

Status: Point in time view as at 16/10/2015.

Changes to legislation: There are currently no known outstanding effects for the Railways Act 1993, Cross Heading: Review notice. (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)**

Review notice

- 4 (1) The implementation of an access charges review shall be initiated by [^{F1}the Office of Rail and Road] giving notice (a “review notice”)—
- stating [^{F2}its] conclusions on the access charges review and the reasons why [^{F3}it] reached those conclusions;
 - specifying the relevant changes which [^{F3}it] proposes to make for or in connection with giving effect to those conclusions;
 - 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 six weeks from the date of publication of the notice) within which objections with respect to any of the proposed relevant changes, or the date on which it is proposed that it should come into operation, may be made by a person within sub-paragraph (4)(a) or (b) below.
- (2) In this Schedule “relevant changes”, in relation to an access agreement, means—
- amendments of the access agreement;
 - modifications of the conditions of any linked licence; or
 - both such amendments and such modifications;
- and references to the making of relevant changes are, in the case of amendments of the access agreement, references to directing the parties to the access agreement to make the amendments to the access agreement.
- [^{F4}(2A) Before giving a review notice specifying modifications of a linked licence that are proposed for purposes connected with securing—
- what the Secretary of State has informed [^{F1}the Office of Rail and Road] he wants to be achieved by any railway activities, or
 - what the Scottish Ministers have informed that Office they want to be achieved by any such activities,
- that Office must consult the Secretary of State or (as the case may be) those Ministers.]

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- (3) The review notice shall be given—
- (a) by publishing it in such manner as [^{F1}the Office of Rail and Road] considers appropriate for the purpose of bringing it to the attention of persons likely to be affected by the proposed relevant changes; and
 - (b) by serving a copy on the persons specified in sub-paragraph (4) below.
- (4) The persons referred to in sub-paragraph (3)(b) above are—
- [^{F5}(za) if the Secretary of State was given notice of the review under paragraph 1C, the Secretary of State;
 - (zb) if the Scottish Ministers were given notice of the review under that paragraph, those Ministers;
 - (zc) the Treasury;]
 - (a) the facility owner, or installation owner, who is a party to the access agreement;
 - (b) any other person who has an estate or interest in, or right over, the railway facility or network installation to which the access agreement relates and who [^{F1}the Office of Rail and Road] considers ought to be given a copy; and
 - (c) the beneficiary.
- (5) In this Schedule “the beneficiary”—
- (a) in relation to an access contract, has the meaning given by section 17(7) of this Act; and
 - (b) in relation to an installation access contract, has the meaning given by section 19(10) of this Act.

Textual Amendments

- F1** Words in Sch. 4A paras. 4-9 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\(cc\)\(ii\)](#)
- F2** Word in Sch. 4A substituted (5.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\), ss. 16, 120, Sch. 2 para. 3\(c\) Table; S.I. 2004/827, art. 4\(g\)](#)
- 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. 4(2A) inserted (29.1.2007) by [Railways Act 2005 \(c. 14\), ss. 4, 60, Sch. 4 para. 4\(1\); S.I. 2007/62, art. 2](#)
- F5** Sch. 4A para. 4(4)(za)-(zc) inserted (29.1.2007) by [Railways Act 2005 \(c. 14\), ss. 4, 60, Sch. 4 para. 4\(2\); S.I. 2007/62, art. 2](#)

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