

**Changes to legislation:** There are currently no known outstanding effects for the Railways and Transport Safety Act 2003, SCHEDULE 1. (See end of Document for details)

## SCHEDULES

### SCHEDULE 1

Section 15

#### [<sup>F1</sup>OFFICE OF RAIL AND ROAD]

##### Textual Amendments

- F1** Words in Sch. 1 substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), [Sch. para. 2\(d\)](#)

##### *Constitution*

- 1 (1) The [<sup>F1</sup>Office of Rail and Road] shall consist of a chairman and at least four other members appointed by the Secretary of State.
- (2) The chairman or another member—
- (a) may not be appointed for a term of more than five years (but may be reappointed),
  - (b) may resign by notice in writing to the Secretary of State, and
  - (c) shall hold and vacate office in accordance with the terms of his appointment.
- (3) Before appointing a member other than the chairman the Secretary of State shall consult the chairman.

##### Commencement Information

- II** Sch. 1 para. 1 in force at 5.7.2004 by [S.I. 2004/827](#), [art. 4\(f\)](#)

- 2 The Secretary of State may dismiss a member of the Office by notice in writing on the grounds that the member—
- (a) has been absent from meetings of the Office without permission of the Office during a period of more than three months,
  - (b) has a financial or other personal interest which is likely to influence the performance of his functions as a member,
  - (c) is the subject of a bankruptcy restrictions order<sup>F2</sup> or an interim bankruptcy restrictions order, or a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986],
  - (d) has had his estate sequestrated in Scotland or, under Scots law, has made a composition or arrangement with, or granted a trust deed for, his creditors,
  - (e) has misbehaved, or
  - (f) is unable, unfit or unwilling to perform his functions as a member.

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#### Textual Amendments

- F2** Words in Sch. 1 para. 2(c) substituted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, [Sch. 2 para. 48\(2\)](#) (with arts. 5, 6)

#### Commencement Information

- I2** Sch. 1 para. 2 in force at 5.7.2004 by [S.I. 2004/827](#), [art. 4\(f\)](#)

#### Staff

- 3 (1) The Office shall appoint a Chief Executive.
- (2) Before appointing a Chief Executive the Office shall—
- (a) consult the Secretary of State, and
  - (b) obtain the Treasury’s approval of the terms and conditions of appointment.

#### Commencement Information

- I3** Sch. 1 para. 3 in force at 5.7.2004 by [S.I. 2004/827](#), [art. 4\(f\)](#)

- 4 (1) The Office may appoint other employees.
- (2) The power under sub-paragraph (1) may be exercised only if the Office has the approval of the Treasury as to—
- (a) numbers, and
  - (b) terms and conditions of employment.

#### Commencement Information

- I4** Sch. 1 para. 4 in force at 5.7.2004 by [S.I. 2004/827](#), [art. 4\(f\)](#)

- 5 Service as an employee of the Office is employment in the civil service of the State.

#### Commencement Information

- I5** Sch. 1 para. 5 in force at 5.7.2004 by [S.I. 2004/827](#), [art. 4\(f\)](#)

#### Proceedings

- 6 The Office may establish one or more committees (which may include persons who are neither members of nor employed by the Office).

#### Commencement Information

- I6** Sch. 1 para. 6 in force at 5.7.2004 by [S.I. 2004/827](#), [art. 4\(f\)](#)

- 7<sup>[F3]</sup>(1) The Office may delegate a function to—
- (a) the Chief Executive or another employee, or
  - (b) a committee.

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[<sup>F4</sup>(2) Sub-paragraph (1) is subject to provision in rules made under section 51 of the Competition Act 1998 by virtue of paragraph 1A of Schedule 9 to that Act in respect of the exercise of a function under Part 1 of that Act.]

#### Textual Amendments

- F3** Sch. 1 para. 7(1): Sch. 1 para. 7 renumbered as Sch. 1 para. 7(1) (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\)](#), **Sch. 15 para. 41(a)**; S.I. 2014/416, art. 2(1)(f) (with Sch.)
- F4** Sch. 1 para. 7(2) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\)](#), **Sch. 15 para. 41(b)**; S.I. 2014/416, art. 2(1)(f) (with Sch.)

#### Commencement Information

- I7** Sch. 1 para. 7 in force at 5.7.2004 by [S.I. 2004/827](#), **art. 4(f)**

- 8 The Office shall—
- (a) determine arrangements for the conduct of its proceedings (which may, in particular, include arrangements for a quorum), and
  - (b) publish those arrangements.

#### Commencement Information

- I8** Sch. 1 para. 8 in force at 5.7.2004 by [S.I. 2004/827](#), **art. 4(f)**

- 9 (1) The Office may do anything which it thinks necessary or expedient for the purpose of or in connection with the performance of its functions.
- (2) Sub-paragraph (1) is subject to paragraph 16.

#### Commencement Information

- I9** Sch. 1 para. 9 in force at 5.7.2004 by [S.I. 2004/827](#), **art. 4(f)**

- 10 The validity of any proceedings of the Office shall not be affected by—
- (a) a vacancy, or
  - (b) a defective appointment.

#### Commencement Information

- I10** Sch. 1 para. 10 in force at 5.7.2004 by [S.I. 2004/827](#), **art. 4(f)**

### *Money*

- 11 The Office may with the approval of the Secretary of State make to or in respect of members of the Office, employees or committee-members payments by way of or in respect of—
- (a) remuneration;
  - (b) pension;
  - (c) allowances;
  - (d) expenses.

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**Commencement Information**

**I11** Sch. 1 para. 11 in force at 5.7.2004 by [S.I. 2004/827](#), **art. 4(f)**

- 12 (1) This paragraph applies where an employee of the Office becomes a member of the Office.
- (2) The Secretary of State may determine that the person's term as a member shall be treated for the purposes of a scheme under section 1 of the Superannuation Act 1972 (c. 11) (civil service pension scheme) as employment in the civil service of the State.

**Commencement Information**

**I12** Sch. 1 para. 12 in force at 5.7.2004 by [S.I. 2004/827](#), **art. 4(f)**

- 13 If the Secretary of State thinks that special circumstances of a person's ceasing to be a member of the Office make it appropriate to pay him compensation, the Office may pay him compensation of an amount approved by the Secretary of State (whether or not he receives other benefits by way of pension).

**Commencement Information**

**I13** Sch. 1 para. 13 in force at 5.7.2004 by [S.I. 2004/827](#), **art. 4(f)**

- 14 The Office may incur expenditure in connection with advisory or other services provided to the Office.

**Commencement Information**

**I14** Sch. 1 para. 14 in force at 5.7.2004 by [S.I. 2004/827](#), **art. 4(f)**

- 15 Expenditure incurred by the Office in connection with the performance of its functions shall (to the extent not met by other income of the Office) be paid out of money provided by Parliament.

**Commencement Information**

**I15** Sch. 1 para. 15 in force at 5.7.2004 by [S.I. 2004/827](#), **art. 4(f)**

- 16 The Office may not borrow money.

**Commencement Information**

**I16** Sch. 1 para. 16 in force at 5.7.2004 by [S.I. 2004/827](#), **art. 4(f)**

*Conflict of interest*

- 17 (1) Before appointing a person as a member of the Office the Secretary of State shall satisfy himself that the person neither has nor is expected to acquire a financial or

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other personal interest which is likely to influence the performance of his functions as a member.

- (2) From time to time the Secretary of State shall satisfy himself that no member of the Office has a financial or other personal interest which is likely to influence the performance of his functions as a member.

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**Commencement Information**

**I17** Sch. 1 para. 17 in force at 5.7.2004 by [S.I. 2004/827](#), **art. 4(f)**

- 18 (1) Procedural arrangements made by the Office under paragraph 8 shall include arrangements under which a member, employee or committee-member who has a financial or other personal interest which is likely to influence his performance of a particular function is obliged—
- (a) to declare the interest, and
  - (b) to withdraw from the performance of the function to the relevant extent.
- (2) Procedural arrangements made by the Office under paragraph 8 shall include arrangements under which a member, employee or committee-member who has a financial or other personal interest which is relevant to a particular function but does not fall under sub-paragraph (1) is obliged—
- (a) to declare the interest, and
  - (b) unless the members of the Office direct otherwise, to withdraw from the performance of the function to the relevant extent.

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**Commencement Information**

**I18** Sch. 1 para. 18 in force at 5.7.2004 by [S.I. 2004/827](#), **art. 4(f)**

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