



Railways Act 1993

1993 CHAPTER 43

PART I

THE PROVISION OF RAILWAY SERVICES

Other functions of the Regulator

68 Investigatory functions.

- (1) Subject to subsection (2) below, it shall be the duty of [^{F1}the Office of Rail Regulation] to investigate any alleged or apprehended contravention of—
- (a) a condition of a licence ^{F2} . . . , ^{F3} . . .
 - ^{F4}(b)
- if the alleged or apprehended contravention is the subject of a representation (other than one appearing to him to be frivolous or vexatious) made to [^{F5}it] by or on behalf of a person who appears to [^{F1}the Office of Rail Regulation] to have an interest in the matter.
- (2) [^{F1}the Office of Rail Regulation] may, if [^{F5}it] thinks fit, require [^{F6}the Rail Passengers' Council] to investigate and report to [^{F5}it] on any matter falling within subsection (1) above which relates to—
- (a) the provision of services for the carriage of passengers by railway, or
 - (b) the provision of station services,
- and which it would otherwise have been [^{F7}its] duty to investigate.

Textual Amendments

- F1** Words in s. 68 substituted (5.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. 16, 120, {Sch. 2 para. 3(a) Table}; S.I. 2004/827, [art. 4\(g\)](#)
- F2** Words in s. 68(1)(a) repealed (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), ss. 59, 60, [Sch. 13 Pt. 1](#) (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, [art. 2](#), Sch.

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- F3** S. 68(1)(b) and word immediately preceding it repealed (1.2.2001) by 2000 c. 38, s. 274, **Sch. 31 Pt. IV**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F4** S. 68(1)(b) omitted (1.2.2001) by virtue of 2000 c. 38, s. 234(7) (with Sch. 28 paras. 12, 17); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F5** Words in s. 68 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)
- F6** Words in s. 68(2) substituted (24.7.2005) by Railways Act 2005 (c. 14), s. 21(2); S.I. 2005/1909, art. 2, Sch.
- F7** Word in s. 68 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)

Modifications etc. (not altering text)

- C1** S. 68 applied (with modifications) (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050), reg. 14, **Sch. 3 para. 1(d)**

69 General functions.

- (1) It shall be the duty of [^{F8}the Office of Rail Regulation] , so far as it appears to [^{F9}it] practicable from time to time to do so—
- (a) to keep under review the provision, both in Great Britain and elsewhere, of railway services; and
 - (b) to collect information with respect to the provision of those services, with a view to facilitating the exercise of [^{F10}its] functions under this Part.
- (2) The Secretary of State may give general directions indicating—
- (a) considerations to which [^{F8}the Office of Rail Regulation] should have particular regard in determining the order of priority in which matters are to be brought under review in performing [^{F10}its] duty under subsection (1)(a) or (b) above; and
 - (b) considerations to which, in cases where it appears to [^{F8}the Office of Rail Regulation] that any of [^{F10}its] functions under this Part are exercisable, [^{F9}it] should have particular regard in determining whether to exercise those functions.
- (3) It shall be the duty of [^{F8}the Office of Rail Regulation] , where either [^{F9}it] considers it expedient or [^{F9}it] is requested by the Secretary of State or [^{F11}the OFT] to do so, to give information, advice and assistance to the Secretary of State or [^{F11}the OFT] with respect to any matter in respect of which any function of [^{F8}the Office of Rail Regulation] under this Part is exercisable.
- (4) If [^{F8}the Office of Rail Regulation]—
- (a) is requested to do so by the [^{F12}Authority], or
 - (b) considers it appropriate to do so,
- [^{F9}it] may provide the [^{F12}Authority] with any information which [^{F9}it] has which relates to the functions of the [^{F12}Authority].

Textual Amendments

- F8** Words in s. 69 substituted (5.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 16, 120, {Sch. 2 para. 3(a) Table}; S.I. 2004/827, art. 4(g)

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- F9** Words in s. 69 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)**
- F10** Words in s. 69 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)**
- F11** Words in s. 69(3) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, **Sch. 25 para. 30(10)**; S.I. 2003/766, {art. 2}, Sch. (with transitional and transitory provision in art. 3)
- F12** Words in s. 69(4) substituted (1.2.2001) by 2000 c. 38, s. 215, **Sch. 16 para. 42**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II) (which S.I. was amended by S.I. 2001/115, **art. 2(2)**)

F1370

Textual Amendments

- F13** S. 70 repealed (1.2.2001) by 2000 c. 38, ss. 216, 274, Sch. 17 para. 28(2), **Sch. 31 Pt. IV**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)

71 Publication of information and advice.

- (1) [^{F14}the Office of Rail Regulation] may arrange for the publication, in such form and in such manner as [^{F15}it] considers appropriate, of such information and advice as it may appear to [^{F15}it] expedient to give to users or potential users of railway services in Great Britain.
- (2) In arranging for the publication of any such information or advice [^{F14}the Office of Rail Regulation] shall have regard to the need for excluding, so far as that is practicable—
 - (a) any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of [^{F14}the Office of Rail Regulation], seriously and prejudicially affect the interests of that individual; and
 - (b) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate, where publication of that matter would or might, in the opinion of [^{F14}the Office of Rail Regulation], seriously and prejudicially affect the interests of that body.
- (3) [^{F16}The OFT] shall consult [^{F14}the Office of Rail Regulation] before publishing under [^{F17}section 6 of the Enterprise Act 2002] any information or advice which may be published by [^{F14}the Office of Rail Regulation] under this section.

Textual Amendments

- F14** Words in s. 71 substituted (5.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 16, 120, {Sch. 2 para. 3(a) Table}; S.I. 2004/827, **art. 4(g)**
- F15** Word in s. 71 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)**
- F16** Words in s. 71(3) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, **Sch. 25 para. 30(11)(a)**; S.I. 2003/766, {art. 2}, Sch. (with transitional and transitory provision in art. 3)
- F17** Words in s. 71(3) substituted (20.6.2003) by 2002 c. 40, ss. 278, 279, **Sch. 25 para. 30(11)(b)**; S.I. 2003/1397, **art. 2(1)**, Sch.

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