

Status: Point in time view as at 16/10/2015.

Changes to legislation: Railways Act 1993, Cross Heading: Changes following report is up to date with all changes known to be in force on or before 19 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

^{F1}SCHEDULE 4A

REVIEW OF ACCESS CHARGES BY [^{F1}THE OFFICE OF RAIL AND ROAD]

Textual Amendments

- F1** Sch. 4A inserted (30.11.2000) by 2000 c. 38, ss. 231(2), 275(1), Sch. 24, Sch. 28 paras. 11, 17
- F1** Words in Sch. 4A substituted (16.10.2015) by The Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), reg. 1(2), **Sch. para. 1(cc)(i)**

Changes following report

- 12 (1) Where a report of the [^{F1}CMA] on a reference under paragraph 9 above—
- includes conclusions to the effect that any of the matters specified in the reference operate, or may be expected to operate, against the public interest,
 - specifies effects adverse to the public interest which those matters have or may be expected to have,
 - includes conclusions to the effect that those effects could be remedied or prevented by the making of relevant changes, and
 - specifies relevant changes by which those effects could be remedied or prevented,
- [^{F2}the Office of Rail and Road] shall, subject to the following provisions of this paragraph and paragraph 13 below, make such relevant changes as appear to [^{F3}it] requisite for the purpose of remedying or preventing the adverse effects specified in the report.
- (2) Before making relevant changes under this paragraph, [^{F2}the Office of Rail and Road] shall have regard to the relevant changes specified in the report.
- (3) Before making relevant changes under this paragraph, [^{F2}the Office of Rail and Road] shall give notice—
- stating that [^{F3}it] proposes to make the relevant changes and setting out their effect,
 - stating the reasons why [^{F3}it] proposes to make the relevant changes,
 - stating, in relation to each of the proposed relevant changes, the date on which [^{F3}it] proposes that it should come into operation, and
 - specifying the period (not being less than 28 days from the date of publication of the notice) within which representations or objections with respect to the proposed relevant changes may be made,
- and shall consider any representations or objections which are duly made and not withdrawn.
- (4) A notice under sub-paragraph (3) above shall be given—

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- (a) by publishing the notice in such manner as [^{F2}the Office of Rail and Road] considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by the making of the relevant changes; and
 - (b) by serving a copy of the notice on the persons on whom a copy of the review notice was served.
- [^{F4}(4A) Where (after considering any representations and objections which are duly made and not withdrawn) [^{F2}the Office of Rail and Road] proposes to make relevant changes under this paragraph, it must give a notice to the relevant authorities which—
- (a) sets out everything that would have to be included in a notice under sub-paragraph (5) with respect to the proposed changes;
 - (b) specifies a period within which the Secretary of State, the Scottish Ministers or each of them has the opportunity of revising, in the light of those proposals, any information provided under paragraph 1D.
- (4B) If in consequence of any revision of that information that is notified to [^{F2}the Office of Rail and Road] within the period specified in that notice, that Office decides to modify its proposals, it must—
- (a) give a new notice with respect to the modified proposals under sub-paragraph (3); and
 - (b) comply again with sub-paragraph (4A) and this sub-paragraph before giving notice of the modified proposals to the [^{F5}CMA] .
- (4C) The relevant authorities for the purposes of sub-paragraph (4A) are each of the following—
- (a) where the Secretary of State was given notice of the review under paragraph 1C, the Secretary of State;
 - (b) where the Scottish Ministers were given notice of the review under that paragraph, those Ministers; and
 - (c) in each of those cases, the Treasury.]
- (5) Where (after considering any representations or objections which are duly made and not withdrawn [^{F6}and any revisions of information provided under paragraph 1D that were notified within the period specified under sub-paragraph (4A)]) [^{F2}the Office of Rail and Road] proposes to make relevant changes under this paragraph, [^{F3}it] shall give notice to the [^{F7}CMA] —
- (a) setting out the relevant changes [^{F3}it] proposes to make;
 - (b) stating the reasons why [^{F3}it] proposes to make the relevant changes; and
 - (c) stating, in relation to each of the proposed relevant changes, the date on which [^{F3}it] proposes that it should come into operation.
- (6) [^{F2}The Office of Rail and Road] shall include with the notice under sub-paragraph (5) above a copy of any representations and objections which have been considered [^{F8}and a copy of any revisions of information provided under paragraph 1D that have been notified within the period specified in the notice under sub-paragraph (4A)].
- (7) A date stated in a notice under sub-paragraph (3) or (5) above as that on which a relevant change should come into operation may be a date before the notice is given, provided that it is not before the earliest date specified in the review notice for the coming into operation of a relevant change proposed in it.

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- (8) If the period within which a direction may be given by the [^{F9}CMA] under paragraph 13 below expires without such a direction being given, [^{F2}the Office of Rail and Road] shall make the relevant changes set out in the notice under sub-paragraph (5) above.
- (9) If a direction is given by the [^{F10}CMA] under paragraph 13(1)(b) below, [^{F2}the Office of Rail and Road] shall make such of those relevant changes as are not specified in the direction.
- (10) As soon as practicable after making relevant changes under this paragraph, [^{F2}the Office of Rail and Road] shall send a copy of the relevant changes
- [^{F11}(a) where the Secretary of State was given notice of the review under paragraph 1C, to the Secretary of State; and
 - (b) where the Scottish Ministers were given notice of the review under that paragraph, to those Ministers.]

Textual Amendments

- F1** Word in Sch. 4A para. 12(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 81\(8\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Words in Sch. 4A paras. 11-16 substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\), reg. 1\(2\), Sch. para. 1\(ccc\)\(iii\)](#)
- F3** Word in Sch. 4A substituted (5.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\), ss. 16, 120, Sch. 2 para. 3\(b\) Table; S.I. 2004/827, art. 4\(g\)](#)
- F4** Sch. 4A para. 12(4A)-(4C) inserted (29.1.2007) by [Railways Act 2005 \(c. 14\), ss. 4, 60, Sch. 4 para. 8\(1\); S.I. 2007/62, art. 2](#)
- F5** Word in Sch. 4A para. 12(4B) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 81\(8\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F6** Words in Sch. 4A para. 12(5) inserted (29.1.2007) by [Railways Act 2005 \(c. 14\), ss. 4, 60, Sch. 4 para. 8\(2\); S.I. 2007/62, art. 2](#)
- F7** Word in Sch. 4A para. 12(5) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 81\(8\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F8** Words in Sch. 4A para. 12(6) inserted (29.1.2007) by [Railways Act 2005 \(c. 14\), ss. 4, 60, Sch. 4 para. 8\(4\); S.I. 2007/62, art. 2](#)
- F9** Word in Sch. 4A para. 12(8) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 81\(8\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F10** Word in Sch. 4A para. 12(9) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 81\(8\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F11** Sch. 4A para. 12(10)(a)(b) substituted (29.1.2007) for words by [Railways Act 2005 \(c. 14\), ss. 4, 60, Sch. 4 para. 8\(5\); S.I. 2007/62, art. 2](#)

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