



Railways Act 1993

1993 CHAPTER 43

PART I

THE PROVISION OF RAILWAY SERVICES

Registers and reports of [^{F1}the Office of Rail and Road] and the [^{F2}Authority]

Textual Amendments

- F1** Words in s. 72 cross-heading substituted (16.10.2015) by virtue of [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), [Sch. para. 1](#)
- F2** Word in cross-heading substituted (1.2.2001) by [2000 c. 38, s. 215](#), [Sch. 16 para. 43](#); [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\(2\)](#))

72 Keeping of register by [^{F3}the Office of Rail and Road].

- (1) [^{F3}The Office of Rail and Road] shall, at such premises and in such form as [^{F4}it] may determine, maintain a register ^{F5}
- (2) Subject to subsection (3) and to any direction given under subsection (4) below, [^{F3}the Office of Rail and Road] shall cause to be entered in the register—
- (a) in relation to licences [^{F6}and [^{F7}railway undertaking] licences], the provisions of—
- (i) every licence^{F8}, every licence exemption and every [^{F7}railway undertaking] licence;
 - (ii) every assignment of a licence of which notice is received by [^{F3}the Office of Rail and Road];
 - (iii) every modification or revocation of a licence [^{F9}, every]^{F10} requirement to modify conditions of a licence imposed on [^{F3}the Office of Rail and Road] by the Authority]^{F11}, and every modification or revocation of a [^{F7}railway undertaking] licence;

Status: Point in time view as at 31/12/2020.

Changes to legislation: Railways Act 1993, Cross Heading: Registers and reports of the Office of Rail and Road and the Authority is up to date with all changes known to be in force on or before 28 July 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)

- (iv) every revocation of a licence exemption [^{F12}and every requirement to revoke a licence exemption imposed on [^{F3}the Office of Rail and Road] by the Authority];
 - (v) every requirement imposed, or consent or approval given, by [^{F3}the Office of Rail and Road] under a licence [^{F13}or [^{F7}railway undertaking] licence];
 - (vi) every requirement imposed, or consent or approval given, under a licence by any person (other than [^{F3}the Office of Rail and Road]) who is a qualified person, within the meaning of section 9(3) above, for the purpose in question, being a requirement, consent or approval whose provisions have been notified to [^{F3}the Office of Rail and Road] pursuant to a condition of the licence;
 - (vii) every final or provisional order [^{F14}made by [^{F3}the Office of Rail and Road] in relation] to a licence, every revocation of such an order and every notice given by [^{F3}the Office of Rail and Road] under section 55(6) above that he is satisfied that he does not need to make such an order;
 - [^{F15}(viii) every scheme made by the Secretary of State under section 7A(4) above or paragraph 2 of Schedule 28 to the Transport Act 2000;]
 - [^{F16}(ix) every penalty imposed by [^{F3}the Office of Rail and Road] under section 57A above;
 - (x) every statement of policy published by [^{F3}the Office of Rail and Road] under that section;]
- and notice of every surrender of a licence [^{F17}or [^{F7}railway undertaking] licence];
- (b) in relation to access agreements, access contracts and installation access contracts, the provisions of—
 - (i) every facility exemption granted under section 20(3) above;
 - (ii) every direction to enter into an access contract or an installation access contract;
 - (iii) every access agreement;
 - (iv) every amendment (however described) of an access agreement;
 - (v) every general approval given under section [^{F18}18(1)(c), 19(3)(c) or] 22(3) above which is for the time being in force;
 - [^{F19}(va) every direction under section 22A above;
 - (vb) every notice given by or to [^{F3}the Office of Rail and Road] or the [^{F20}CMA] under Schedule 4A to this Act;]
 - (vi) every document issued or made by [^{F3}the Office of Rail and Road] under an access agreement;
 - [^{F21}(c)
 - (d) in relation to experimental passenger services, within the meaning of [^{F22}Part 4 of the Railways Act 2005], the provisions of—
 - [^{F23}(i) every designation under section 36 of that Act of a service as experimental;
 - (ii) every notice under section 37(1) or (2) of that Act of the proposed discontinuance of a service designated as experimental;]
 - [^{F24}(da) in relation to closures, the provisions of—
 - (i) every closure ratification notice or closure non-ratification notice (within the meaning of Part 4 of the Railways Act 2005) issued by it;

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- (ii) every closure requirement imposed by it;]
- (e) the provisions of every railway administration order and of every discharge of such an order.
- (3) In entering any provision in the register, [^{F3}the Office of Rail and Road] shall have regard to the need for excluding, so far as that is practicable, the matters specified in section 71(2)(a) and (b) above.
- (4) If it appears to the Secretary of State that the entry of any provision in the register would be against the public interest or the commercial interests of any person, he may direct [^{F3}the Office of Rail and Road] not to enter that provision in the register.
- (5) Where an access agreement is entered into or amended, the facility owner or installation owner concerned shall send a copy of the access agreement or amendment to [^{F3}the Office of Rail and Road] not later than 14 days after the date on which the access agreement is entered into or the amendment is made, as the case may be.
- (6) A person who fails to comply with subsection (5) above is guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) The contents of the register shall be available for inspection by the public during such hours and subject to the payment of such fee as may be specified in an order made by the Secretary of State.
- (8) Any person may, on the payment of such fee as may be specified in an order so made, require [^{F3}the Office of Rail and Road] to supply him with a copy of, or extract from, any part of the register, being a copy or extract which is certified by [^{F3}the Office of Rail and Road] to be a true copy or extract.
- (9) The contents of the register shall be available for inspection at any time by the [^{F25}Authority], without payment of any fee; and the [^{F25}Authority] may require [^{F3}the Office of Rail and Road], without payment of any fee, to supply [^{F26}it] with a copy of, or extract from, any part of the register, being a copy or extract which is certified by [^{F3}the Office of Rail and Road] to be a true copy or extract.
- (10) Any reference in this section to “assignment” shall be construed in Scotland as a reference to assignation.
- (11) Any sums received by [^{F3}the Office of Rail and Road] under this section shall be paid into the Consolidated Fund.

Textual Amendments

- F3** Words in s. 72 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(ss)**
- F4** Word in s. 72 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)**
- F5** Words in s. 72(1) 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.
- F6** Words in s. 72(2)(a) inserted (28.11.2005) by [The Railway \(Licensing of Railway Undertakings\) Regulations 2005 \(S.I. 2005/3050\)](#), reg. 3, **Sch. 1 para. 3(6)(a)**
- F7** Words in s. 72(2)(a) substituted (31.12.2020) by [The Railway \(Licensing of Railway Undertakings\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/700\)](#), regs. 1(2), **22(4)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F8** Words in s. 72(2)(a)(i) substituted (28.11.2005) by [The Railway \(Licensing of Railway Undertakings\) Regulations 2005 \(S.I. 2005/3050\)](#), reg. 3, [Sch. 1 para. 3\(6\)\(b\)](#)
- F9** Words in s. 72(2)(a)(iii) substituted (28.11.2005) by [The Railway \(Licensing of Railway Undertakings\) Regulations 2005 \(S.I. 2005/3050\)](#), reg. 3, [Sch. 1 para. 3\(6\)\(c\)](#)
- F10** Words in s. 72(2)(a)(iii) inserted (1.2.2001) by [2000 c. 38](#), s. 216, [Sch. 17 para. 15\(a\)](#) (with [Sch. 28 paras. 5\(2\), 17](#)); [S.I. 2001/57](#), art. 3(1), [Sch. 2 Pt. I](#) (subject to savings and transitional provisions in [Sch. 2 Pt. II](#))
- F11** Words in s. 72(2)(a)(iii) added (28.11.2005) by [The Railway \(Licensing of Railway Undertakings\) Regulations 2005 \(2005/3050\)](#), reg. 3, {[Sch. 1 para. 3\(6\)\(c\)](#)}
- F12** Words in s. 72(2)(a)(iv) inserted (1.2.2001) by [2000 c. 38](#), s. 216, [Sch. 17 para. 15\(b\)](#) (with [Sch. 28 paras. 5\(2\), 17](#)); [S.I. 2001/57](#), art. 3(1), [Sch. 2 Pt. I](#) (subject to savings and transitional provisions in [Sch. 2 Pt. II](#))
- F13** Words in s. 72(2)(a)(v) added (28.11.2005) by [The Railway \(Licensing of Railway Undertakings\) Regulations 2005 \(2005/3050\)](#), reg. 3, {[Sch. 1 para. 3\(6\)\(d\)](#)}
- F14** Words in s. 72(2)(a)(vii) substituted (1.2.2001) by [2000 c. 38](#), s. 216, [Sch. 17 para. 15\(c\)](#) (with [Sch. 28 paras. 5\(2\), 17](#)); [S.I. 2001/57](#), art. 3(1), [Sch. 2 Pt. I](#) (subject to savings and transitional provisions in [Sch. 2 Pt. II](#))
- F15** S. 72(2)(a)(viii) inserted (1.2.2001) by [2000 c. 38](#), s. 216, [Sch. 17 para. 15\(d\)](#) (with [Sch. 28 paras. 5\(2\), 17](#)); [S.I. 2001/57](#), art. 3(1), [Sch. 2 Pt. I](#) (subject to savings and transitional provisions in [Sch. 2 Pt. II](#))
- F16** S. 72(2)(a)(ix)(x) inserted (1.2.2001) by [2000 c. 38](#), s. 252, [Sch. 27 para. 36\(2\)](#); [S.I. 2001/57](#), art. 3(1), [Sch. 2 Pt. I](#) (subject to savings and transitional provisions in [Sch. 2 Pt. II](#))
- F17** Words in s. 72(2)(a) added (28.11.2005) by [The Railway \(Licensing of Railway Undertakings\) Regulations 2005 \(2005/3050\)](#), reg. 3, {[Sch. 1 para. 3\(6\)\(e\)](#)}
- F18** Words in s. 72(2)(b)(v) inserted (1.2.2001) by [2000 c. 38](#), s. 230(5); [S.I. 2001/57](#), art. 3(1), [Sch. 2 Pt. I](#) (subject to savings and transitional provisions in [Sch. 2 Pt. II](#))
- F19** S. 72(2)(b)(va)(vb) inserted (1.2.2001) by [2000 c. 38](#), s. 252, [Sch. 27 para. 36\(3\)](#); [S.I. 2001/57](#), art. 3(1), [Sch. 2 Pt. I](#) (subject to savings and transitional provisions in [Sch. 2 Pt. II](#))
- F20** Word in s. 72(2)(b)(vb) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 108](#) (with art. 3)
- F21** S. 72(2)(c) repealed (1.2.2001) by [2000 c. 38](#), ss. 216, 274, [Sch. 17 para. 27\(2\)](#), [Sch. 31 Pt. IV](#) (with [Sch. 28 para. 14](#)); [S.I. 2001/57](#), art. 3(1), [Sch. 2 Pt. I](#) (subject to savings and transitional provisions in [Sch. 2 Pt. II](#))
- F22** Words in s. 72(2)(d) substituted (1.12.2006) by [Railways Act 2005 \(c. 14\)](#), ss. 54, 60, [Sch. 11 para. 10\(1\)\(a\)\(2\)](#); [S.I. 2006/2911](#), art. 2, [Sch.](#) (subject to the transitional and saving provisions in arts. 3-7)
- F23** S. 72(2)(d)(i)-(ii) substituted (1.12.2006) for s. 72(d)(i)-(iii) by [Railways Act 2005 \(c. 14\)](#), ss. 54, 60, [Sch. 11 para. 10\(1\)\(b\)\(2\)](#); [S.I. 2006/2911](#), art. 2, [Sch.](#) (subject to the transitional and saving provisions in arts. 3-7)
- F24** S. 72(2)(da) inserted (1.12.2006) by [Railways Act 2005 \(c. 14\)](#), ss. 54, 60, [Sch. 11 para. 10\(1\)\(c\)\(2\)](#); [S.I. 2006/2911](#), art. 2, [Sch.](#) (subject to the transitional and saving provisions in arts. 3-7)
- F25** Words in s. 72(9) substituted (1.2.2001) by [2000 c. 38](#), s. 215, [Sch. 16 para. 43\(a\)](#); [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))
- F26** Word in s. 72(9) substituted (1.2.2001) by [2000 c. 38](#), s. 215, [Sch. 16 para. 43\(b\)](#); [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))

Modifications etc. (not altering text)

- C1** S. 72 modified (31.12.2020) by [The Railway \(Licensing of Railway Undertakings\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/700\)](#), regs. 1(2), [41](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)
- C2** S. 72(1) applied (with modifications) (28.11.2005) by [The Railway \(Licensing of Railway Undertakings\) Regulations 2005 \(2005/3050\)](#), reg. 14, {[Sch. 3 para. 1\(e\)](#)}

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- C3 S. 72(2)(a) applied (in part) (with modifications) (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (2005/3050), reg. 14, {Sch. 3 para. 1(e)}
- C4 S. 72(2)(a)(i) modified (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (2005/3050), reg. 14, {Sch. 3 para. 7}
- C5 S. 72(3) applied (with modifications) (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (2005/3050), reg. 14, {Sch. 3 para. 1(e)}
- C6 S. 72(4) applied (with modifications) (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (2005/3050), reg. 14, {Sch. 3 para. 1(e)}
- C7 S. 72(7) applied (with modifications) (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (2005/3050), reg. 14, {Sch. 3 para. 1(e)}
- C8 S. 72(8) applied (with modifications) (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (2005/3050), reg. 14, {Sch. 3 para. 1(e)}
- C9 S. 72(11) applied (with modifications) (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (2005/3050), reg. 14, {Sch. 3 para. 1(e)}

73 Keeping of register by the ^{F27}Secretary of State].

- (1) The ^{F27}Secretary of State] shall, at such premises and in such form as ^{F28}he] may determine, maintain a register ^{F29}
- (2) Subject to ^{F30}subsections (3) and (4)] below, the ^{F27}Secretary of State] shall cause to be entered in the register ^{F31}(except so far as they are required to be entered in the register maintained under section 73A ^{F32}or the register maintained under section 73B] below)] the provisions of—
 - (a) every franchise exemption;
 - (b) every franchise agreement;
 - ^{F33}(c)
 - (d) every amendment (however described) of a franchise agreement ^{F34}other than any which are not likely to have a material effect on the provision of services under the agreement or on any sums payable under the agreement.];
 - ^{F35}(da) every determination made by him under section 34 of the Railways Act 2005 that a closure is a minor modification or that closures of a particular description are minor modifications;
 - (db) every revocation of a determination made by him under that section in relation to a description of closures;
 - (dc) every condition agreed to under subsection (5) of that section in connection with a determination made by him;]
 - (e) every final or provisional order ^{F36}made by the ^{F27}Secretary of State] in relation to ^{F37}. . .] a franchise agreement ^{F38}or to any closure or proposed closure or to any closure requirement] , every revocation of such an order and every notice given by the ^{F27}Secretary of State] under section 55(6) above that ^{F39}he] is satisfied that ^{F39}he] does not need to make such an order;
 - ^{F40}(f) every penalty imposed by the ^{F27}Secretary of State] under section 57A above;
 - (g) every statement of policy published by the ^{F27}Secretary of State] under that section;
 - [^{F41}(ga) every designation under section 23 and every variation or revocation of such a designation;]
 - (h) ^{F42}
 - (i) ^{F42}
 - (j) ^{F42}

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- (k) ^{F42}
- (l) ^{F42}
- (m) ^{F42}

and, without prejudice to the generality of paragraph (d) above, “amendment” in that paragraph includes any variation of the property, rights and liabilities which from time to time constitute the franchise assets in relation to the franchise agreement in question, whether the variation is effected in accordance with the terms of, or by an amendment made to, the franchise agreement.

- [^{F43}(3) The Secretary of State may enter the provisions of anything in the register in a manner that excludes, so far as practicable, so much of the details of those provisions as he considers it appropriate to exclude for the purpose of maintaining the confidentiality of—
- (a) matters relating to the affairs of an individual the publication of which would or might, in the Secretary of State's opinion, seriously and prejudicially affect the interests of that individual; and
 - (b) matters relating specifically to the affairs of a particular body of persons the publication of which would or might, in the Secretary of State's opinion, seriously and prejudicially affect the interests of that body.]
- (4) If it appears to the Secretary of State that the entry of any provision in the register would be against the public interest [^{F44}he may decide] not to enter that provision in the register.
- (5) ^{F45}
- (6) ^{F45}
- (7) The contents of the register shall be available for inspection at any time by [^{F46}the Scottish Ministers]^{F47}, the Welsh Ministers] or [^{F48}the Office of Rail and Road], without payment of any fee; and [^{F49}the Scottish Ministers]^{F47}, the Welsh Ministers] and [^{F48}the Office of Rail and Road] may each] require the [^{F27}Secretary of State], without payment of any fee, to supply him with a copy of, or extract from, any part of the register, being a copy or extract which is certified by the [^{F27}Secretary of State] to be a true copy or extract.
- ^{F33}(8)

Textual Amendments

- F27** Words in s. 73 substituted (24.7.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 30(1)**; S.I. 2005/1909, **art. 2**, Sch.
- F28** Word in s. 73(1) substituted (24.7.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 30(2)**; S.I. 2005/1909, **art. 2**, Sch.
- F29** Words in s. 73(1) 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.
- F30** Words in s. 73(2) substituted (24.7.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 30(3)(a)**; S.I. 2005/1909, **art. 2**, Sch.
- F31** Words in s. 73(2) inserted (16.10.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 30(3)(b)**; S.I. 2005/2812, **art. 2(1)**, Sch. 1
- F32** Words in s. 73(2) inserted (14.10.2018 at 2.00 a.m.) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), **Sch. para. 21(2)**

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- F33** S. 73(2)(c)(8) 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**)
- F34** Words in s. 73(2)(d) inserted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 37(2)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in **Sch. 2 Pt. II**)
- F35** S. 73(da)-(dc) substituted (1.12.2006) for s. 73(da) by Railways Act 2005 (c. 14), ss. 54, 60, **Sch. 11 para. 11(1)(a)(2)**; S.I. 2006/2911, **art. 2, Sch.** (subject to the transitional and saving provisions in arts. 3-7)
- F36** Words in s. 73(2)(e) substituted (1.2.2001) by 2000 c. 38, s. 216, **Sch. 17 para. 16(a)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in **Sch. 2 Pt. II**)
- F37** Words in s. 73(2)(e) 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.**
- F38** Words in s. 73(2)(e) substituted (1.12.2006) by Railways Act 2005 (c. 14), ss. 54, 60, **Sch. 11 para. 11(1)(b)(2)**; S.I. 2006/2911 {art. 2}, **Sch.** (subject to the transitional and saving provisions in arts. 3-7)
- F39** Word in s.73(2)(e) substituted (24.7.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 30(3)(c)**; S.I. 2005/1909 {art. 2}, **Sch.**
- F40** S. 73(2)(f)(g) inserted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 37(3)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in **Sch. 2 Pt. II**)
- F41** S. 73(2)(ga) inserted (24.7.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 30(3)(d)**; S.I. 2005/1909, **art. 2, Sch.**
- F42** S. 73(2)(h)-(m) 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.**
- F43** S. 73(3) substituted (24.7.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 30(4)**; S.I. 2005/1909, **art. 2, Sch.**
- F44** Words in s. 73(4) substituted (24.7.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 30(5)**; S.I. 2005/1909, **art. 2, Sch.**
- F45** S. 73(5)(6) repealed (24.7.2005) by Railways Act 2005 (c. 14), ss. 1, 59, 60, **Sch. 1 para. 30(6)**, **Sch. 13 Pt. 1** (with s. 14(4)(5), **Sch. 11 para. 11(2)**); S.I. 2005/1909, **art. 2, Sch.**
- F46** Words in s. 73(7) inserted (24.7.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 30(7)(a)**; S.I. 2005/1909, **art. 2, Sch.**
- F47** Words in s. 73(7) inserted (14.10.2018 at 2.00 a.m.) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), **Sch. para. 21(3)(a)**
- F48** Words in s. 73(7) 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(tt)**
- F49** Words in s.73(7) substituted (24.7.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 30(7)(b)**; S.I. 2005/1909 {art. 2}, **Sch.**

[^{F50}73A Keeping of register by the Scottish Ministers

- (1) The Scottish Ministers must maintain a register.
- (2) The register must be kept in such form and at such premises as the Scottish Ministers determine.
- (3) Subject to subsections (4) and (5) below, the Scottish Ministers must cause the provisions of each of the following to be entered in the register—
 - (a) every designation made by them under section 23 of this Act, and every variation or revocation of such a designation;
 - (b) every franchise exemption granted by them;
 - (c) every franchise agreement to which they are a party;
 - (d) every amendment of such a franchise agreement, other than those that are unlikely to have a material effect on the provision of services under the agreement or on the sums payable under it;

Status: Point in time view as at 31/12/2020.

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- (e) every determination made by them under section 34 of the Railways Act 2005 that a closure is a minor modification or that closures of a particular description are minor modifications;
 - (f) every revocation of a determination made by them under that section in relation to a description of closures;
 - (g) every condition agreed to under subsection (5) of that section in connection with a determination made by them;
 - (h) every final or provisional order made by them;
 - (i) every revocation by them of such an order;
 - (j) every notice given by them under section 55(6) of this Act of a decision not to make such an order;
 - (k) every penalty imposed by them under section 57A of this Act;
 - (l) every statement of policy published by them under section 57B of this Act.
- (4) The Scottish Ministers may enter the provisions of anything in the register in a manner that excludes, so far as practicable, so much of the details of those provisions as they consider it appropriate to exclude for the purpose of maintaining the confidentiality of—
- (a) matters relating to the affairs of an individual the publication of which would or might, in the Scottish Ministers' opinion, seriously and prejudicially affect the interests of that individual; and
 - (b) matters relating specifically to the affairs of a particular body of persons the publication of which would or might, in the Scottish Ministers' opinion, seriously and prejudicially affect the interests of that body.
- (5) If it appears to the Scottish Ministers that the entry of any provision in the register would be against the public interest, they may decide not to enter it in the register.
- (6) The contents of the register must be available for inspection, at any time and free of charge, by the Secretary of State^{F51}, the Welsh Ministers] or ^{F52}the Office of Rail and Road].
- (7) The Secretary of State^{F53}, the Welsh Ministers] and ^{F52}the Office of Rail and Road] may each require the Scottish Ministers to supply ^{F54}him, them or it (as the case may be)] free of charge with a certified copy of a part of the register or with a certified extract from it.
- (8) The references in subsection (7) to a certified copy or a certified extract are references to a copy or extract that has been certified by the Scottish Ministers to be a true copy or extract.
- (9) In subsection (3)(d) “amendment”, in relation to a franchise agreement, means any amendment however described, including variations (whether or not effected in accordance with the terms of the agreement or by a modification of it) of the property, rights and liabilities which from time to time constitute the franchise assets.]

Textual Amendments

F50 S. 73A inserted (16.10.2005) by [Railways Act 2005 \(c. 14\)](#), ss. 1, 60, [Sch. 1 para. 31](#); S.I. 2005/2812, [art. 2\(1\)](#), [Sch. 1](#)

F51 Words in s. 73A(6) inserted (14.10.2018 at 2.00 a.m.) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(3), [Sch. para. 22\(2\)](#)

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- F52** Words in s. 73A 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(uu)**
- F53** Words in s. 73A(7) inserted (14.10.2018 at 2.00 a.m.) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(3), **Sch. para. 22(3)(a)**
- F54** Words in s. 73A(7) substituted (14.10.2018 at 2.00 a.m.) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(3), **Sch. para. 22(3)(b)**

[^{F55}73B. Keeping of register by the Welsh Ministers

- (1) The Welsh Ministers must maintain a register.
- (2) The register must be kept in such form and at such premises as the Welsh Ministers determine.
- (3) Subject to subsections (4) and (5), the Welsh Ministers must cause the provisions of each of the following to be entered in the register—
 - (a) every designation made by them under section 23 and every variation or revocation of such a designation;
 - (b) every franchise exemption granted by them;
 - (c) every franchise agreement to which they are a party;
 - (d) every amendment of such a franchise agreement as it relates to a Wales-only service or a Welsh component of a Welsh service, other than amendments which are unlikely to have a material effect on the provision of services under the agreement or on any sums payable under it;
 - (e) every determination made by them under section 34 of the Railways Act 2005 that a closure is a minor modification or that closures of a particular description are minor modifications;
 - (f) every revocation of a determination made by them under that section in relation to a description of closures;
 - (g) every condition agreed to under subsection (5) of that section in connection with a determination made by them;
 - (h) every final or provisional order made by them;
 - (i) every revocation by them of such an order;
 - (j) every notice given by them under section 55(6) of a decision not to make such an order;
 - (k) every penalty imposed by them under section 57A;
 - (l) every statement of policy published by them under section 57B.
- (4) The Welsh Ministers may enter the provisions of anything in the register in a manner that excludes, so far as practicable, so much of the details of those provisions as they consider it appropriate to exclude for the purpose of maintaining the confidentiality of—
 - (a) matters relating to the affairs of an individual the publication of which would or might, in the Welsh Ministers' opinion, seriously and prejudicially affect the interests of that individual; and
 - (b) matters relating specifically to the affairs of a particular body of persons the publication of which would or might, in the Welsh Ministers' opinion, seriously and prejudicially affect the interests of that body.
- (5) If it appears to the Welsh Ministers that the entry of any provision in the register would be against the public interest they may decide not to enter it in the register.

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- (6) The contents of the register must be available for inspection, at any time and free of charge, by the Secretary of State, the Scottish Ministers or the Office of Rail and Road.
- (7) The Secretary of State, the Scottish Ministers and the Office of Rail and Road may each require the Welsh Ministers to supply them with a certified copy of a part of the register, or with a certified extract from it, free of charge.
- (8) The references in subsection (7) to a certified copy or a certified extract are references to a copy or extract that has been certified by the Welsh Ministers to be a true copy or extract.
- (9) In subsection (3)(d) “amendment”, in relation to a franchise agreement, means any amendment however described, including variations (whether or not effected in accordance with the terms of the agreement or by a modification of it) of the property, rights and liabilities which from time to time constitute the franchise assets.]

Textual Amendments

F55 S. 73B inserted (14.10.2018 at 2.00 a.m.) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(3), [Sch. para. 23](#)

74 Annual and other reports of [^{F56}the Office of Rail and Road].

- (1) [^{F56}The Office of Rail and Road] shall, as soon as practicable [^{F57}after the end of each financial year,], make to the Secretary of State [^{F58}and the Welsh Ministers] a report on—
 - (a) his activities during that year; and
 - (b) the [^{F59}CMA's] activities during that year, so far as relating to references made by [^{F56}the Office of Rail and Road].
 - (2) Every such report shall include—
 - (a) a general survey of developments, during the year to which it relates, in respect of matters falling within the scope of [^{F60}its] functions;
 - ^{F61}(b)
 - (c) a statement setting out any general directions given to [^{F56}the Office of Rail and Road] during that year under section 69(2) above; ^{F61} . . .
 - (d)
 - (3) The Secretary of State shall lay a copy of every report made by [^{F56}the Office of Rail and Road] under subsection (1) above before each House of Parliament and shall arrange for copies of every such report to be published in such manner as he may consider appropriate.
- [^{F62}(3ZA) The Welsh Ministers must lay a copy of every report made to them under subsection (1) before the National Assembly for Wales and must arrange for copies to be published in such manner as they consider appropriate.]
- [^{F63}(3A) Where a report is made by [^{F56}the Office of Rail and Road] under subsection (1) above to the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers shall lay a copy of the report before the Scottish Parliament and shall arrange for copies to be published in such manner as they consider appropriate.]

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- (4) ^{F56}The Office of Rail and Road] may also prepare such other reports as ^{F64}it] thinks fit with respect to any matter falling within the scope of ^{F60}its] functions.
- (5) ^{F56}The Office of Rail and Road] may arrange for copies of any report prepared under subsection (4) above to be published in such manner as ^{F64}it] may consider appropriate.
- (6) In making or preparing any report under this section, ^{F56}the Office of Rail and Road] shall have regard to the need for excluding, so far as that is practicable, the matters specified in section 71(2)(a) and (b) above.

^{F65}(7)

- (8) In this section—
“financial year” means a period of twelve months ending with 31st March;
and
^{F66}

Textual Amendments

- F56** Words in s. 74 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(vv)**
- F57** Words in s. 74(1) substituted (5.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. 16, 120, **Sch. 2 para. 14(a)**; S.I. 2004/827, **art. 4(g)**
- F58** Words in s. 74(1) inserted (13.6.2018) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(2)(b)(vi), **Sch. para. 24(2)**
- F59** Word in s. 74(1)(b) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 6 para. 79(2)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F60** Word in s. 74 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)**
- F61** S. 74(2)(b)(d) and the word “and” before s. 74(2)(d) 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)
- F62** S. 74(3ZA) inserted (13.6.2018) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(2)(b)(vi), **Sch. para. 24(3)**
- F63** S. 74(3A) inserted (1.7.1999) by S.I. 1999/1750, arts. 1(1), 6(1), **Sch. 5 para. 13 (2)**; S.I. 1998/3178, **art. 3**
- F64** Word in s. 74 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)**
- F65** S. 74(7) omitted (1.4.2014) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 6 para. 79(3)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F66** S. 74(8): definition of “first relevant financial year” repealed (5.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. 16, 118, 120, Sch. 2 para. 14(b), **Sch. 8**; S.I. 2004/827, **art. 4(i)**

Modifications etc. (not altering text)

- C10** S. 74(1)(3): certain functions made exercisable by the Scottish Ministers concurrently with the Ministers concerned (1.7.1999) by S.I. 1999/1750, arts. 1(1), 3, **Sch. 2**; S.I. 1998/3178, **art. 3**

75 Annual reports of the Franchising Director.

^{F67}

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Textual Amendments

- F67** S. 75 repealed (1.12.2006) by [Railways Act 2005 \(c. 14\)](#), ss. 59, 60, [Sch. 13 Pt. 1](#) (with s. 14(4)(5)); [S.I. 2006/2911](#), [art. 2](#), [Sch.](#) (subject to the transitional and saving provisions in [arts. 3-7](#))

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

Railways Act 1993, Cross Heading: Registers and reports of the Office of Rail and Road and the Authority is up to date with all changes known to be in force on or before 28 July 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.