



# Railways Act 1993

## 1993 CHAPTER 43

### PART II

#### RE-ORGANISATION OF THE RAILWAYS

##### *New companies, transfer schemes and disposals*

#### **88 Transfers of interests in certain companies: provisions supplemental to sections 84 to 87.**

- (1) Where the Secretary of State gives the Board directions—
  - (a) under section 84 above, with respect to the formation of a wholly owned subsidiary of the Board, and
  - (b) under section 85 above, with respect to the making of a scheme for the transfer of anything to that wholly owned subsidiary,the wholly owned subsidiary of the Board shall remain such until the transfer under the scheme has taken effect.
- (2) Where the Secretary of State gives the Board directions under section 85 above with respect to the making of a scheme for the transfer of anything to a company which is wholly owned by the Crown, that company shall remain wholly owned by the Crown until the transfer under the scheme has taken effect.
- (3) Where the Secretary of State gives the Franchising Director directions under or by virtue of section 87 above with respect to the making of a scheme for the transfer of anything to a publicly owned railway company, that company shall remain a publicly owned railway company until the transfer under the scheme has taken effect.
- (4) Where a wholly owned subsidiary of the Board is formed pursuant to a direction under section 84 above, none of the following persons, that is to say, the Board, any wholly owned subsidiary of the Board or any person acting on behalf of the Board or its wholly owned subsidiaries, shall dispose of any interests in that subsidiary except—
  - (a) with the consent of the Secretary of State and subject to compliance with such conditions (if any) as he may impose in connection with that consent; or

*Status: Point in time view as at 14/10/2018.*

*Changes to legislation: Railways Act 1993, Section 88 is up to date with all changes known to be in force on or before 05 August 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)*

- (b) pursuant to a direction of the Secretary of State under subsection (6) below or section 89 below.
- (5) None of the following persons, that is to say, the Franchising Director, any company which is wholly owned by the Franchising Director or any person acting on behalf of the Franchising Director or any such company, shall dispose of any interests in a company which is wholly owned by the Franchising Director except—
- (a) with the consent of the Secretary of State and subject to compliance with such conditions (if any) as he may impose in connection with that consent; or
- (b) pursuant to a direction of the Secretary of State under subsection (7) below.
- (6) The Secretary of State may at any time direct the Board to transfer, or arrange for there to be transferred, to him or such other person as may be specified in the direction any interests in a company so specified, being a wholly owned subsidiary of the Board formed pursuant to a direction under section 84 above, which are for the time being held by or on behalf of the Board.
- (7) The Secretary of State may at any time direct the Franchising Director to transfer, or arrange for there to be transferred, to the Secretary of State or such other person as may be specified in the direction any interests in any company so specified which are for the time being held by the Franchising Director, any company which is wholly owned by the Franchising Director or any person acting on behalf of the Franchising Director or any such company.
- (8) Where the Secretary of State gives a direction under subsection (6) or (7) above, it shall be the duty of the Board or, as the case may be, the Franchising Director to secure that the interests in question are transferred in accordance with the terms of the direction in such manner, and on or before such date, as may be specified for the purpose in the direction, and notwithstanding any duty imposed upon the Board by section 3(1) of the <sup>M1</sup>Transport Act 1962.

**Marginal Citations**

M1 1962 c. 46.

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