



STATUTORY INSTRUMENTS.

S.I. No. 267 of 2023



RAILWAY SAFETY ACT 2005 (SECTION 26) LEVY ORDER 2023

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The Commission for Railway Regulation, in exercise of the powers conferred on it by section 26 of the Railway Safety Act 2005 (No. 31 of 2005), and with the consent of the Minister for Transport, and the Minister for Public Expenditure and Reform, hereby makes the following order:

1. (1) This Order may be cited as the Railway Safety Act 2005 (Section 26) Levy Order 2023.

2. (1) In this Order –

“the Act” means the Railway Safety Act 2005 (No. 31 of 2005);

“Commission” means the Railway Safety Commission established under the Act and renamed the Commission for Railway Regulation under the Public Transport Act 2016;

“Heritage Railway” has the meaning assigned to it under the Act;

“levy year” means the period of one year commencing 1st January 2023;

“Minister” means the Minister for Transport;

“railway organisation” has the meaning assigned to it under the Act;

“relevant period” in relation to any calendar year means the period ending 1st day of May, 1st day of August, and 1st day of December in that year;

“relevant railway organisation” means those organisations to which this Order applies and on which a levy shall be imposed in accordance with the Schedule to this Order.

3. This order shall apply to the railway organisations set out in the Schedule to this Order (“relevant railway organisation”).

4. A railway organisation that is also heritage railway shall be exempt from payment of any levy to the Commission.

5. A levy is hereby imposed on each relevant railway organisation in respect of the levy year. The levy shall be in the amount set out in the Schedule to this Order.

6. The levy shall be payable in three equal installments (relevant period) within a period of fourteen days of being notified by the Commission that the levy is due for payment.

7. Monies raised by the Commission through imposition of this levy shall be used for the purpose of meeting expenses properly incurred by the Commission in discharge of its functions under the Act.

8. Where any amount falling to be paid under Article 5 is not paid within a period of fourteen days of the time specified in Article 6 interest thereon shall accrue at the prescribed interest rate compounded monthly from the date such payment fell due until same is made. The prescribed interest rate shall be a rate 2% per annum above the Euribor rate.

9. (1) All payments shall be made in Euro on the due date by direct bank transfer or equivalent instantaneous transfer of funds to the bank account specified by the Commission.

(2) Relevant railway organisations shall notify the Commission as soon as payment has been made, indicating the date on which payment was made and the name of the bank effecting the payment.

(3) The Commission shall make a request for payment in accordance with section 5 of this Order to the relevant railway organisations.

10. The total amount of levy imposed on relevant railway organisations in any year shall not exceed the Commission's reasonable estimate of the expenses that it will incur in that year in the discharge of its functions under the Act excluding-

- (a) the amount of any grants received out of monies duly provided under the Act, and
- (b) any other payment received by the Commission to offset expenses incurred in the discharge of its functions.

11. (1) Where the gross income received by the Commission in each financial year exceeds the gross expenditure incurred in the administration of its office in that year, under section 26(6) of the Act, the Minister may, with the consent of the Minister for Public Expenditure and Reform, direct the Commission to pay into the Exchequer, such sums as he or she may specify, being a sum that represents such surplus.

(2) Where the Minister does not make such a direction, any surplus of Commission income over expenses in a particular year shall be deemed to be monies derived through the imposition of a levy and shall either-

- (a) be retained by the Commission to be offset against levy obligations for the subsequent year, or
- (b) be refunded proportionately to the relevant railway organisations on whom the levy concerned was imposed.

Schedule 2023

Iarnród Éireann		TII	Transdev	Rhomberg Sersa	Translink NIR
Infrastructure Manager	Railway Undertaking				
€603,113	€494,335	€72,793	€172,736	€161,603	€82,543



GIVEN under the Official Seal
of the Commission for Railway Regulation,
29 May, 2023.

BRIAN HIGGISSON,
Commissioner.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

The purpose of this Order is to introduce a levy, in accordance with section 26 of the Railway Safety Act 2005, in order to meet the expenditure properly incurred by the Commission for Railway Regulation in the discharge of its functions.

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