



STATUTORY INSTRUMENTS.

**S.I. No. 298 of 2010**



EUROPEAN COMMUNITIES (LICENSING OF RAILWAY  
UNDERTAKINGS) (AMENDMENT) REGULATIONS 2010

**(Prn. A10/0893)**

## EUROPEAN COMMUNITIES (LICENSING OF RAILWAY UNDERTAKINGS) (AMENDMENT) REGULATIONS 2010

I, NOEL DEMPSEY, Minister for Transport, in exercise of the powers conferred on me by section 3 (as amended by section 2 of the European Communities Act 2007 (No. 18 of 2007)) of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Council Directive 95/18/EC of 19 June 1995<sup>1</sup>, as amended by Council Directive 2001/13/EC of 26 February 2001<sup>2</sup>, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Licensing of Railway Undertakings) (Amendment) Regulations 2010.

2. In these Regulations “Principal Regulations” means European Communities (Licensing of Railway Undertakings) Regulations 2003 (S.I. No. 537 of 2003).

3. The Principal Regulations are amended—

(a) in Regulation 2(1), by substituting for the definition of “Directive” the following:

“ ‘Directive’ means Council Directive 95/18/EC of 19 June 1995<sup>1</sup>, as amended by Council Directive 2001/13/EC of 26 February 2001<sup>2</sup>,’ ”,

(b) in Regulation 5(3), by substituting for paragraph (c) the following:

“(c) The particulars listed in section 1 of the Annex to the Directive and such other information concerning the financial fitness of the applicant railway undertaking as the Minister may reasonably request for the performance of his or her functions under these Regulations.”,

and

(c) by substituting for Regulation 17 the following:

“17. (1) A person who commits an offence under Regulation 15(b) or 16 is liable on summary conviction to a fine not exceeding €5,000.

(2) A person who commits an offence under Regulation 15(a) in respect of a contravention of Regulation 3(2) is liable—

<sup>1</sup> OJ No. L43, 27.6.1995, p.70

<sup>2</sup> OJ No. L75, 15.3.2001, p.26

- (a) on summary conviction to a fine not exceeding €5,000, or
- (b) on conviction on indictment to a fine not exceeding €250,000.”.

4. Any application for a licence under the Principal Regulations which is being considered immediately before the making of these Regulations shall be considered in accordance with the Principal Regulations as amended by Regulation 3(b) of these Regulations.



GIVEN under my Official Seal,  
15 June 2010.

NOEL DEMPSEY,  
Minister for Transport.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,  
CONTAE MHAIGH EO,  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)  
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