

SCHEDULES

SCHEDULE 12

Section 152.

MINOR AND CONSEQUENTIAL AMENDMENTS

The Regulation of Railways Act 1889

- 1 Section 6 of the Regulation of Railways Act 1889 (which provides that every passenger ticket issued by any railway company in the United Kingdom shall show on its face the fare chargeable for the journey for which it was issued) shall cease to have effect.

The Railway Fires Act 1905

- 2 (1) In section 1 of the Railway Fires Act 1905 (liability of railway companies to make good damage to crops caused by their engines), after subsection (2) there shall be inserted—

“(2A) Any reference in subsection (2) above to a “company” includes a reference to any person—

- (a) who holds a network licence, station licence or light maintenance depot licence under Part I of the Railways Act 1993; or
- (b) who is exempt, by virtue of a licence exemption under section 7 of that Act, from the requirement to be authorised by licence under that Part to be the operator of a network, station or light maintenance depot.

(2B) A person such as is mentioned in subsection (2A) above shall be regarded for the purposes of subsection (2) above as working a railway which consists of the track (if any) comprised in any network, station or light maintenance depot of which he lawfully acts as the operator by virtue of the licence or licence exemption in question.”

- (2) In section 4 of that Act (definitions and application) after the definition of “railway” there shall be inserted—

“The expression “railway company” includes any person—

- (a) who holds a licence under Part I of the Railways Act 1993; or
- (b) who is exempt, by virtue of a licence exemption under section 7 of that Act, from the requirement to be authorised by licence under that Part to be the operator of a railway asset;

The expressions “light maintenance depot”, “network”, “operator”, “railway asset”, “station” and “track” have the same meaning as they have in Part I of the Railways Act 1993.”

Status: This is the original version (as it was originally enacted).

The Railway Fires Act (1905) Amendment Act 1923

- 3 In section 2 of the Railway Fires Act (1905) Amendment Act 1923 (conditions precedent to application of the Act of 1905) after the words “any railway company” there shall be inserted the words “(as defined in section 4 of that Act)”.

The British Transport Commission Act 1950

- 4 Section 43 of the British Transport Commission Act 1950 (power to supply railway equipment to the Ulster Transport Authority) shall cease to have effect.

The Transport Act 1962

- 5 (1) The Transport Act 1962 shall be amended in accordance with this paragraph.
- (2) The following provisions shall cease to have effect, that is to say—
- (a) section 4(1)(b), (2) and (7) (which relate to the provision by the Board of certain services for the carriage of goods by road),
 - (b) section 5 (which gives the Board power to provide certain air transport services),
 - (c) section 13(3) (saving for section 43 of the British Transport Commission Act 1950), and
 - (d) section 53 (complaints by operators of coastal shipping about the Board’s railway charges).
- (3) In section 12 (power of the Boards to construct and operate pipe-lines), in subsection (1), after the words “the Boards” there shall be inserted the words “, other than the Railways Board,”.
- (4) In section 14(4), after the words “Each of the Boards” there shall be inserted the words “, except the Railways Board,”.

The Transport Act 1968

- 6 (1) The Transport Act 1968 shall be amended in accordance with this paragraph.
- (2) In section 42 of that Act, subsection (3) (which confers power to vary commencing capital debt of the Board to take account of transfers under section 7(5) or (6) or 8(4) of that Act and which is spent) shall be omitted.
- (3) Section 45 of that Act (duty of the Board periodically to review its organisation) shall cease to have effect.
- (4) Section 48 of that Act (which confers power on the Boards and the new authorities to undertake activities including manufacture for sale) shall cease to have effect in relation to the Board.
- (5) In section 50 of that Act—
- (a) subsection (2) (power of the Board to provide and manage hotels) shall cease to have effect;
 - (b) in subsection (4), for the words “In subsections (2) and (3) of this section the references to hotels include references” there shall be substituted the words “In subsection (3) of this section the reference to hotels includes a reference”; and

Status: This is the original version (as it was originally enacted).

- (c) subsection (7) (which confers power on the Boards and the new authorities to provide technical advice and assistance and which is superseded, in the case of the Board, by section 127 of this Act) shall cease to have effect in relation to the Board.
- (6) In section 55 of that Act (amendments concerning Transport Consultative Committees under section 56 of the Transport Act 1962), in subsection (1) (services and facilities in relation to which Consultative Committees' duties are to apply)—
- (a) for the words “the Consultative Committees established under that section” there shall be substituted the words “the Central Committee and the consultative committees, within the meaning of that section,”, and
 - (b) the following shall be omitted, namely—
 - (i) in paragraph (a), the words from “or provided” onwards,
 - (ii) paragraph (b),
 - (iii) paragraphs (i) and (iii), and
 - (iv) the words from “and for the purposes” onwards,and subsections (2), (3) and (4) (duties of Consultative Committees in relation to certain services and facilities provided in Scotland, and provision as to office accommodation for, defrayment of expenditure incurred by, and certain payments to members of, Consultative Committees) shall cease to have effect.
- (7) In section 137 of that Act (machinery for negotiation and consultation with staff), in subsection (1) (which provides that that section applies to the Board and to certain other authorities), the words “the Railways Board” in paragraph (a) shall cease to have effect.

The Fair Trading Act 1973

- 7 In section 133(2) of the Fair Trading Act 1973 (exceptions from the general restriction on the disclosure of information obtained under or by virtue of certain provisions of that Act), in paragraph (a)—
- (a) after the words “the Director General of Electricity Supply for Northern Ireland” (which were inserted by paragraph 10(a) of Schedule 12 to the Electricity (Northern Ireland) Order 1992) there shall be inserted the words “the Rail Regulator”; and
 - (b) after the words “Courts and Legal Services Act 1990” there shall be inserted the words “or the Railways Act 1993”.

The Consumer Credit Act 1974

- 8 In section 174(3) of the Consumer Credit Act 1974 (exceptions from the general restriction on the disclosure of information obtained under or by virtue of that Act), in paragraph (a)—
- (a) after the words “Courts and Legal Services Act 1990” there shall be inserted the words “or the Railways Act 1993”; and
 - (b) after the words “the Director General of Electricity Supply for Northern Ireland” (which were inserted by paragraph 14(b) of Schedule 12 to the Electricity (Northern Ireland) Order 1992) there shall be inserted the words “the Rail Regulator”.

Status: This is the original version (as it was originally enacted).

The Railways Act 1974

- 9 In the Railways Act 1974, section 9 (which provides for an alternative basis of remuneration for chairmen of Consultative Committees set up under section 56 of the Transport Act 1962) shall cease to have effect.

The Restrictive Trade Practices Act 1976

- 10 In section 41(1) of the Restrictive Trade Practices Act 1976 (exceptions from the general restriction on the disclosure of information obtained under or by virtue of that Act), in paragraph (a)—
- (a) after the words “the Director General of Electricity Supply for Northern Ireland” (which were inserted by paragraph 16(a) of Schedule 12 to the Electricity (Northern Ireland) Order 1992) there shall be inserted the words “the Rail Regulator”; and
 - (b) after the words “Courts and Legal Services Act 1990” there shall be inserted the words “or the Railways Act 1993”.

The Estate Agents Act 1979

- 11 In section 10(3) of the Estate Agents Act 1979 (exceptions from the general restriction on the disclosure of information obtained under or by virtue of that Act), in paragraph (a)—
- (a) after the words “Courts and Legal Services Act 1990” there shall be inserted the words “or the Railways Act 1993”; and
 - (b) after the words “the Director General of Electricity Supply for Northern Ireland” (which were inserted by paragraph 20(b) of Schedule 12 to the Electricity (Northern Ireland) Order 1992) there shall be inserted the words “the Rail Regulator”.

The Competition Act 1980

- 12 (1) In section 11 of the Competition Act 1980, in subsection (3) (public bodies and other persons who may be the subject of a reference to the Monopolies Commission under that section), after paragraph (a) there shall be inserted—
- “(aa) any publicly owned railway company, within the meaning of the Railways Act 1993, which supplies network services or station services, within the meaning of Part I of that Act; or”.
- (2) In subsection (2) of section 19 of that Act (which provides that the general restriction, in subsection (1) of that section, on the disclosure of information obtained under or by virtue of that Act does not apply in relation to the performance by certain authorities of their functions under the provisions listed in subsection (3) of that section) in paragraph (a), after the words “the Director General of Electricity Supply for Northern Ireland” (which were inserted by paragraph 21(a) of Schedule 12 to the Electricity (Northern Ireland) Order 1992) there shall be inserted the words “the Rail Regulator”.
- (3) In subsection (3) of that section (list of provisions referred to in subsection (2) of that section) after the paragraph (n) inserted by paragraph 28 of Schedule 20 to the Broadcasting Act 1990 there shall be added—
- “(o) the Railways Act 1993”.

Status: This is the original version (as it was originally enacted).

The Telecommunications Act 1984

- 13 (1) In subsection (2) of section 101 of the Telecommunications Act 1984 (which provides that the general restriction, in subsection (1) of that section, on the disclosure of information obtained under or by virtue of that Act does not apply in relation to the performance by certain authorities of their functions under the provisions listed in subsection (3) of that section) in paragraph (b), after the words “the Director General of Electricity Supply for Northern Ireland” (which were inserted by paragraph 29(a) of Schedule 12 to the Electricity (Northern Ireland) Order 1992) there shall be inserted the words “the Rail Regulator”.
- (2) In subsection (3) of that section (list of provisions referred to in subsection (2) of that section) after paragraph (l) (which was inserted by paragraph 29(b) of Schedule 12 to the Electricity (Northern Ireland) Order 1992) there shall be added—
- “(m) the Railways Act 1993”.

The London Regional Transport Act 1984

- 14 (1) Section 2 of the London Regional Transport Act 1984 (provision of passenger transport services for Greater London) shall be amended in accordance with the following provisions of this paragraph.
- (2) In subsection (1) (which requires London Regional Transport, in conjunction with the Board, to provide or secure the provision of public passenger transport services in Greater London), before the words “in conjunction with the Railways Board” there shall be inserted the words “(if and to the extent that the Railways Board continues to be under a duty by virtue of section 3 of the Transport Act 1962 to provide railway services in Greater London)”.
- (3) At the beginning of subsection (3) (duty of London Regional Transport and the Board to co-operate for the purpose of co-ordinating services etc) there shall be inserted the words “If and so long as the Railways Board continues to be under a duty by virtue of section 3 of the Transport Act 1962 to provide railway services in Greater London,”.
- (4) After that subsection there shall be inserted—
- “(3A) It shall be the duty of London Regional Transport (either acting directly, or acting indirectly through subsidiaries of theirs) and the Franchising Director to co-operate with one another in the exercise and performance of their respective functions for the purpose—
- (a) of co-ordinating the passenger transport services for persons travelling within, to, or from Greater London—
- (i) which are provided by London Regional Transport or their subsidiaries; and
- (ii) which are provided under franchise agreements, or whose provision is secured by the Franchising Director pursuant to section 30, 37 or 38 of the Railways Act 1993; and
- (b) of securing or facilitating the proper discharge of London Regional Transport’s duty under subsection (1) above;
- and to afford to one another such information as to the services mentioned in paragraph (a) above as may reasonably be required for those purposes.”
- (5) In subsection (4) (power of London Regional Transport and the Board to enter into arrangements for the purposes of the co-operation required by the section)—

Status: This is the original version (as it was originally enacted).

- (a) for the words “subsection (3) above” there shall be substituted the words “subsection (3) or, as the case may be, subsection (3A) above—
 (a)”;
 and
 - (b) after the words “the Railways Board” there shall be inserted the words “or
 (b) London Regional Transport and the Franchising Director.”.
- (6) After that subsection there shall be inserted—
- “(4A) The references in subsections (3A) and (4) above to the respective functions of London Regional Transport and the Franchising Director shall be taken, in the case of the functions of the Franchising Director, as a reference to—
- (a) his functions under sections 23 to 31 of the Railways Act 1993 (franchising of passenger services); and
 - (b) the duties imposed upon him by sections 37 and 38 of that Act (discontinuance of railway passenger services) to secure the provision of services.”
- 15 In section 7 of that Act (planning of passenger transport services for Greater London) in subsection (4) (which specifies the persons with whom London Regional Transport are to consult in preparing statements under that section)—
- (a) after paragraph (a), there shall be inserted—
 “(aa) the Franchising Director;” and
 - (b) for the word “and” at the end of paragraph (c) there shall be substituted—
 “(cc) such other persons as the Secretary of State may specify in a direction given to London Regional Transport; and”.
- 16 In section 31 of that Act (duty of Board to consult London Regional Transport as to fares and services in London) for the words “The Railways Board shall” there shall be substituted the words “If and so long as the Railways Board continues to be under a duty by virtue of section 3 of the Transport Act 1962 to provide railway services in Greater London, the Board shall”.
- 17 After that section there shall be inserted—
- “31A Duty of Franchising Director to consult London Regional Transport as to fares and services in London.**
- The Franchising Director shall from time to time consult with London Regional Transport as to—
- (a) the general level and structure of the fares to be charged for the carriage of passengers by railway on journeys wholly within Greater London on services—
 - (i) which are, or are to be, provided under franchise agreements; or
 - (ii) whose provision the Franchising Director is under a duty to secure, by virtue of section 30, 37 or 38 of the Railways Act 1993; and
 - (b) the general level of the provision to be made for such journeys.”
- 18 (1) Section 40 of that Act shall have effect with the following amendments.

Status: This is the original version (as it was originally enacted).

- (2) Without prejudice to the continuing validity of appointments made before the coming into force of this sub-paragraph, for subsection (2) (appointment of chairman and members by the Secretary of State) there shall be substituted—
- “(2) The Committee shall consist of—
- (a) a chairman, appointed by the Secretary of State after consultation with the Rail Regulator; and
 - (b) such other members (not exceeding thirty) as the Secretary of State may appoint after consultation with the Rail Regulator and the chairman.”
- (3) In subsection (4), there shall be omitted—
- (a) the words “Subject to subsection (6) below,”; and
 - (b) paragraph (c) (which confers functions with respect to matters affecting the services and facilities provided by the Board or any subsidiary of theirs) and the word “or” immediately preceding it.
- (4) In subsection (5)—
- (a) in paragraph (b) (which provides that a matter falls to be considered by the committee if it has been referred to it by certain persons or bodies), for the words “by London Regional Transport or by the Railways Board” there shall be substituted the words “or by London Regional Transport”; and
 - (b) the words following paragraph (c) (which relate to services provided by the Board or its subsidiaries) shall be omitted.
- (5) Subsection (6) (which precludes the committee from considering charges for services and questions relating to the discontinuance or reduction of railway services) shall be omitted.
- (6) In subsection (7), paragraph (b) (which requires copies of the committee’s minutes, requirements and recommendations in the case of certain matters affecting the Board to be sent to the Board) shall be omitted.
- (7) In subsection (8) (power of the Secretary of State to give directions to certain bodies) the words “or (as the case may require) to the Railways Board” shall be omitted.
- (8) In subsection (9) (requirement for certain bodies and persons to give notice of certain decisions to the committee) the words “the Railways Board” shall be omitted.
- (9) In subsection (10) (committee to make annual report to the Secretary of State), after the words “Secretary of State” where first occurring there shall be inserted the words “and the Rail Regulator”.
- (10) In subsection (11) (certain companies not to be treated as subsidiaries of certain bodies), the words “or the Railways Board” shall be omitted.
- 19 Section 41 of that Act (which provides for the committee to be treated as an Area Transport Users' Consultative Committee for certain purposes and which makes other provision in connection therewith) shall cease to have effect.
- 20 In section 59 of that Act (which confers power on London Borough Councils and the Common Council to enter into certain agreements with the Board) for the words “the Railways Board” there shall be substituted—
- (a) the Railways Board,
 - (b) the Franchising Director, or

Status: This is the original version (as it was originally enacted).

- (c) any person who is the holder of a passenger licence, a network licence or a station licence, within the meaning of Part I of the Railways Act 1993.”
- 21 In section 68 of that Act (interpretation) the following definitions shall be inserted at the appropriate places—
- (a) ““franchise agreement” has the same meaning as in Part I of the Railways Act 1993;” and
- (b) ““the Franchising Director” means the Director of Passenger Rail Franchising;”.
- 22 (1) In Schedule 3 to that Act, in paragraph 5 (Secretary of State to provide the committee with funds with which to meet certain expenses) after sub-paragraph (2) there shall be added—
- “(3) The Committee shall prepare and send to the Secretary of State not less than two months, or such other period as the Secretary of State may specify, before the beginning of each financial year a statement of the expenses which they expect to incur in respect of that year for the purposes of, or in connection with, the carrying on of their functions.
- (4) The Secretary of State shall consider any statement sent to him under sub-paragraph (3) above and shall either approve the statement or approve it with such modifications as he considers appropriate.”
- (2) In paragraph 9 of that Schedule, at the end of sub-paragraph (3) (which requires minutes to be kept of the proceedings of every meeting of the committee) there shall be added the words “; and copies of those minutes shall be sent to the Secretary of State, the Rail Regulator and the Central Rail Users' Consultative Committee.”
- (3) In sub-paragraph (4) of that paragraph (power of committee to determine own procedure) after the words “Subject to the preceding provisions of this paragraph” there shall be inserted the words “and the provisions of paragraph 11A below” and after paragraph 11 of that Schedule there shall be inserted—

“Admission of public to meetings

- 11A (1) Subject to sub-paragraph (2) below, meetings of the Committee shall be open to the public.
- (2) The public shall be excluded during any item of business where—
- (a) it is likely, were members of the public to be present during that item, that information furnished in confidence to the Committee by the Rail Regulator or the Franchising Director would be disclosed in breach of the obligation of confidence;
- (b) the Committee have resolved that, by reason of the confidential nature of the item or for other special reasons stated in the resolution, it is desirable in the public interest that the public be excluded; or
- (c) it is likely, were members of the public to be present during that item, that there would be disclosed to them—
- (i) any matter which relates to the affairs of an individual,
- or

Status: This is the original version (as it was originally enacted).

- (ii) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate,

where public disclosure of that matter would or might, in the opinion of the committee, seriously and prejudicially affect the interests of that individual or body.

- (3) The Committee shall give such notice—
 - (a) of any meeting of the Committee which is open to the public, and
 - (b) of the business to be taken at that meeting (other than items during which the public is to be excluded),as they consider appropriate for the purpose of bringing the meeting to the attention of interested members of the public.”.

The Airports Act 1986

- 23 (1) In subsection (2) of section 74 of the Airports Act 1986 (which provides that the general restriction, in subsection (1) of that section, on the disclosure of information obtained under or by virtue of that Act does not apply in relation to the performance by certain authorities of their functions under the provisions listed in subsection (3) of that section) in paragraph (a), after the words “the Director General of Electricity Supply for Northern Ireland” (which were inserted by paragraph 30(a) of Schedule 12 to the Electricity (Northern Ireland) Order 1992) there shall be inserted the words “the Rail Regulator”.
- (2) In subsection (3) of that section (list of provisions referred to in subsection (2) of that section) after paragraph (m) (which was inserted by paragraph 30(b) of Schedule 12 to the Electricity (Northern Ireland) Order 1992) there shall be added—
 - “(n) the Railways Act 1993”.

The Gas Act 1986

- 24 (1) In subsection (2) of section 42 of the Gas Act 1986 (which provides that the general restriction, in subsection (1) of that section, on the disclosure of information obtained under or by virtue of that Act does not apply in relation to the performance by certain authorities of their functions under the provisions listed in subsection (3) of that section) in paragraph (b), after the words “the Director General of Electricity Supply” there shall be inserted the words “the Rail Regulator”.
- (2) In subsection (3) of that section (list of provisions referred to in subsection (2) of that section) after paragraph (m) there shall be added—
 - “(n) the Railways Act 1993”.

The Insolvency Act 1986

- 25 In section 413 of the Insolvency Act 1986, at the end of subsection (2) (which imposes a requirement to consult with the Insolvency Rules Committee, except in the case of certain provisions there specified) there shall be added the words “or by any of sections 59 to 65 of, or Schedule 6 or 7 to, the Railways Act 1993.”

Status: This is the original version (as it was originally enacted).

The Consumer Protection Act 1987

- 26 (1) Section 38 of the Consumer Protection Act 1987 (which restricts the disclosure of certain information, but provides that the restriction does not apply to certain disclosures, including those made by “relevant persons”, within the meaning of that section, in relation to the performance of their functions under the provisions listed in subsection (3) of that section) shall be amended in accordance with sub-paragraphs (2) and (3) below.
- (2) In subsection (3) of that section (list of provisions referred to in subsection (2) of that section) after paragraph (n) (which was inserted by paragraph 31(a) of Schedule 12 to the Electricity (Northern Ireland) Order 1992) there shall be added—
“ (o) the Railways Act 1993”.
- (3) In paragraph (b) of the definition of “relevant person” in subsection (6) of that section, after the words “the Director General of Electricity Supply for Northern Ireland” (which were inserted by paragraph 31(b) of Schedule 12 to the Electricity (Northern Ireland) Order 1992) there shall be inserted the words “or the Rail Regulator”.

The Channel Tunnel Act 1987

- 27 In Schedule 6 to the Channel Tunnel Act 1987, in paragraph 2 (sections 4 and 6 of the Regulation of Railways Act 1889 not to apply to Concessionaires and through service operators, within the meaning of that Act), for the word “Sections” there shall be substituted the word “Section”.

The Electricity Act 1989

- 28 (1) In subsection (2) of section 57 of the Electricity Act 1989 (which provides that the general restriction, in subsection (1) of that section, on the disclosure of information obtained under or by virtue of that Act does not apply in relation to the performance by certain authorities of their functions under the provisions listed in subsection (3) of that section) in paragraph (b), after sub-paragraph (vii) there shall be inserted—
“(viii) the Rail Regulator;”.
- (2) In subsection (3) of that section (list of provisions referred to in subsection (2) of that section) after paragraph (n) there shall be added—
“(nn) the Railways Act 1993”.

The New Roads and Street Works Act 1991

- 29 In section 10 of the New Roads and Street Works Act 1991 (application of the Fair Trading Act 1973 etc in relation to persons authorised by virtue of that Act to charge tolls for the use of roads), in subsection (2), paragraph (b) (which provides that, for certain purposes, section 51(3) of the Fair Trading Act 1973 is to have effect as if the Secretary of State for Transport were among the Ministers listed in that provision, and which is superseded by the amendment made by section 66(2) of this Act), and the word “and” immediately preceding it, shall cease to have effect.

The Water Industry Act 1991

- 30 In the Water Industry Act 1991 (subsection (3)(d) of section 206 of which provides that the general restriction contained in subsection (1) of that section on the

Status: This is the original version (as it was originally enacted).

disclosure of certain information obtained under or by virtue of that Act does not apply in relation to disclosures facilitating the performance by persons mentioned in Part I of Schedule 15 to that Act of their functions under the provisions listed in Part II of that Schedule), in Schedule 15—

- (a) in Part I, after the entry relating to the Director General of Electricity Supply, there shall be inserted the entry—

“The Rail Regulator”; and

- (b) in Part II, after the entry relating to the Electricity Act 1989, there shall be inserted the entry—

“The Railways Act 1993”.

The Water Resources Act 1991

- 31 In the Water Resources Act 1991 (subsection (2)(d) of section 204 of which provides that the general restriction contained in subsection (1) of that section on the disclosure of certain information obtained under or by virtue of that Act does not apply in relation to disclosures facilitating the performance by persons mentioned in Part I of Schedule 24 to that Act of their functions under the provisions listed in Part II of that Schedule), in Schedule 24—

- (a) in Part I, after the entry relating to the Director General of Electricity Supply, there shall be inserted the entry—

“The Rail Regulator”; and

- (b) in Part II, after the entry relating to the Electricity Act 1989, there shall be inserted the entry—

“The Railways Act 1993”.

The British Coal and British Rail (Transfer Proposals) Act 1993

- 32 The British Coal and British Rail (Transfer Proposals) Act 1993 (which provides for the Board and the British Coal Corporation to have certain powers to act to facilitate the implementation of proposals of the Secretary of State to transfer property, rights, liabilities or functions of the Board or that Corporation to other persons or bodies) shall cease to have effect, so far as relating to the Board.