

RAILWAY TRANSPORT VEHICLES AS AN OBJECT AND INSTRUMENT OF ARTICLE 276 OF THE CRIMINAL CODE OF UKRAINE “VIOLATION OF RULES FOR SAFE MOVEMENT AND OPERATION OF RAIL, WATER AND AIR TRANSPORT”

Railway transport vehicles are one of the objects or instruments of crime commitment under Article 276 of the Criminal Code of Ukraine "Violation of Rules for Safe Movement and Operation of Rail, Water and Air Transport".

Their characteristics shall be considered by referring to the current legislation.

Thus, according to Article 1 of the Law of Ukraine № 273/96 dated from July 4, 1996 «On Railway Vehicles», railway transport is an industrial-technological complex of organizations and enterprises of railway transport for public use, intended to meet the needs of social production and country's population in transportation within domestic and international communications, as well as rendering other transportation services to all customers without restrictions by forms of ownership, kinds of activity etc. [1].

The notion “*railway transport vehicle*” is included in the “Technical Operation Rules for Interindustry Railway Transport of Ukraine” - therein it is a technical device, which is driven by a power source (non-self-propelled), intended for movement on rail tracks and used to carry people, luggage and equipment for specific functions [2].

Railway transport vehicles consist of rolling stock (carriages of all kinds, locomotives, motor-rail transport) and containers [1].

The same definition of railway transport vehicles is indicated in par. 6 of the Charter of Railways of Ukraine, which was approved by the Cabinet of Ministers of Ukraine on April 06, 1998, Decree № 457 [3].

According to par. 4 of the “Technical Operation Rules for Interindustry Railway Transport of Ukraine”, approved by the Ministry of Communications on October 01, 2009, Decree № 1014, railway rolling stock includes locomotives, carriages and special rolling stock [2].

A locomotive is a pulling self-propelled machine, designed to move any railway rolling stock.

A carriage is non-self-propelled unit of rolling stock that is carrying cargos and passengers. Freight cars are wagons for goods. These include covered wagons, gondola cars, flatcars, barrels, specialized wagons for goods: wagons of bunker type, thermos cars, refrigerator cars, including self-contained refrigerator cars, grain wagons, transporters, container cars and special freight wagons.

A train is a fully formed coupled complex of carriages, having one or several functional locomotives with installed signals, locomotives without wagons and special self-propelled rolling stock, sent from station to station.

Special rolling stock is a set of fixed mobile units on the rail track, intended for construction, repair and service works (snow cleaners, snow and crushed stone removing machines, ballasting machines, rail-laying machines, hoisting cranes, railway inspection cars etc.) [2].

Given the fact that technical regulation of Underground Railway is carried out by the central executive authority in the field of transport, violation of rules for safe movement or operation of Underground Railway shall be regarded as a crime, liability for which is stipulated by Art. 276 of the Criminal Code of Ukraine [4, p. 29].

Railway transport vehicles will be an object in case of violation of rules for safe rail transport movement by an offender, and they will be an instrument in case of violation of rules for safe rail transport operation by a guilty person.

Thus, exact definition of features and types of railway vehicles is of significant importance for determining an object or instrument of crime commitment under Art. 276 of the Criminal Code of Ukraine, for introducing a correct classification of crime committed and punishment applied.

List of references

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