



Department  
for Transport

Mr Jaur Rahman  
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Department for Transport  
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Web Site: [www.gov.uk/dft](http://www.gov.uk/dft)

R Bostock

[By email: [request-311011-48d750f9@whatdotheyknow.com](mailto:request-311011-48d750f9@whatdotheyknow.com)]

Our Ref: F0013227

18<sup>th</sup> February 2016

Dear R Bostock,

### **Freedom of Information Act Request – F0013227**

Thank you for your further email of 10<sup>th</sup> February 2016 regarding your Freedom of Information (FOI) Act Request – F0013227.

Our original reply confirmed that the Department does not hold the information that you requested but provided some other relevant information which we hoped you would find useful.

In your follow-up email you stated that we had not answered your question and repeated it as follows:

***“Please would you tell me if any Secretary of State for Transport since the coming into force of the Railway Act 1993 has ever confirmed or made any laws (including byelaws and regulations) which empower any person or body other than the Courts to impose a penalty for breach of Byelaws 14(1), 14(2) or 14(3) of the Railway Byelaws 2005.”***

I have carefully reconsidered your original question and can provide the following response.

The FOI Act provides a general right of access to recorded information held by public authorities. Therefore I have interpreted your question as wanting to know if the Department holds recorded information on whether or not the Secretary of State for Transport has ever confirmed or made any laws, since the Railways Act 1993 came into force, which empower any person or body other than the courts to impose a penalty for breach of Byelaws 14(1), (2) or (3) of the Railway Byelaws 2005.

Having carried out a thorough re-examination of our paper and electronic records I can confirm that the Secretary of State has not confirmed or made any such laws and that no other person or body other than the Court is able to impose a penalty for breach of the Byelaws [including Byelaw 14 (1-3)] made under Section 219 of the Transport Act 2000 (as amended) and made operational on 7 July 2005.

With regard to the period since the Railways Act 1993 came into force up until the Transport Act 2000 was made operational I can confirm that the Department does not hold any recorded information regarding these historical byelaws.

If you are unhappy with the way the Department has handled your request or with the decisions made in relation to your request you may complain within two calendar months of the date of this letter by writing to the Department's Information Rights Unit at:

Zone D/04  
Ashdown House  
Sedlescombe Road North  
Hastings  
East Sussex TN37 7GA  
E-mail: [FOI-Advice-Team-DFT@dft.gsi.gov.uk](mailto:FOI-Advice-Team-DFT@dft.gsi.gov.uk)

Please see attached details of DfT's complaints procedure and your right to complain to the Information Commissioner.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely

**Jeaur Rahman**  
Correspondence Manager – Passenger Services

## **Your right to complain to DfT and the Information Commissioner**

You have the right to complain within two calendar months of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition a complaint can be made that DfT has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF