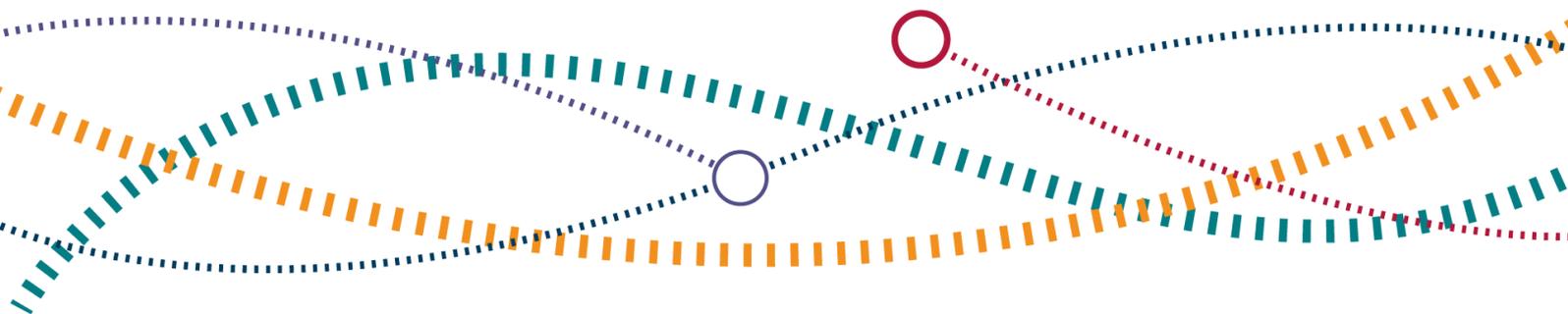




EU passenger and freight licences and SNRPs from 1 January 2021

4 January 2021

Changes to The Railway (Licensing
of Railway Undertakings)
Regulations 2005



Contents

Foreword	3
<hr/>	
Affected legislation	4
The Railways (Licensing of Railway Undertakings) Regulations 2005	4
Commission Implementing Regulation (EU) 2015/171	4
<hr/>	
Changes from 1 January 2021	5
Railway undertakings and licensing legislation	5
Actions required by railway undertakings	5
Recognition of European operator licences	5

Foreword

On 31 January 2020, the United Kingdom (UK) withdrew from the European Union (EU) and stopped being a Member State. The EU Withdrawal Agreement provides for a transition period ending on 31 December 2020 during which the UK is required to implement EU law. After that date, new EU legislation will not apply in the UK.

This document describes the changes to the licensing regime for passenger and freight railway undertakings and in particular to *The Railway (Licensing of Railway Undertakings) Regulation 2005* (hereinafter “the 2005 Regulations”) and associated legislation that are required to ensure that the regime that supports the licensing system for railway undertakings (generally speaking, the operators of train services on the mainline railway) continues to work effectively beyond 1 January 2021.

The domestic regulations making changes to the 2005 Regulations and associated EU legislation are referred to as EU Exit amending regulations. These are:

- [*The Railway \(Licensing of Railway Undertakings\) \(Amendment etc.\) \(EU Exit\) Regulations 2019.*](#)

ORR will amend its licensing guidance on how to apply for operator licences and licence exemptions as soon as possible after 1 January 2021. Until we do so, the relevant aspects of the guidance should be considered in conjunction with this document.

More detailed information on the effect of the EU exit amending regulations on railway regulations is contained in guidance [Rail transport from 1 January 2021](#), issued by the Department for Transport.

This guidance reflects significant elements of the legislation that infrastructure managers, railway undertakings and service providers need to be aware of. However, it does not seek to cover every aspect of the legislation. It is the responsibility of individual businesses to ensure that they are compliant with the law. We advise businesses to refer to the EU Exit amending regulations as the primary source of information, as this document is not intended to cover every amendment to legislation.

Affected legislation

The Railways (Licensing of Railway Undertakings) Regulations 2005

1. *The Railways (Licensing of Railway Undertakings) Regulations 2005* (“the 2005 Regulations”) define the regime for licensing the operators of passenger and freight trains on the mainline railway in Great Britain.
2. The 2005 Regulations are domestic law, which will continue to have effect in Great Britain, subject to amendments made by the EU Exit amending regulations to prevent, remedy or mitigate any deficiencies arising as a result of the withdrawal of the UK from the EU.

Commission Implementing Regulation (EU) 2015/171

3. This Implementing Regulation relates to certain aspects to the procedure of licensing railway undertakings. This includes the requirement for a common licence template, aspects pertaining to information requirements on civil liability or insurance cover, and certain aspects of the procedure for granting a licence. The Implementing Regulation will cease to have effect in the UK from 1 January 2021.

Changes from 1 January 2021

Railway undertakings and licensing legislation

4. There are **no substantive changes** to the scope of requirements on railway undertakings when applying for or holding an operating licence. After 1 January 2021, each passenger and freight railway undertaking will still be required to have a licence in order to operate trains on the mainline railway.
5. There are minor changes to the format of new licences issued to railway undertakings (and the corresponding application form) to reflect that these are now UK documents rather than EU documents.

Actions required by railway undertakings

6. No action is necessary for holders of European licences and their associated statements of national regulatory provisions (“SNRPs”) issued by ORR. They will continue to be valid for operations in Great Britain and holders are not required to reapply.
7. However, current European licences and SNRPs issued by ORR will no longer be valid for train operations in the EU. Any railway undertakings that rely on such documents will need to replace them with the new licences issued by an EU licensing authority if they wish to operate in the EU after 1 January 2021.

Please Note this guidance does not relate to Northern Ireland – owners of licences issued by the Department for Infrastructure should seek information from the relevant authority in Northern Ireland.

8. Applicants of new, updated or renewed railway undertaking licences after 1 January 2021 will need to ensure their applications refer to and comply with the domestic legislation in force at the time.

Recognition of European operator licences

9. European licences issued by a licensing authority in the EU (not by ORR), will remain valid in Great Britain until 31 January 2022. After this date, holders of EU-issued licences will need to apply to ORR for the necessary licence to operate in Great Britain.

10. It is the responsibility of the licence/SNRP holder to ensure they hold the necessary documentation to comply with the relevant legislation.
11. For further information on licences for Channel Tunnel rail operators, please see DfT guidance [Rail transport from 1 January 2021](#).



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