

*Status: Point in time view as at 01/04/2009.*

**Changes to legislation:** Transport Act 2000 is up to date with all changes known to be in force on or before 23 June 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)

## SCHEDULES

### SCHEDULE 1

Section 30.

#### AIR TRAFFIC ADMINISTRATION ORDERS: GENERAL

##### Commencement Information

- II** [Sch. 1](#) wholly in force at 1.2.2001, see [s. 275\(1\)](#) and [S.I. 2001/57](#), [art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

#### PART I

##### MODIFICATIONS OF 1986 ACT

##### Commencement Information

- I2** [Sch. 1](#) wholly in force at 1.2.2001, see [s. 275\(1\)](#) and [S.I. 2001/57](#), [art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

##### *Introduction*

- 1 This Part of this Schedule applies if an air traffic administration order is made.

##### Commencement Information

- I3** [Sch. 1](#) wholly in force at 1.2.2001, see [s. 275\(1\)](#) and [S.I. 2001/57](#), [art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

##### *General application of provisions of 1986 Act*

- 2 Sections 11 to 23 and 27 of the 1986 Act (which relate to administration orders under Part II of that Act) apply with the modifications specified in this Part of this Schedule.

##### Commencement Information

- I4** [Sch. 1](#) wholly in force at 1.2.2001, see [s. 275\(1\)](#) and [S.I. 2001/57](#), [art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

##### *General modifications*

- 3 In those sections as applied by this Part of this Schedule—

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- (a) references to an administration order are to an air traffic administration order, and
- (b) references to an administrator are to an air traffic administrator.

**Commencement Information**

**I5** Sch. 1 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

*Effect of order*

- 4 In section 11 of the 1986 Act (effect of order) as applied by this Part of this Schedule—
- (a) the requirement in subsection (1)(a) that any petition for the winding up of the company shall be dismissed does not prejudice the air traffic administration order if it is made by virtue of section 27 above,
  - (b) the reference in subsection (3)(d) to proceedings includes a reference to any proceedings under or for the purposes of section 20 above, and
  - (c) subsection (3)(d) has effect as if after “its property” there were inserted “, and no right of re-entry or forfeiture may be enforced against the company in respect of any land,”.

**Commencement Information**

**I6** Sch. 1 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

*Appointment of air traffic administrator*

- 5 In section 13 of the 1986 Act (appointment of administrator) as applied by this Part of this Schedule for subsection (3) substitute—
- “(3) An application for an order under subsection (2) may be made—
- (a) by the Secretary of State,
  - (b) by the CAA with the Secretary of State’s consent,
  - (c) by any continuing air traffic administrator of the company, or
  - (d) where there is no such air traffic administrator, by the company, the directors or any creditor or creditors of the company.”

**Commencement Information**

**I7** Sch. 1 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

*General powers of air traffic administrator*

- 6 (1) Section 14 of the 1986 Act (general powers of administrator) as applied by this Part of this Schedule has effect as follows.

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- (2) In subsection (1)(b) the reference to the powers specified in Schedule 1 to the 1986 Act includes a reference to a power to act on behalf of the company—
- (a) for the purposes of this Part, or
  - (b) for the purposes of the exercise or performance of any power or duty which is conferred or imposed on the company by virtue of its holding a licence.
- (3) In subsection (4) the reference to a power conferred by the company’s memorandum or articles of association includes a reference to a power conferred by virtue of the company’s holding a licence.

#### Commencement Information

- I8** Sch. 1 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

#### *Power to deal with charged property*

- 7 (1) Section 15 of the 1986 Act (power to deal with charged property) as applied by this Part of this Schedule has effect as follows.
- (2) In subsection (2) for “the purpose or one or more of the purposes specified in the administration order” substitute “ one or both of the purposes of the administration order ”.
- (3) In subsection (5)(b) for “in the open market by a willing vendor” substitute “ for the best price which is reasonably available on a sale which is consistent with the purposes of the air traffic administration order ”.

#### Commencement Information

- I9** Sch. 1 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

#### *Duties of air traffic administrator*

- 8 (1) Section 17 of the 1986 Act (duties of administrator) as applied by this Part of this Schedule has effect as follows.
- (2) For subsection (2) substitute—
- “(2) Subject to any directions of the court, it shall be the duty of the air traffic administrator to manage the affairs, business and property of the company in accordance with proposals under section 23 as they are revised from time to time.”
- (3) In subsection (3) omit paragraph (a).

#### Commencement Information

- I10** Sch. 1 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

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### *Discharge of order*

- 9 (1) Section 18 of the 1986 Act (discharge and variation of administration order) as applied by this Part of this Schedule has effect as follows.
- (2) For subsections (1) and (2) substitute—
- “(1) An application for an air traffic administration order to be discharged may be made—
- (a) by the air traffic administrator, on the ground that the purposes of the order have been achieved; or
- (b) by the Secretary of State or (with his consent) by the CAA, on the ground that it is no longer necessary that those purposes are achieved.”
- (3) In subsection (3) omit the words “or vary”.
- (4) In subsection (4)—
- (a) omit the words “or varied” and “or variation”, and
- (b) after “to the registrar of companies” insert “, to the CAA and to the Secretary of State”.

#### **Commencement Information**

- I11** Sch. 1 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

### *Notice of making of order*

- 10 In section 21(2) of the 1986 Act (notice of order to be given by administrator) as applied by this Part of this Schedule after “to the registrar of companies” insert “, to the CAA, to the Secretary of State”.

#### **Commencement Information**

- I12** Sch. 1 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

### *Statement of proposals*

- 11 In section 23 of the 1986 Act (statement of proposals) as applied by this Part of this Schedule for subsections (1) and (2) substitute—
- “(1) Where an air traffic administration order has been made, the air traffic administrator shall, within 3 months (or such longer period as the court may allow) after the making of the order, send a statement of his proposals for achieving the purposes of the order—
- (a) to the Secretary of State,
- (b) to the CAA,
- (c) to all creditors of the company (so far as he is aware of their addresses), and
- (d) to the registrar of companies.

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- (2) The air traffic administrator may from time to time revise those proposals.
- (2A) If the air traffic administrator proposes to make revisions which appear to him to be substantial, he shall before making them send a statement of the proposed revisions—
- (a) to the Secretary of State,
  - (b) to the CAA,
  - (c) to all creditors of the company (so far as he is aware of their addresses), and
  - (d) to the registrar of companies.
- (2B) The air traffic administrator shall give a copy of any statement under subsection (1) or (2A) to all members of the company before the end of the period described in subsection (1) or, as the case may be, before making the revisions.
- (2C) The requirement in subsection (2B) is satisfied if the administrator—
- (a) sends a copy of the statement to all members of the company (so far as he is aware of their addresses), or
  - (b) publishes in the prescribed manner a notice stating an address to which members should write for copies of the statement to be sent to them free of charge.”

#### Commencement Information

**I13** Sch. 1 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

#### *Applications to court*

- 12 (1) Section 27 of the 1986 Act (protection of interests of creditors and members) as applied by this Part of this Schedule has effect as follows.
- (2) After subsection (1) insert—
- “(1A) If a creditor or member of the company makes an application under subsection (1), the court shall give notice of the application to the Secretary of State, who shall be entitled to be heard by the court in connection with the application.
- (1B) At any time when an air traffic administration order is in force the Secretary of State or (with his consent) the CAA may apply to the court by petition for an order under this section on one or both of the following grounds.
- (1C) The first ground is that the air traffic administrator has exercised or is exercising or proposing to exercise his powers in relation to the company in a manner which will not best ensure the achievement of the purposes of the order.
- (1D) The second ground is that he has exercised or is exercising or proposing to exercise his powers in relation to the company in a manner which involves a contravention of—

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- (a) a condition of the licence granted under Chapter I of Part I of the Transport Act 2000, or
  - (b) a duty imposed by section 8(1) of that Act, or
  - (c) any other requirement imposed on the company by virtue of its holding the licence.”
- (3) Omit subsection (3).
- (4) In subsection (4) omit the words “Subject as above”.
- (5) After that subsection insert—
- “(4A) Provision may be made by virtue of subsection (4)(d) that the air traffic administration order is to be discharged from such date as may be specified in the order unless, before that date, such measures are taken as the court thinks fit for the purpose of protecting the interests of creditors.”
- (6) For subsection (6) substitute—
- “(6) Where an air traffic administration order is discharged, the air traffic administrator shall within 14 days after the date on which the discharge takes effect send an office copy of the order under this section—
- (a) to the Secretary of State,
  - (b) to the CAA, and
  - (c) to the registrar of companies;
- and if, without reasonable excuse, the air traffic administrator fails to comply with this subsection, he is liable to a fine and, for continued contravention, to a daily default fine.”

**Commencement Information**

**I14** Sch. 1 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

**PART II**

OTHER PROVISIONS

**Commencement Information**

**I15** Sch. 1 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

*General adaptations*

- 13 (1) References in the 1986 Act (except in sections 8 to 10 and 24 to 26), or in any other enactment passed before the day on which this Act is passed, to an administration order under Part II of that Act, to an application for such an order and to an administrator include references (respectively) to an air traffic administration order, to an application for an air traffic administration order and to an air traffic administrator.

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- (2) References in the 1986 Act, or in any other enactment passed before the day on which this Act is passed, to an enactment contained in Part II of that Act include references to that enactment as applied by section 30 above or Part I of this Schedule.
- (3) But—
- (a) sub-paragraph (1) applies in relation to a reference in an enactment contained in Part II of the 1986 Act only so far as necessary for the purposes of the operation of the provisions of that Part as so applied;
  - (b) sub-paragraphs (1) and (2) apply subject to Part I of this Schedule.

#### Commencement Information

**I16** Sch. 1 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

#### *Saving*

- 14 The provisions of this Schedule are without prejudice to the power conferred by section 411 of the 1986 Act (company insolvency rules) as modified by paragraph 13(1) and (2).

#### Commencement Information

**I17** Sch. 1 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

#### *Interpretation*

- 15 (1) In this Schedule “the 1986 Act” means the Insolvency Act 1986.
- (2) For the purposes of this Schedule and any modification of the 1986 Act made by this Schedule—
- (a) an air traffic administration order is an order made under section 27 or 28 above;
  - (b) an air traffic administrator is a person appointed by the court to achieve the purposes of an air traffic administration order;
  - (c) the CAA is the Civil Aviation Authority.

#### Commencement Information

**I18** Sch. 1 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

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## SCHEDULE 2

Section 30.

### AIR TRAFFIC ADMINISTRATION ORDERS: SCHEMES

#### Commencement Information

**I19** Sch. 2 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in Sch. 2 Pt. II)

#### *Application of Schedule*

- 1 This Schedule applies if—
- (a) the court has made an air traffic administration order in relation to a licence company (the existing licence company), and
  - (b) it is proposed that on and after the appointed day another company (the new licence company) should carry out licensed activities in respect of all or part of a licensed area.

#### Commencement Information

**I20** Sch. 2 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in Sch. 2 Pt. II)

#### *Interpretation*

- 2 For the purposes of this Schedule—
- (a) an air traffic administration order is an order made under section 27 or 28;
  - (b) an air traffic administrator is a person appointed by the court to achieve the purposes of an air traffic administration order;
  - (c) the court is the court which (but for section 27) would have jurisdiction to wind up the existing licence company;
  - (d) references to the existing licence company and the new licence company must be construed in accordance with paragraph 1;
  - (e) references to a licence company are to be construed in accordance with section 26;
  - (f) other licence companies are licence companies, other than the existing licence company and the new licence company;
  - (g) licensed activities are activities which the licence concerned authorises the existing licence company to carry out;
  - (h) a licensed area is an area in respect of which the licence concerned authorises the existing licence company to provide air traffic services;
  - (i) the appointed day is a day which falls before the discharge of the air traffic administration order takes effect and which is appointed by the court for the purposes of this Schedule.



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#### Commencement Information

**I21** Sch. 2 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

#### *Making and modification of schemes*

- 3
- (1) The existing licence company, acting with the consent of the new licence company and, in relation to the matters affecting them, of any other licence companies, may make a scheme designed to secure that the new licence company carries out licensed activities in respect of all or part of the licensed area.
  - (2) No scheme takes effect unless it is approved by the Secretary of State after consulting the CAA.
  - (3) If a scheme is submitted to the Secretary of State for approval he may modify the scheme before approving it.
  - (4) But no modification may be made unless the following consent—
    - (a) the new licence company,
    - (b) the existing licence company, and
    - (c) in relation to the matters affecting them, any other licence companies.
  - (5) A scheme comes into force on the appointed day.
  - (6) At any time after a scheme has come into force, if he thinks it appropriate the Secretary of State may by order provide that the scheme is to be taken for all purposes to have come into force with the modifications specified in the order.
  - (7) But the Secretary of State may not make an order under sub-paragraph (6) unless the following consent—
    - (a) the existing licence company,
    - (b) the new licence company, and
    - (c) in relation to the provisions of the order which affect them, any other licence companies.
  - (8) An order under sub-paragraph (6)—
    - (a) may make, with effect from the coming into force of the scheme to which it relates, any such provision as could have been made by the scheme, and
    - (b) in connection with giving effect to that provision from that time, may make such supplementary, consequential and transitional provision as the Secretary of State thinks appropriate.

#### Commencement Information

**I22** Sch. 2 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

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*Effect on licence*

- 4 (1) A scheme may provide for a licence held by the existing licence company to have effect, with such modifications as the scheme may specify, as if the licence had been granted to the new licence company.
- (2) If different schemes are made in relation to different parts of the licensed area—
- (a) each scheme has effect as if there were a separate licence in respect of each part, and
  - (b) each licence has effect as if it had been granted to the company which is the new licence company under the scheme concerned.

**Commencement Information**

**I23** Sch. 2 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in Sch. 2 Pt. II)

*Property, rights and liabilities*

- 5 A scheme may provide for the transfer of property, rights and liabilities from the existing licence company to the new licence company.

**Commencement Information**

**I24** Sch. 2 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 6 (1) In determining whether and in what manner to exercise the powers under paragraph 3 to approve and modify a scheme, the Secretary of State must have regard to the need to ensure that a scheme allocates property, rights and liabilities to the new licence company in such manner as appears to the Secretary of State to be appropriate.
- (2) In deciding what is appropriate the Secretary of State must take into account the licensed activities which will be carried out on or after the appointed day by any of—
- (a) the new licence company,
  - (b) the existing licence company, and
  - (c) any other licence companies.

**Commencement Information**

**I25** Sch. 2 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 7 (1) When a scheme comes into force, it has effect without more so as to transfer to the new licence company the property, rights and liabilities to which the scheme relates.
- (2) A scheme may divide the property, rights or liabilities of the existing licence company and in connection with that division may—
- (a) create for the existing licence company, the new licence company or any other licence companies an interest in or right over any property to which the scheme relates;

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- (b) create new rights and liabilities as between any two or more of those companies with respect to the subject-matter of the scheme;
  - (c) in connection with any provision made by virtue of paragraph (a) or (b), make incidental provision as to the interests, rights and liabilities of other persons with respect to the subject-matter of the scheme.
- (3) A scheme may impose duties on the existing licence company, the new licence company and any other licence company to take all such steps as may be necessary to secure that—
  - (a) any interest, right or liability created by virtue of paragraph (a) or (b) of sub-paragraph (2), and
  - (b) any incidental provision made by virtue of paragraph (c) of that sub-paragraph,has effect.
- (4) A scheme may require the new licence company and any other licence companies to provide consideration in respect of the transfer or creation of property, rights and liabilities by means of the scheme.
- (5) A requirement imposed under sub-paragraph (4) is enforceable in the same way as if the property, rights and liabilities had been created or transferred, and (if the case so requires) had been capable of being created or transferred, by agreement between the parties.
- (6) The property, rights and liabilities of the existing licence company which may be transferred in accordance with a scheme include—
  - (a) property, rights and liabilities which the existing licence company would not otherwise be capable of transferring or assigning;
  - (b) property, rights and liabilities to which the existing licence company may become entitled or subject after the making of the scheme and before the appointed day;
  - (c) property situated anywhere in the United Kingdom or elsewhere;
  - (d) rights and liabilities under enactments;
  - (e) rights and liabilities under the law of any part of the United Kingdom or of any country or territory outside the United Kingdom.
- (7) If a scheme makes a person entitled to possession of a document, the provision that may be made by virtue of sub-paragraph (2)(b) includes—
  - (a) provision for treating that person as having given another person an acknowledgement in writing of the right of that other person to the production of the document and to delivery of copies of it,
  - (b) provision applying section 64 of the <sup>M1</sup>Law of Property Act 1925 (production and safe custody of documents) to that acknowledgement,
  - (c) provision that, where a scheme transfers any interest in land or other property situated in Scotland, subsections (1) and (2) of section 16 of the <sup>M2</sup>Land Registration (Scotland) Act 1979 (omission of certain clauses in deeds) are to have effect in relation to the transfer as if the transfer had been effected by deed and as if from each of those subsections the words “unless specially qualified” had been omitted, and

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- (d) provision applying section 9 of the <sup>M3</sup>Conveyancing Act 1881 (which is the equivalent in Northern Ireland to section 64 of the <sup>M4</sup>Law of Property Act 1925) to that acknowledgement.
- (8) Sub-paragraph (9) applies if a transfer authorised by sub-paragraph (6)(a) would (were it not so authorised)—
  - (a) give rise to a contravention or liability by reason of a provision relating to the terms on which the existing licence company is entitled or subject to the property, right or liability transferred, or
  - (b) give rise to an interference with any interest or right by reason of such a provision.
- (9) In such a case the transfer does not give rise to such a contravention, liability or interference.
- (10) The provision referred to in sub-paragraph (8) may arise under an enactment or agreement or otherwise.

#### Commencement Information

**I26** Sch. 2 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

#### Marginal Citations

**M1** 1925 c. 20.  
**M2** 1979 c. 33.  
**M3** 1881 c. 41.  
**M4** 1925 c. 20.

- 8 (1) A scheme may impose duties on the existing licence company and on the new licence company to take all such steps as may be necessary to secure that the vesting in the new licence company, by virtue of the scheme, of any foreign property, right or liability is effective under the relevant foreign law.
- (2) A scheme may require the existing licence company to comply with any directions given by the new licence company in performing any duty imposed on the existing licence company by virtue of a provision included in the scheme under sub-paragraph (1).
- (3) A scheme may provide that, until the vesting of any foreign property, right or liability of the existing licence company in the new licence company is effective under the relevant foreign law, it is the duty of the existing licence company—
  - (a) to hold that property or right for the benefit of the new licence company, or
  - (b) to discharge that liability on behalf of the new licence company.
- (4) A scheme may provide that in specified cases foreign property, rights or liabilities acquired or incurred by an existing licence company after the scheme comes into force are immediately to become property, rights or liabilities of the new licence company; and in relation to such property, rights or liabilities the scheme may make provision equivalent to that in sub-paragraphs (1) to (3).
- (5) Nothing in any provision included in a scheme by virtue of this paragraph affects the law of any part of the United Kingdom as it applies to the vesting of any foreign property, right or liability in the new licence company by virtue of the scheme.

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- (6) References in this paragraph to any foreign property, right or liability are references to any property, right or liability as respects which any issue arising in any proceedings would have to be determined (in accordance with the rules of private international law) by reference to the law of a country or territory outside the United Kingdom.
- (7) Any expenses incurred by an existing licence company in consequence of any provision included in a scheme by virtue of this paragraph must be met by the new licence company.
- (8) Duties imposed on an existing licence company or a new licence company by virtue of this paragraph are enforceable in the same way as if they were imposed by a contract between the existing licence company and the new licence company.

#### **Commencement Information**

**I27** Sch. 2 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

#### *Supplementary provisions of schemes*

- 9 (1) A scheme may contain supplementary, consequential and transitional provision for the purposes of, or in connection with, any provision of the scheme.
- (2) In particular a scheme may provide—
  - (a) that for purposes connected with any transfers made in accordance with the scheme (including the transfer of rights and liabilities under an enactment) the new licence company is to be treated as the same person in law as the existing licence company;
  - (b) that (so far as may be necessary for the purposes of or in connection with any such transfers) agreements made, transactions effected and other things done by or in relation to the existing licence company are to be treated as made, effected or done by or in relation to the new licence company;
  - (c) that (so far as may be necessary for the purposes of or in connection with any such transfers) references in any agreement (whether or not in writing) or in any document to, or to any officer of, the existing licence company are to have effect with such modifications as the scheme may specify;
  - (d) that proceedings commenced by or against the existing licence company are to be continued by or against the new licence company;
  - (e) that contracts of employment with the existing licence company are not to terminate and that periods of employment with the existing licence company are to count for all purposes as periods of employment with the new licence company;
  - (f) that disputes about the effect of the scheme between the existing licence company and the new licence company, between either of them and any other licence company or between different companies which are other licence companies are to be referred to such arbitration as may be specified in or determined under the scheme;
  - (g) that determinations on such arbitrations are conclusive for all purposes;

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- (h) that certificates given jointly by two or more of the licence companies mentioned in paragraph (f) as to the effect of the scheme as between the licence companies giving the certificates are conclusive for all purposes.

**Commencement Information**

**I28** Sch. 2 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

*Assistance*

- 10 (1) The new licence company, the existing licence company and any other licence companies which are likely to be affected by a scheme must provide the Secretary of State with all such information and other assistance as the Secretary of State may reasonably require for the purposes of, or in connection with, the exercise of any power conferred by paragraph 3.
- (2) If a company without reasonable excuse fails to do anything required of it by subparagraph (1) it is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

**Commencement Information**

**I29** Sch. 2 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

*Effect of air traffic administration order*

- 11 While an air traffic administration order is in force in relation to an existing licence company anything which the company is permitted or required to do—
- (a) by paragraph 3 or 10, or
- (b) in consequence of any provision of a scheme,
- is effective only if it is done on the company's behalf by its air traffic administrator.

**Commencement Information**

**I30** Sch. 2 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

SCHEDULE 3

Section 33.

AIR TRAFFIC ADMINISTRATION ORDERS: NORTHERN IRELAND

**Commencement Information**

**I31** Sch. 3 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

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- 1 In their application to a licence company formed and registered under the <sup>M5</sup>Companies (Northern Ireland) Order 1986, sections 26 to 32 and Schedules 1 and 2 have effect with the modifications made by this Schedule.

**Commencement Information**

**I32** Sch. 3 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

**Marginal Citations**

**M5** S.I. 1986/1032 (N.I. 6).

- 2 (1) Section 26 is modified as follows.
- (2) In subsection (2) for “Part II of the 1986 Act” substitute “ Part III of the 1989 Order ”.
- (3) In subsection (5) for “Parts I to VII of the 1986 Act” substitute “ Parts II to VII of the 1989 Order ”.
- (4) In subsection (6)—
- (a) for “the 1986 Act” substitute “ the 1989 Order ”, and
- (b) for “the <sup>M6</sup>Insolvency Act 1986” substitute “ the <sup>M7</sup>Insolvency (Northern Ireland) Order 1989 ”.

**Commencement Information**

**I33** Sch. 3 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

**Marginal Citations**

**M6** 1986 c. 45.

**M7** S.I. 1989/2405 (N.I. 19).

- 3 (1) Section 28 is modified as follows.
- (2) In subsection (3) for paragraph (a) substitute—
- “(a) the Secretary of State certifies that but for section 27 it would in his opinion be appropriate for the Department of Enterprise, Trade and Investment to petition for the company’s winding up under Article 104A of the 1989 Order (petition following inspectors’ report etc), and”.
- (3) In subsection (3)(b) for “section 124A” substitute “ Article 104A ”.
- (4) In subsection (6) for “section 123 of the 1986 Act” substitute “ Article 103 of the 1989 Order ”.

**Commencement Information**

**I34** Sch. 3 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 4 In section 29(5) for “the 1986 Act” substitute “ the 1989 Order ”.

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**Commencement Information**

**I35** Sch. 3 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 5 (1) Section 30 is modified as follows.
- (2) In subsection (2) for “Section 9(4) and (5) of the 1986 Act” substitute “ Article 22(4) and (5) of the 1989 Order ”.
- (3) In subsection (3)—
- (a) for “Section 10(1), (2), (4) and (5) of the 1986 Act” substitute “ Article 23(1), (2) and (4) of the 1989 Order ”;
- (b) in paragraphs (a), (b), (c) and (d) for “subsection” substitute “ paragraph ”.
- (4) In subsection (5)—
- (a) for “section 411 of the 1986 Act” substitute “ Article 359 of the 1989 Order ”, and
- (b) for “Parts I to VII of that Act” substitute “ Parts II to VII of that Order ”.

**Commencement Information**

**I36** Sch. 3 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 6 For Schedule 1 substitute—

“SCHEDULE 1

AIR TRAFFIC ADMINISTRATION ORDERS: GENERAL

**PART I**

MODIFICATIONS OF 1989 ORDER

*Introduction*

- 1 This Part of this Schedule applies if an air traffic administration order is made in Northern Ireland.

*General application of provisions of 1989 Order*

- 2 Articles 24 to 35 and 39 of the 1989 Order (which relate to administration orders under Part III of that Order) apply with the modifications specified in this Part of this Schedule.

*General modifications*

- 3 In those Articles as applied by this Part of this Schedule—
- (a) references to an administration order are to an air traffic administration order, and



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- (b) references to an administrator are to an air traffic administrator.

*Effect of order*

- 4 In Article 24 of the 1989 Order (effect of order) as applied by this Part of this Schedule—
- (a) the requirement in paragraph (1)(a) that any petition for the winding up of the company shall be dismissed does not prejudice the air traffic administration order if it is made by virtue of section 27 above,
  - (b) the reference in paragraph (3)(d) to proceedings includes a reference to any proceedings under or for the purposes of section 20 above, and
  - (c) paragraph (3)(d) has effect as if after “its property” there were inserted “, and no right of re-entry or forfeiture may be enforced against the company in respect of any land.”.

*Appointment of air traffic administrator*

- 5 In Article 26 of the 1989 Order (appointment of administrator) as applied by this Part of this Schedule for paragraph (3) substitute—
- (“ An application for an order under paragraph (2) may be made—
- (a) by the Secretary of State,
  - (b) by the CAA with the Secretary of State’s consent,
  - (c) by any continuing air traffic administrator of the company, or
  - (d) where there is no such air traffic administrator, by the company, the directors or any creditor or creditors of the company. ”

*General powers of air traffic administrator*

- 6 (1) Article 27 of the 1989 Order (general powers of administrator) as applied by this Part of this Schedule has effect as follows.
- (2) In paragraph (1)(b) the reference to the powers specified in Schedule 1 to the 1989 Order includes a reference to a power to act on behalf of the company—
- (a) for the purposes of this Part, or
  - (b) for the purposes of the exercise or performance of any power or duty which is conferred or imposed on the company by virtue of its holding a licence.
- (3) In paragraph (4) the reference to a power conferred by the company’s memorandum or articles of association includes a reference to a power conferred by virtue of the company’s holding a licence.

*Power to deal with charged property*

- 7 (1) Article 28 of the 1989 Order (power to deal with charged property) as applied by this Part of this Schedule has effect as follows.

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- (2) In paragraph (2) for “the purpose or one or more of the purposes specified in the administration order” substitute “one or both of the purposes of the administration order”.
- (3) In paragraph (5)(b) for “in the open market by a willing vendor” substitute “for the best price which is reasonably available on a sale which is consistent with the purposes of the air traffic administration order”.

*Duties of air traffic administrator*

- 8 (1) Article 29 of the 1989 Order (duties of administrator) as applied by this Part of this Schedule has effect as follows.
  - (2) For paragraph (2) substitute—
    - (“ Subject to any directions of the High Court, it shall be the duty of the air traffic administrator to manage the affairs, business and property of the company in accordance with proposals under Article 35 as they are revised from time to time. ”
  - (3) In paragraph (3) omit sub-paragraph (a).

*Discharge of order*

- 9 (1) Article 30 of the 1989 Order (discharge and variation of administration order) as applied by this Part of this Schedule has effect as follows.
  - (2) For paragraphs (1) and (2) substitute—
    - (“ An application for an air traffic administration order to be discharged may be made—
      - (a) by the air traffic administrator, on the ground that the purposes of the order have been achieved; or
      - (b) by the Secretary of State or (with his consent) by the CAA, on the ground that it is no longer necessary that those purposes are achieved. ”
    - (3) In paragraph (3) omit the words “or vary”.
    - (4) In paragraph (4)—
      - (a) omit the words “or varied” and “or variation”, and
      - (b) after “to the registrar” insert “, to the CAA and to the Secretary of State”.

*Notice of making of order*

- 10 In Article 33(2) of the 1989 Order (notice of order to be given by administrator) as applied by this Part of this Schedule after “to the registrar” insert “,to the CAA,to the Secretary of State”.

*Statement of proposals*

- 11 In Article 35 of the 1989 Order (statement of proposals) as applied by this Part of this Schedule for paragraphs (1) and (2) substitute—

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- (“) Where an air traffic administration order has been made, the air traffic administrator shall, within 3 months (or such longer period as the High Court may allow) after the making of the order, send a statement of his proposals for achieving the purposes of the order—
- (a) to the Secretary of State,
  - (b) to the CAA,
  - (c) to all creditors of the company (so far as he is aware of their addresses), and
  - (d) to the registrar.
- (2) The air traffic administrator may from time to time revise those proposals.
- (2A) If the air traffic administrator proposes to make revisions which appear to him to be substantial, he shall before making them send a statement of the proposed revisions—
- (a) to the Secretary of State,
  - (b) to the CAA,
  - (c) to all creditors of the company (so far as he is aware of their addresses), and
  - (d) to the registrar.
- (2B) The air traffic administrator shall give a copy of any statement under paragraph (1) or (2A) to all members of the company before the end of the period described in paragraph (1) or, as the case may be, before making the revisions.
- (2C) The requirement in paragraph (2B) is satisfied if the administrator—
- (a) sends a copy of the statement to all members of the company (so far as he is aware of their addresses), or
  - (b) publishes in the prescribed manner a notice stating an address to which members should write for copies of the statement to be sent to them free of charge. ”

#### *Applications to court*

- 12 (1) Article 39 of the 1989 Order (protection of interests of creditors and members) as applied by this Part of this Schedule has effect as follows.
- (2) After paragraph (1) insert—
- (“) If a creditor or member of the company makes an application under paragraph (1), the court shall give notice of the application to the Secretary of State, who shall be entitled to be heard by the court in connection with the application.
- (1B) At any time when an air traffic administration order is in force the Secretary of State or (with his consent) the CAA may apply to the court by petition for an order under this Article on one or both of the following grounds.
- (1C) The first ground is that the air traffic administrator has exercised or is exercising or proposing to exercise his powers in relation to the company in a manner which will not best ensure the achievement of the purposes of the order.

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- (1D) The second ground is that he has exercised or is exercising or proposing to exercise his powers in relation to the company in a manner which involves a contravention of—
- (a) a condition of the licence granted under Chapter I of Part I of the Transport Act 2000, or
  - (b) a duty imposed by section 8(1) of that Act, or
  - (c) any other requirement imposed on the company by virtue of its holding the licence. ”
- (3) Omit paragraph (3).
- (4) In paragraph (4) omit the words “Subject to paragraph (3),”.
- (5) After that paragraph insert—
- (“ Provision may be made by virtue of paragraph (4)(d) that the air traffic administration order is to be discharged from such date as may be specified in the order unless, before that date, such measures are taken as the court thinks fit for the purpose of protecting the interests of creditors. ”
- (6) For paragraph (6) substitute—
- (“ Where an air traffic administration order is discharged, the air traffic administrator shall within 14 days after the date on which the discharge takes effect send an office copy of the order under this Article—
- (a) to the Secretary of State,
  - (b) to the CAA, and
  - (c) to the registrar;
- and if, without reasonable excuse, the air traffic administrator contravenes this paragraph, he shall be guilty of an offence and, for continued contravention, he shall be guilty of a continuing offence. ”

## PART II

### OTHER PROVISIONS

#### *General adaptations*

- 13 (1) References in the 1989 Order (except in Articles 21 to 23 and 36 to 38), or in any other enactment passed before the day on which this Act is passed, to an administration order under Part III of that Order, to an application for such an order and to an administrator include references (respectively) to an air traffic administration order, to an application for an air traffic administration order and to an air traffic administrator.
- (2) References in the 1989 Order, or in any other enactment passed before the day on which this Act is passed, to an enactment contained in Part III of that Order include references to that enactment as applied by section 30 above or Part I of this Schedule.
- (3) But—

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- (a) sub-paragraph (1) applies in relation to a reference in an enactment contained in Part III of the 1989 Order only so far as necessary for the purposes of the operation of the provisions of that Part as so applied;
- (b) sub-paragraphs (1) and (2) apply subject to Part I of this Schedule.

#### *Saving*

- 14 The provisions of this Schedule are without prejudice to the power conferred by Article 359 of the 1989 Order (insolvency rules) as modified by paragraph 13(1) and (2).

#### *Interpretation*

- 15 (1) In this Schedule “the 1989 Order” means the <sup>M8</sup>Insolvency (Northern Ireland) Order 1989.
- (2) For the purposes of this Schedule and any modification of the 1989 Order made by this Schedule—
- (a) an air traffic administration order is an order made under section 27 or 28 above;
  - (b) an air traffic administrator is a person appointed by the court to achieve the purposes of an air traffic administration order;
  - (c) the CAA is the Civil Aviation Authority.”

#### **Commencement Information**

**I37** Sch. 3 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

#### **Marginal Citations**

**M8** S.I. 1989/2405 (N.I. 19).

## SCHEDULE 4

Section 36.

### LICENCE HOLDERS: LAND

- 1 The <sup>M9</sup>Civil Aviation Act 1982 shall be amended as follows.

#### **Marginal Citations**

**M9** 1982 c. 16.

- 2 After section 42 (acquisition of land by CAA) insert the following—

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**“42A Acquisition of land: air traffic services licence holders.**

- (1) A licence holder may be authorised by the Secretary of State to acquire land in Great Britain compulsorily for any purpose connected with the carrying out of the activities authorised by the licence.
- (2) Where a licence holder proposes to acquire, otherwise than by agreement, any land in Northern Ireland—
  - (a) which is required by the licence holder for any purpose connected with the carrying out of the activities authorised by the licence, or
  - (b) as to which it can reasonably be foreseen that it will be so required, the licence holder may apply to the Secretary of State for an order vesting the land in it, and the Secretary of State shall have power to make such an order.
- (3) The Secretary of State shall not grant an authorisation under subsection (1) or an order under subsection (2) to a licence holder in respect of land which is owned by another licence holder who—
  - (a) is using it, or
  - (b) will, in the opinion of the Secretary of State, use it at some time in the period of five years beginning with the date on which he receives the request for the authorisation or order.
- (4) A reference in subsection (3) to use of land by a licence holder is a reference to use for a purpose connected with the carrying out of the activities authorised by the licence.
- (5) The following provisions of section 42 shall apply for the purposes of this section in relation to a licence holder as they apply for the purposes of that section in relation to the CAA—
  - (a) in subsection (1), the words from “and the following enactments” to the end,
  - (b) subsection (3),
  - (c) subsection (5) (with the reference to acquisition for the purposes of the CAA’s undertaking being construed as a reference to acquisition in connection with the carrying out of the activities authorised by the licence), and
  - (d) subsection (6).”

3 In section 43(1) (rights over land to bind grantor’s successors) after paragraph (b) insert—

“or,

- (c) for any purpose connected with the carrying out of the activities authorised by the licence, to a licence holder.”.

4 (1) Section 44 (power to obtain rights over land) shall be amended as follows.

(2) In subsection (6) after paragraph (b) insert—

“and

- (c) if the relevant authority in whose favour the order was made is a licence holder, the licence holder.”.

(3) For subsection (7) substitute—

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“(7) The ownership of anything shall not be affected by reason only that it is placed on or under, or affixed, to, any land in pursuance of any such order.

(7A) So long as any such order is in force, no person shall, except with the necessary consent, wilfully interfere—

- (a) with any works carried out on any land in pursuance of the order, or
- (b) with anything installed on, under, over or across any land in pursuance of the order.

(7B) The necessary consent is—

- (a) if the relevant authority in whose favour the order is made is the Secretary of State or Eurocontrol, the consent of the Secretary of State,
- (b) if that relevant authority is the CAA, the consent of the Secretary of State or the CAA, and
- (c) if that relevant authority is a licence holder, the consent of the licence holder.”

(4) In subsection (12) the following shall be inserted after paragraph (c)—

“and

- (d) a licence holder;”.

5 In section 46(10) (control over land: relevant authorities) after paragraph (d) insert—

“and

- (e) a licence holder (within the meaning of section 105(1) below);”.

6 (1) Section 48 (Secretary of State’s powers in respect of highways, &c.) shall be amended as follows.

(2) In subsection (1) for “or the CAA” substitute (in each place) “, the CAA or a licence holder”.

(3) In subsection (9) after “the CAA” insert (in each place) “ or a licence holder”.

7 In section 49 (acquisition of land for purpose related to highway) after subsection (3) insert—

“(3A) A licence holder’s power of acquiring land compulsorily under this Act may be exercised for the purpose of providing or improving any highway which is to be provided or improved in pursuance of an order made under section 48(1) above in relation to land which is vested in the licence holder or which the licence holder proposes to acquire or for any other purpose for which land is required in connection with such an order.”

8 (1) Section 50 (powers of entry) shall be amended as follows.

(2) In subsection (1)(a), (b) and (c) after “the CAA” insert “ or a licence holder”.

(3) In subsection (1)(d) after “the CAA” insert “, a licence holder (within the meaning of section 105(1) below)”.

(4) In subsection (3)(a), (b) and (c) for “or the CAA” substitute “, the CAA or a licence holder”.

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- (5) In subsection (7) for paragraph (a) substitute—
- “(a) in a case falling within subsection (1)(a) to (c) above in respect of the CAA, the CAA,
  - (aa) in a case falling within subsection (1)(a) to (c) above in respect of a licence holder, the licence holder,”.
- 9 In section 51(7)(a) (statutory undertakers) after “the CAA” insert “ or a licence holder ”.
- 10 (1) Section 52 (displacements from land) shall be amended as follows.
- (2) After subsection (1)(c) (and before the word “or”) insert—
- “(ca) a licence holder has acquired land for purposes connected with the carrying out of the activities authorised by the licence;”.
- (3) In subsection (2)(a) for “or (c)” substitute “ , (c) or (ca) ”.
- (4) In subsection (3)(a) after “(c)” insert “ , (ca) ”.
- 11 (1) Section 53 (planning decisions: compensation) shall be amended as follows.
- (2) In subsection (1)—
- (a) for “entitled to recover from the CAA” substitute “ entitled to recover from the relevant person ”,
  - (b) for paragraph (b)(iii) substitute—
    - “(iii) to secure the safe and efficient operation of apparatus which is in the possession of a licence holder and is provided for the purpose of the activities authorised by the licence.”
- (3) In subsection (2) for “shall pay the CAA” substitute “ shall refund to the person who paid that sum ”.
- (4) In subsection (3)—
- (a) for “such a need as aforesaid in respect of an aerodrome or apparatus owned by the CAA,” substitute “ a need referred to in subsection (1)(b)(i) to (iii), ”,
  - (b) for “given to the CAA” substitute “ given to the relevant person ”, and
  - (c) for “require the CAA” substitute “ require the relevant person ”.
- (5) In subsection (4) for “the CAA” substitute (in each place) “ the relevant person ”.
- (6) In subsection (7) for paragraph (b) and the words following it substitute—
- “(b) the decision would not have been taken but for the need to secure the safe and efficient operation of apparatus which is in the possession of a licence holder and is provided for the purpose of the activities authorised by the licence,
- the Department shall be entitled to recover from the licence holder a sum equal to that compensation. ”
- (7) In subsection (8) for “the CAA” substitute “ the licence holder ”.
- (8) After subsection (9) insert—
- “(10) The relevant person for the purposes of this section is—



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- (a) in a case to which subsection (1)(b)(i) or (ii) applies, the CAA, and  
(b) in a case to which subsection (1)(b)(iii) applies, the licence holder.”
- 12 In section 54(2) (consecrated land and burial grounds) for “in relation to any land acquired by the CAA” substitute “in relation to any land—  
(a) acquired by the CAA, or  
(b) acquired by a licence holder for purposes connected with the carrying out of the activities authorised by the licence.”.
- 13 (1) Section 55 (registration of orders, &c.) shall be amended as follows.  
(2) In subsection (5) after “the CAA” insert “ or a licence holder ”.  
(3) In subsection (7)(a) after sub-paragraph (ii) (and after the word “and”) insert—  
“(iii) if the order is made in favour of a licence holder, the licence holder; and”.  
(4) In subsection (7)(c) after sub-paragraph (i) (and before the word “and”) insert—  
“(ia) if the order is made in respect of a licence holder, the licence holder;”.
- 14 In section 105(1) (interpretation) after the definition of “the Lands Tribunal” insert—  
““licence holder” means a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services);”.
- 15 In Schedule 6 (modifications of Schedule 6 to the <sup>M10</sup>Local Government Act (Northern Ireland) 1972)—  
(a) in paragraph 2 after “Civil Aviation Authority” insert “ or (as the case may be) the licence holder ”,  
(b) in paragraph 4 after “Civil Aviation Authority” insert “ or a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (“a licence holder”) ”, and  
(c) in paragraphs 5 and 6 after “Civil Aviation Authority” (in each place) insert “ or (as the case may be) the licence holder ”.

**Marginal Citations**

**M10** 1972 c. 9 (N.I.).

- 16 (1) Schedule 7 (certain orders under Part II: supplementary) shall be amended as follows.  
(2) For the words “the CAA”—  
(a) substitute “ the CAA or a licence holder ” in paragraph 1(1), in the first place where the words appear in paragraph 1(2), and in paragraph 12(2)(a), and  
(b) substitute “ the CAA or the licence holder ” in the second place where the words appear in paragraph 1(2).  
(3) After paragraph 5(2)(a) insert—  
“(aa) the licence holder in the case of an order under section 44 of this Act made in favour of a licence holder;”.  
(4) After paragraph 12(2)(b) insert—

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- “(c) from the licence holder in the case of an order made in favour of a licence holder.”
- 17 In Schedule 13 (subordinate instruments), in Part I after the entry for section 42(2) insert—
- “Section 42A(2) (order vesting land in licence holder).”

## SCHEDULE 5

Section 37.

### LICENCE HOLDERS AS STATUTORY UNDERTAKERS

#### *Miscellaneous enactments*

- 1 (1) For the purposes of the provisions mentioned in sub-paragraph (2)—
- (a) a licence holder carrying out activities authorised by its licence is to be taken to be a statutory undertaker;
  - (b) its undertaking as licence holder is to be taken to be a statutory undertaking.
- (2) The provisions are—
- (a) the <sup>M11</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;
  - (b) section 4 of the <sup>M12</sup>Requisitioned Land and War Works Act 1948;
  - (c) the National Parks and Access to the <sup>M13</sup>Countryside Act 1949;
  - (d) the <sup>M14</sup>Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951;
  - (e) the <sup>M15</sup>Landlord and Tenant Act 1954;
  - (f) section 39(6)(b) of the <sup>M16</sup>Opencast Coal Act 1958;
  - (g) section 11 of the <sup>M17</sup>Land Compensation Act 1961;
  - (h) section 3(4) of the <sup>M18</sup>Flood Prevention (Scotland) Act 1961;
  - (i) section 18 of the <sup>M19</sup>Land Compensation (Scotland) Act 1963;
  - (j) Schedule 3 to the <sup>M20</sup>Harbours Act 1964;
  - (k) Schedule 6 to the <sup>M21</sup>Gas Act 1965;
  - (l) the <sup>M22</sup>New Towns (Scotland) Act 1968;
  - (m) paragraph 6 of Schedule 2 to the <sup>M23</sup>Countryside Act 1968;
  - (n) section 22 of the <sup>M24</sup>Sewerage (Scotland) Act 1968;
  - (o) sections <sup>F1</sup>... 296 and 611 of the <sup>M25</sup>Housing Act 1985.

#### **Textual Amendments**

**F1** Word in Sch. 5 para. 1(2)(o) repealed (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), Sch. 16; S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

#### **Marginal Citations**

**M11** 1947 c. 42.  
**M12** 1948 c. 17.  
**M13** 1949 c. 97.  
**M14** 1951 c. 65.

*Status: Point in time view as at 01/04/2009.*

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- M15** 1954 c. 56.
- M16** 1958 c. 69.
- M17** 1961 c. 33.
- M18** 1961 c. 41.
- M19** 1963 c. 51.
- M20** 1964 c. 40.
- M21** 1965 c. 36.
- M22** 1968 c. 16.
- M23** 1968 c. 41.
- M24** 1968 c. 47.
- M25** 1985 c. 68.

### *Public health*

- 2 (1) The provisions mentioned in sub-paragraph (2) apply in relation to—
- (a) a licence holder carrying out activities authorised by its licence, and
  - (b) any property which is owned by the licence holder,
- as they apply in relation to a railway company and its railway.
- (2) The provisions are—
- (a) section 330 of the <sup>M26</sup>Public Health Act 1936 (power of certain undertakers in England and Wales to alter sewers);
  - (b) section 333 of that Act (protection of certain undertakings in England and Wales from works executed under that Act);
  - (c) section 107 of the <sup>M27</sup>Public Health (Scotland) Act 1897 (protection of certain undertakings in Scotland from works connected with sewers).

#### **Marginal Citations**

- M26** 1936 c. 49.
- M27** 1897 c. 38.

### *Civil defence*

<sup>F23</sup> .....

#### **Textual Amendments**

- F2** Sch. 5 para. 3 repealed (14.11.2005) by [Civil Contingencies Act 2004 \(c. 36\)](#), s. 34(1), [Sch. 3](#); S.I. 2005/2040, art. 3(r)

### *Pipe-lines*

- 4 (1) For the purposes of the <sup>M28</sup>Pipe-lines Act 1962—
- (a) a licence holder carrying out activities authorised by its licence is to be taken to be a statutory undertaker;
  - (b) its undertaking as licence holder is to be taken to be a statutory undertaking.

*Status: Point in time view as at 01/04/2009.*

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- (2) For the purposes of section 13 of the 1962 Act, in relation to a licence holder operational land is land—
- (a) which is used by the licence holder, or by a company associated with it, for the purpose of carrying out activities authorised by the licence, or
  - (b) in which the licence holder, or a company associated with it, holds an interest for that purpose.
- (3) If for the purposes of section 13 of the 1962 Act a question arises whether land is operational land in relation to a licence holder the question must be decided by the Secretary of State.

**Marginal Citations**

**M28** 1962 c. 58.

*New towns*

- 5 (1) Section 79 of the <sup>M29</sup>New Towns Act 1981 (meaning of statutory undertakers and operational land) shall be amended as follows.
- (2) In subsection (1) after “the Civil Aviation Authority,” insert “or
- (ba) a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services),”.
- (3) After subsection (1) insert—
- “(1A) For the purposes of this Act—
- (a) a person who holds a licence under Chapter I of Part I of the Transport Act 2000 shall not be considered to be a statutory undertaker unless the person is carrying out activities authorised by the licence;
  - (b) the person’s undertaking shall not be considered to be a statutory undertaking except to the extent that it is the person’s undertaking as licence holder.”
- (4) In subsection (3) after paragraph (b) insert—
- “(ba) in relation to a person who holds a licence under Chapter I of Part I of the Transport Act 2000, means any land which is used by the licence holder (or by a company associated with it) for the purpose of carrying out activities authorised by the licence or land in which the licence holder (or a company associated with it) holds an interest for that purpose.”
- (5) After subsection (3) insert—
- “(4) If for the purposes of this Act a question arises whether land is operational land in relation to a person who holds a licence under Chapter I of Part I of the Transport Act 2000 the question must be decided by the Secretary of State.”

*Status: Point in time view as at 01/04/2009.*

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**Marginal Citations**

**M29** 1981 c. 64.

*Planning*

- 6 (1) Section 262 of the <sup>M30</sup>Town and Country Planning Act 1990 (meaning of statutory undertakers) shall be amended as follows.
- (2) In subsection (3) for “and the Civil Aviation Authority” substitute “, the Civil Aviation Authority and a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services) ”.
- (3) In subsection (5)(b) for “and the Civil Aviation Authority” substitute “, the Civil Aviation Authority and a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services) ”.
- (4) After subsection (5) insert—
- “(5A) For the purposes of this Act—
- (a) a person who holds a licence under Chapter I of Part I of the Transport Act 2000 shall not be considered to be a statutory undertaker unless the person is carrying out activities authorised by the licence;
- (b) the person’s undertaking shall not be considered to be a statutory undertaking except to the extent that it is the person’s undertaking as licence holder.”

**Marginal Citations**

**M30** 1990 c. 8.

- 7 In section 263 of the <sup>M31</sup>Town and Country Planning Act 1990 (meaning of operational land) after subsection (2) insert—
- “(2A) Subsection (1) does not apply in relation to a person who holds a licence under Chapter I of Part I of the Transport Act 2000.
- (2B) Subject to section 264, in this Act “operational land” means, in relation to a person who holds a licence under Chapter I of Part I of the Transport Act 2000, land—
- (a) which is used by the licence holder, or by a company associated with it, for the purpose of carrying out activities authorised by the licence, or
- (b) in which the licence holder, or a company associated with it, holds an interest for that purpose.
- (2C) If for the purposes of this Act a question arises whether land is operational land in relation to a person who holds a licence under Chapter I of Part I of the Transport Act 2000 the question must be decided by the Secretary of State.”

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**Marginal Citations**

**M31** 1990 c. 8.

- 8 In section 91(3) of the <sup>M32</sup>Planning (Listed Buildings and Conservation Areas) Act 1990 (meaning of statutory undertakers) in paragraph (b) after “the Civil Aviation Authority,” there shall be inserted “ a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (to the extent that the person is carrying out activities authorised by the licence), ”.

**Marginal Citations**

**M32** 1990 c. 9.

- 9 In section 39(6) of the <sup>M33</sup>Planning (Hazardous Substances) Act 1990 (persons deemed to be statutory undertakers) after “the Civil Aviation Authority” there shall be inserted “ , a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (to the extent that the person is carrying out activities authorised by the licence) ”.

**Marginal Citations**

**M33** 1990 c. 10.

- 10 (1) Section 214 of the <sup>M34</sup>Town and Country Planning (Scotland) Act 1997 (meaning of statutory undertakers) shall be amended as follows.
- (2) In subsection (3) for “and the Civil Aviation Authority” substitute “ , the Civil Aviation Authority and a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services) ”.
- (3) In subsection (5)(b) for “and the Civil Aviation Authority” substitute “ , the Civil Aviation Authority and a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services) ”.
- (4) After subsection (5) insert—
- “(5A) For the purposes of this Act—
- (a) a person who holds a licence under Chapter I of Part I of the Transport Act 2000 shall not be considered to be a statutory undertaker unless the person is carrying out activities authorised by the licence;
- (b) the person’s undertaking shall not be considered to be a statutory undertaking except to the extent that it is the person’s undertaking as licence holder.”

**Marginal Citations**

**M34** 1997 c. 8.

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- 11 In section 215 of the <sup>M35</sup>Town and Country Planning (Scotland) Act 1997 (meaning of operational land) after subsection (2) insert—
- “(2A) Subsection (1) does not apply in relation to a person who holds a licence under Chapter I of Part I of the Transport Act 2000.
- (2B) Subject to section 216, in this Act “operational land” means, in relation to a person who holds a licence under Chapter I of Part I of the Transport Act 2000, land—
- (a) which is used by the licence holder, or by a company associated with it, for the purpose of carrying out activities authorised by the licence, or
  - (b) in which the licence holder, or a company associated with it, holds an interest for that purpose.
- (2C) If for the purposes of this Act a question arises whether land is operational land in relation to a person who holds a licence under Chapter I of Part I of the Transport Act 2000 the question must be decided by the Secretary of State.”

**Marginal Citations**

**M35** 1997 c. 8.

- 12 In section 81(3) of the <sup>M36</sup>Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (meaning of statutory undertakers) in paragraph (b) after “the Civil Aviation Authority,” there shall be inserted “ a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (to the extent that the person is carrying out activities authorised by the licence), ”.

**Marginal Citations**

**M36** 1997 c. 9.

- 13 In section 38(5) of the <sup>M37</sup>Planning (Hazardous Substances) (Scotland) Act 1997 (persons deemed to be statutory undertakers) after “the Civil Aviation Authority” there shall be inserted “ , a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (to the extent that the person is carrying out activities authorised by the licence) ”.

**Marginal Citations**

**M37** 1997 c. 10.

*Water and drainage*

- 14 In Schedule 13 to the <sup>M38</sup>Water Industry Act 1991 (protection of undertakings) in paragraph 1(5) after paragraph (j) there shall be inserted—
- “(k) the undertaking of a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services) to the extent that it is the person’s undertaking as licence holder.”

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**Marginal Citations**

**M38** 1991 c. 56.

- 15 In Schedule 22 to the <sup>M39</sup>Water Resources Act 1991 (protection of undertakings) in paragraph 1(4) after paragraph (j) there shall be inserted—
- “(k) the undertaking of a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services) to the extent that it is the person’s undertaking as licence holder.”

**Marginal Citations**

**M39** 1991 c. 57.

- 16 In Schedule 6 to the <sup>M40</sup>Land Drainage Act 1991 (protection of undertakings) in paragraph 1(1) after paragraph (j) there shall be inserted—
- “(k) the undertaking of a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services) to the extent that it is the person’s undertaking as licence holder.”

**Marginal Citations**

**M40** 1991 c. 59.

*Development*

- <sup>F3</sup>17 .....

**Textual Amendments**

**F3** Sch. 5 para. 17 repealed (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), Sch. 16; S.I. 2008/3068, art. 5, Sch. (with arts. 6-13)

- 18 In section 19 of the <sup>M41</sup>Regional Development Agencies Act 1998 (vesting of undertakers’ land by order etc) in the entry relating to statutory undertakers in subsection (10) after paragraph (c) there shall be inserted—
- “(ca) a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services) to the extent that the person is carrying out activities authorised by the licence,”.

**Marginal Citations**

**M41** 1998 c. 45.

*Coal mining subsidence*

- 19 In section 52(1) of the <sup>M42</sup>Coal Mining Subsidence Act 1991 (interpretation) in paragraph (b) of the entry relating to statutory undertakers after “the Civil Aviation



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Authority” there shall be inserted “, any person who holds a licence under Chapter I of Part I of the Transport Act 2000 (to the extent that the person is carrying out activities authorised by the licence) ”.

#### Marginal Citations

M42 1991 c. 45.

## SCHEDULE 6

Section 63.

### TRANSFER SCHEMES

#### *Allocation*

- 1 (1) Paragraphs 2 and 3 apply if the following two conditions are satisfied.
  - (2) The first condition is that—
    - (a) provision is made by a transfer scheme for the transfer to a transferee of a specified part of a transferor’s undertaking, or
    - (b) provision is made by a transfer scheme (or transfer schemes) for the transfer to different transferees of different specified parts of a transferor’s undertaking.
  - (3) The second condition is that any property, right or liability falls partly in one part of the undertaking and partly in another or others; and the parts of the undertaking are—
    - (a) the part (or each part) transferred, and
    - (b) if a part is retained by the transferor, that part.
  - (4) In paragraphs 2 and 3 references to the parties are to—
    - (a) the transferee or transferees concerned, and
    - (b) the transferor (if he retains part of the undertaking).
  - (5) Paragraphs 2 and 3 do not apply to rights or liabilities under a contract of employment.

#### Commencement Information

I38 Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 2 (1) If the nature of the property, right or liability permits, it must be apportioned in appropriate proportions between the parties; and each appropriate part must be taken to have been transferred to a transferee or retained by the transferor.
  - (2) If an estate or interest in land is to be apportioned under sub-paragraph (1)—
    - (a) any rent payable under a lease in respect of the estate or interest, and
    - (b) any rent charged on the estate or interest,must be apportioned so that an appropriate part of the rent is payable in respect of (or charged on) the appropriate part of the estate or interest.

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- (3) Sub-paragraph (2) applies, with any necessary modifications, in relation to any feuduty payable in respect of an estate or interest in land in Scotland as it applies in relation to any rent charged on an estate or interest in land.

**Commencement Information**

**I39** Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 3 (1) If the nature of the property, right or liability does not permit it to be apportioned as mentioned in paragraph 2(1), it must be taken to have been transferred to a transferee or retained by the transferor in accordance with the tests in sub-paragraphs (2) and (3).
- (2) In the case of an estate or interest in land the test is—
- (a) which one of the parties has the greater (or greatest) need of the estate or interest for business purposes, or
  - (b) if it is not possible to say that one of them has the greater (or greatest) need, which one of them is likely to make more (or the most) use of the land.
- (3) In the case of any other property or any right or liability, the test is which one of the parties is likely—
- (a) to make more (or the most) use of the property, or
  - (b) to be more (or the most) affected by the right or liability.
- (4) The tests in sub-paragraphs (2) and (3) must be applied at—
- (a) the time when the transfer scheme comes into force (or schemes come into force), or
  - (b) if there are two or more schemes and they come into force at different times, the later or latest of the times.
- (5) The preceding provisions of this paragraph apply subject to any arrangements made by the parties as to the protection of the interests of any of them.

**Commencement Information**

**I40** Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

*Identification*

- 4 (1) Paragraphs 5 to 7 apply if—
- (a) provision is made by a transfer scheme for the transfer to a transferee of a specified part of a transferor's undertaking, or
  - (b) provision is made by a transfer scheme (or transfer schemes) for the transfer to different transferees of different specified parts of a transferor's undertaking.
- (2) It is immaterial whether or not the second condition set out in paragraph 1 is satisfied.
- (3) In paragraphs 5 to 7 references to the parties are to—

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- (a) the transferee or transferees concerned, and
- (b) the transferor (if he retains part of the undertaking).

(4) Paragraphs 5 to 7 do not apply to rights or liabilities under a contract of employment.

#### Commencement Information

**I41** Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 5
- (1) The parties must, so far as practicable, make any written agreement necessary or expedient to identify what is to be taken to have been transferred to whom and what (if anything) is to be taken to have been retained.
  - (2) The duty under sub-paragraph (1) has effect before as well as after the coming into force of any transfer scheme concerned.

#### Commencement Information

**I42** Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 6
- (1) If the Secretary of State thinks it is unlikely that agreement will be reached on a matter where agreement is required under paragraph 5 he may serve a notice on the parties.
  - (2) A notice may be served—
    - (a) whether or not representations are made by a party;
    - (b) before or after the coming into force of any transfer scheme concerned.
  - (3) A notice may specify the terms of the agreement which the Secretary of State thinks the parties should have made under paragraph 5 in relation to the matter concerned.
  - (4) If a notice is served under this paragraph the parties are to be treated as having made an agreement in the terms specified.

#### Commencement Information

**I43** Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 7
- (1) This paragraph applies if—
    - (a) an agreement made under paragraph 5, or
    - (b) an agreement treated as made by paragraph 6,contains provision to the effect that any property, right or liability is to be taken to have been transferred to a transferee.
  - (2) The property, right or liability is to be treated as having been transferred to the transferee by the scheme concerned (or, if there are two or more schemes, such of them as the agreement specifies).

*Status: Point in time view as at 01/04/2009.*

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#### Commencement Information

**I44** Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

#### *Discharge of functions*

- 8 (1) Paragraphs 9 and 10 apply if—
- (a) provision is made by a transfer scheme for the transfer to a transferee of a specified part of a transferor's undertaking, or
  - (b) provision is made by a transfer scheme (or transfer schemes) for the transfer to different transferees of different specified parts of a transferor's undertaking.
- (2) It is immaterial whether or not the second condition set out in paragraph 1 is satisfied.
- (3) In paragraphs 9 and 10 references to the parties are to—
- (a) the transferee or transferees concerned, and
  - (b) the transferor (if he retains part of the undertaking).
- (4) Paragraphs 9 and 10 do not apply to rights or liabilities under a contract of employment.
- (5) Sub-paragraph (6) applies if at the time a transfer scheme comes into force a transferor or transferee under the scheme is—
- (a) a company which is wholly owned by the Crown;
  - (b) a company which is wholly owned by the CAA;
  - (c) a company which is a wholly owned subsidiary of a company falling within paragraph (a) or (b).
- (6) Paragraphs 9 and 10 cease to apply in relation to the scheme concerned at the time when the transferor or any one of the transferees under the scheme ceases to be a company which falls within any of paragraphs (a) to (c) of sub-paragraph (5).

#### Commencement Information

**I45** Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 9 (1) The parties must, so far as practicable, make any written agreement and execute any other instrument necessary or expedient to—
- (a) give to any party (as against another or others) any rights and safeguards needed for carrying out the party's functions;
  - (b) modify the division of the transferor's undertaking in order to help the parties in carrying out their functions.
- (2) An agreement or instrument under sub-paragraph (1) may provide—
- (a) for the granting of leases and for the creation of other rights and liabilities over land (whether or not amounting in law to interests in land and whether or not involving the surrender of any existing interest or the creation of a new interest);

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- (b) for the granting of indemnities in connection with the severance of leases and other matters;
  - (c) for responsibility for registration of any matter in any statutory register.
- (3) The duty under sub-paragraph (1) has effect before as well as after the coming into force of any transfer scheme concerned.

#### Commencement Information

**I46** Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 10 (1) If the Secretary of State thinks it is unlikely that agreement will be reached on a matter where agreement is required under paragraph 9 he may serve a notice on the parties.
- (2) A notice may be served—
- (a) whether or not representations are made by a party;
  - (b) before or after the coming into force of any transfer scheme concerned.
- (3) A notice may specify the terms of the agreement which the Secretary of State thinks the parties should have made under paragraph 9 in relation to the matter concerned.
- (4) If a notice is served under this paragraph the parties are to be treated as having made an agreement in the terms specified.

#### Commencement Information

**I47** Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

#### *Transfers by agreement*

- 11 (1) If a transfer scheme provides for property, rights or liabilities to be transferred from a transferor to a transferee, they may agree that such of the property, rights or liabilities as are specified in the agreement are to be transferred from the transferee to the transferor.
- (2) If one or more transfer schemes provide for different property, rights or liabilities to be transferred to different transferees, any transferee may agree with another that such of the property, rights or liabilities as are specified in the agreement are to be transferred from one to the other.
- (3) This paragraph does not apply to rights or liabilities under a contract of employment.
- (4) An agreement under this paragraph—
- (a) must be in writing;
  - (b) must be made before the end of the required period;
  - (c) must be made with the Secretary of State's approval.
- (5) The required period is the period of 12 months starting with—
- (a) the day on which the transfer scheme comes into force (or schemes come into force), or

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- (b) if there are two or more schemes and they come into force on different days, the later or latest of the days.
- (6) An agreement under this paragraph may provide for a transfer to take effect on a date specified in or determined in accordance with the agreement; but the agreement may provide that a transfer is not to take effect unless the circumstances are such as the agreement specifies.
- (7) When a transfer agreed under this paragraph takes effect the agreement has effect to transfer (in accordance with its provisions) the property, rights or liabilities concerned, subject to any enactment which provides for transactions to be registered in a statutory register.

#### Commencement Information

**I48** Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

#### *Documents of title*

- 12 (1) This paragraph applies if on a transfer under a transfer scheme a transferor is entitled to retain possession of any document relating in part to the title to, or to the management of, any land or other property transferred to a transferee.
- (2) If the land or other property is situated in England and Wales—
- (a) the transferor is to be treated as having given the transferee an acknowledgement in writing of the transferee’s right to production of the document and to delivery of copies of it, and
  - (b) section 64 of the <sup>M43</sup>Law of Property Act 1925 (production and safe custody of documents) is to apply to the acknowledgement and is to apply on the basis that the acknowledgement does not contain an expression of contrary intention.
- (3) If the land or other property is situated in Scotland, subsections (1) and (2) of section 16 of the <sup>M44</sup>Land Registration (Scotland) Act 1979 (omission of certain clauses in deeds) is to have effect in relation to the transfer as if the transfer had been effected by deed and as if from each of those subsections the words “unless specially qualified” were omitted.
- (4) If the land or other property is situated in Northern Ireland—
- (a) the transferor is to be treated as having given the transferee an acknowledgement in writing of the transferee’s right to production of the document and to delivery of copies of it, and
  - (b) section 9 of the <sup>M45</sup>Conveyancing Act 1881 (which corresponds to section 64 of the <sup>M46</sup>Law of Property Act 1925) is to apply to the acknowledgement and is to apply on the basis that the acknowledgement does not contain an expression of contrary intention.

#### Commencement Information

**I49** Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

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#### **Marginal Citations**

- M43** 1925 c. 20.
- M44** 1979 c. 33.
- M45** 1881 c. 41.
- M46** 1925 c. 20.

#### *Foreign property, rights and liabilities*

- 13 (1) This paragraph applies if a transfer scheme provides for the transfer of foreign property, rights or liabilities from a transferor to a transferee.
- (2) The transferor and the transferee must take such steps as may be necessary to secure that the vesting of the property, rights or liabilities in the transferee is effective under the relevant foreign law; and the transferor must take the steps at such times as the transferee may specify in directions given to the transferor.
- (3) Until the vesting of the property, rights or liabilities in the transferee is effective under the relevant foreign law, the transferor must—
- (a) hold the property or rights for the transferee’s benefit, or
  - (b) discharge the liabilities on the transferee’s behalf.
- (4) The transferor is to have all powers necessary for the performance of his duty under sub-paragraph (2), but the transferee must act on the transferor’s behalf (so far as possible) in the performance of that duty.
- (5) Nothing in sub-paragraphs (2) to (4) affects the law of the United Kingdom (or of any part of the United Kingdom) as it applies to the vesting of the property, rights or liabilities in the transferee by virtue of the transfer scheme.
- (6) References in this paragraph to foreign property, rights or liabilities are references to property, rights or liabilities as respects which any issue arising in any proceedings would be determined (in accordance with the rules of private international law) by reference to the law of a country or territory outside the United Kingdom.
- (7) The transferee must meet any expenses incurred by the transferor in consequence of this paragraph.
- (8) Duties imposed on the transferor or the transferee by this paragraph are enforceable in the same way as if they were imposed by a contract between them.

#### **Commencement Information**

- I50** Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

#### *Certificates*

- 14 (1) This paragraph applies if—
- (a) a transfer scheme provides for the transfer of property, rights or liabilities from a transferor to a transferee, and
  - (b) a certificate falling within sub-paragraph (2) is made jointly by or on behalf of the parties.

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- (2) A certificate falls within this sub-paragraph if it certifies that any specified property, right or liability—
  - (a) was intended to be, and was, vested in the transferee by virtue of the transfer, and
  - (b) has not been the subject of an agreement under paragraph 11.
- (3) The certificate is to be conclusive evidence for all purposes of the facts it certifies.
- (4) The reference in sub-paragraph (2) to property includes a reference to an interest in or right over property.
- (5) Sub-paragraph (6) applies if—
  - (a) one of the parties requests the other to join in the preparation of a certificate, and
  - (b) they fail to agree the terms of a certificate within the period of one month starting with the day of the request.
- (6) The parties must—
  - (a) refer the matter to the Secretary of State, and
  - (b) issue a certificate in such terms as may be specified in a direction given by him.
- (7) The parties are the transferor and the transferee.

#### **Commencement Information**

**I51** [Sch. 6 paras. 1-25](#) wholly in force at 1.2.2001, see [s. 275\(1\)](#) and [S.I. 2001/57](#), [art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

#### *Restrictions on dealing with land*

- 15 (1) For the purposes of this paragraph a person is a party if—
  - (a) he is the transferor (or one of the transferors) under a transfer scheme and holds an interest in land immediately after the scheme comes into force, or
  - (b) he is the transferee (or one of the transferees) under the scheme and an interest in land is transferred to him under the scheme.
- (2) For the purposes of this paragraph the relevant land is any land in which any party has an interest immediately after the scheme comes into force.
- (3) On the representation of any of the parties the Secretary of State may give to the parties a direction stating that sub-paragraph (4) is to apply to such of the relevant land as the direction specifies.
- (4) While the direction remains in force—
  - (a) no party may dispose of an interest in any of the specified land unless the Secretary of State consents;
  - (b) if a party proposes to dispose of such an interest and the Secretary of State thinks it necessary or expedient to exercise any of the powers set out in sub-paragraph (5) for the protection of any other party, the Secretary of State may exercise any of those powers.
- (5) The powers are—



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- (a) power to consent to the proposed disposal subject to compliance with such conditions as the Secretary of State may see fit to impose;
  - (b) power to require a party to dispose of an interest in any of the specified land to such person and in such manner as may be specified in the requirement;
  - (c) power to require a party to acquire another party's interest in any of the specified land.
- (6) In sub-paragraph (5)(b) and (c) references to an interest include (but are not limited to) references to the interest whose disposal is proposed.
- (7) A person who is not a party and who is dealing with a party (or with a person claiming under a party) in relation to land is not to be concerned to see or enquire—
- (a) whether this paragraph applies (or has applied) in relation to any of the land;
  - (b) whether a direction under this paragraph has been given in relation to any of the land;
  - (c) whether this paragraph or any condition imposed or requirement made under it has been complied with in connection with the dealing or any other dealing concerning any of the land.
- (8) No transaction between a person who is not a party (on the one hand) and a party or a person claiming under a party (on the other) is to be invalid by reason of any failure to comply with this paragraph or any condition imposed or requirement made under it.

#### **Commencement Information**

**I52** Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

#### *Construction of agreements etc*

- 16 (1) This paragraph applies if—
- (a) a transfer scheme provides for the transfer of property, rights or liabilities from a transferor to a transferee, and
  - (b) immediately before the coming into force of the scheme the transferor was entitled or subject to the property, rights or liabilities under an agreement to which he was then a party.
- (2) This paragraph applies—
- (a) whether or not the agreement is in writing;
  - (b) whether or not the transferor could assign the property, rights or liabilities.
- (3) So far as the agreement relates to the property, rights or liabilities transferred to the transferee, as respects anything falling to be done after the coming into force of the scheme the agreement is to have effect as if—
- (a) the transferee had been a party to it instead of the transferor;
  - (b) a reference to the transferor were a reference to the transferee;
  - (c) a reference to a person employed by (or engaged in the business of) the transferor and holding a specified office or serving in a specified capacity were a reference to such a person as the transferee may appoint or, in default of appointment, to a person with corresponding functions who is employed by (or engaged in the business of) the transferee;

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- (d) a reference in general terms to persons employed by, persons engaged in the business of, or agents of, the transferor were a reference to persons employed by, persons engaged in the business of, or agents of, the transferee.
- (4) A reference mentioned in sub-paragraph (3)(b) or (c) may be express or implied; and if express it is immaterial how it is worded.
- (5) It is immaterial how a reference mentioned in sub-paragraph (3)(d) is worded.

#### Commencement Information

**I53** Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 17 (1) This paragraph applies if—
- (a) a transfer scheme provides for the transfer of property, rights or liabilities from a transferor to a transferee, and
  - (b) immediately before the coming into force of the scheme any provision of an agreement to which the transferor was not a party, any statutory provision or any provisions of a document (other than an agreement) related to the property, rights or liabilities transferred to the transferee.
- (2) This paragraph applies—
- (a) whether or not the agreement mentioned in sub-paragraph (1)(b) is in writing;
  - (b) whether or not the transferor could assign the property, rights or liabilities.
- (3) So far as the agreement, provision or document relates to the property, rights or liabilities transferred to the transferee, as respects anything falling to be done after the coming into force of the scheme the agreement, provision or document is to have effect as if—
- (a) a reference to the transferor were a reference to the transferee;
  - (b) a reference to a person employed by (or engaged in the business of) the transferor and holding a specified office or serving in a specified capacity were a reference to such a person as the transferee may appoint or, in default of appointment, to a person with corresponding functions who is employed by (or engaged in the business of) the transferee;
  - (c) a reference in general terms to persons employed by, persons engaged in the business of, or agents of, the transferor were a reference to persons employed by, persons engaged in the business of, or agents of, the transferee.
- (4) A reference mentioned in sub-paragraph (3)(a) or (b) may be express or implied; and if express it is immaterial how it is worded.
  - (5) It is immaterial how a reference mentioned in sub-paragraph (3)(c) is worded.
  - (6) A reference mentioned in sub-paragraph (3) to the transferor may be a general reference to a class of persons of which the transferor is one (without the transferor being named).
  - (7) For the purposes of this paragraph a statutory provision is a provision contained in an Act or in a document made or issued under an Act; and here “Act” includes a private or local Act.

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#### Commencement Information

**I54** Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

#### *Proceedings etc*

- 18 (1) This paragraph applies if a transfer scheme provides for a transfer from a transferor to a transferee.
- (2) From the coming into force of the scheme the transferee is to have the same rights, powers and remedies for ascertaining, perfecting or enforcing a right or liability transferred to him under the scheme as he would have had if the right or liability had at all times been a right or liability of his.
- (3) From the coming into force of the scheme any person (other than the transferee) is to have the same rights, powers and remedies for ascertaining, perfecting or enforcing a right or liability transferred to the transferee under the scheme as he would have had if the right or liability had at all times been a right or liability of the transferee.
- (4) The rights and powers which the transferee or any other person is to have include—
- (a) rights and powers as to the taking or resisting of legal proceedings;
  - (b) rights and powers as to the making or resisting of applications to an authority.
- (5) Sub-paragraph (6) applies if on the coming into force of the scheme legal proceedings or applications to an authority by or against the transferor are pending.
- (6) The proceedings or applications must be continued by or against the transferee (to the transferor's exclusion) in so far as they relate—
- (a) to any property, rights or liabilities transferred to the transferee under the scheme, or
  - (b) to any agreement or enactment relating to any such property, rights or liabilities.

#### Commencement Information

**I55** Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

#### *Third parties*

- 19 (1) This paragraph applies if—
- (a) an agreement is made by the parties under paragraph 5 or 9 or treated as made under paragraph 6 or 10, or
  - (b) an instrument is executed by the parties under paragraph 9.
- (2) The agreement or instrument is to bind all other persons even if it would (apart from this sub-paragraph) have required the consent or concurrence of any other person.
- (3) If as a result of the agreement or instrument the rights or liabilities of a person who is not a party become enforceable as to part against or by one party and as to part against or by another party—

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- (a) the parties must notify that person of the agreement or instrument;
  - (b) that person may within the period of 28 days (starting with the day he is notified) apply to the Secretary of State to give a direction to vary the agreement or instrument.
- (4) If the Secretary of State is satisfied that the agreement or instrument operated unfairly against that person, the Secretary of State may give a direction to the parties requiring them to vary the agreement or instrument in a way specified in the direction.

#### Commencement Information

**I56** Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 20 (1) For the purposes of this paragraph—
- (a) a party is a person who is a transferor or a transferee under the transfer scheme or schemes referred to in this paragraph;
  - (b) a third party is a person who is not a transferor or a transferee under the transfer scheme or schemes referred to in this paragraph.
- (2) This paragraph applies if—
- (a) a transfer scheme is made or transfer schemes are made,
  - (b) rights or liabilities of a third party are (apart from the scheme or schemes) enforceable against or by a transferor,
  - (c) in consequence of the scheme or schemes or of anything done under this Schedule the third party's rights or liabilities become enforceable as to different parts against or by different parties, and
  - (d) the value of any property or interest of the third party is diminished as a result.
- (3) Just compensation must be paid to the third party by one or more of these persons—
- (a) the parties against or by whom the third party's rights or liabilities become enforceable;
  - (b) the transferor concerned (if he does not fall within paragraph (a)).
- (4) If it appears to the transferor that a person is or may be entitled to compensation the transferor must—
- (a) notify the person that he is or may be entitled, and
  - (b) invite him to make representations to the transferor within the period of 14 days starting with the date the notification is made.
- (5) But if the transferor does not know the person's name and address he must instead publish (in a manner he thinks is appropriate) a notice which—
- (a) contains information about the property or interest affected, and
  - (b) invites any person who thinks he is or may be entitled to compensation to make representations to the transferor within the period specified in the notice (which must not be less than 28 days starting with the date of publication of the notice).
- (6) A dispute about whether (or how much) compensation is payable under this paragraph, or about who must pay or be paid it, must be referred to and determined by—

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- (a) an arbitrator appointed by the President of the Royal Institution of Chartered Surveyors (if the proceedings are to be held in England and Wales),
- (b) an arbiter appointed by the Chairman of the Royal Institution of Chartered Surveyors in Scotland (if the proceedings are to be held in Scotland), or
- (c) an arbitrator appointed by the [<sup>F4</sup>Chairman of the Royal Institution of Chartered Surveyors in Northern Ireland] (if the proceedings are to be held in Northern Ireland).

#### Textual Amendments

**F4** Words in [Sch. 6 para. 20\(6\)\(c\)](#) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 4 para. 297\(2\)](#); [S.I. 2006/1014, art. 2\(a\)](#), [Sch. 1 para. 11\(x\)](#)

#### Commencement Information

**I57** [Sch. 6 paras. 1-25](#) wholly in force at 1.2.2001, see [s. 275\(1\)](#) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

- 21 (1) For the purposes of this paragraph—
- (a) a third party is a person who is not a transferor or a transferee under the transfer scheme or schemes referred to in this paragraph;
  - (b) a transferred item is any property, right, liability, undertaking or part of an undertaking which is the subject of a transfer (or transfers) under the transfer scheme or schemes referred to in this paragraph.
- (2) This paragraph applies if a transfer scheme is made (or transfer schemes are made) and there are court proceedings the parties to which are (or include) a third party and either—
- (a) the transferor of a transferred item, or
  - (b) any transferee or transferees of the item.
- (3) The third party may apply to the court at any stage in the proceedings on any of these grounds—
- (a) that the issues in the proceedings depend on the identification, with regard to the transferred item, of what has been transferred to whom and what (if anything) has been retained and that the identification has not yet been made;
  - (b) that the issues in the proceedings raise a question of construction on the provisions of this Chapter which would not arise if the transferor of the transferred item and the transferee (or transferees) of it constituted a single person.
- (4) If it appears to the court that such a ground is established it may hear and determine the proceedings on the first and second bases set out below.
- (5) If the transferor of the transferred item is a party to the proceedings, the first basis is that the transferor represents and is answerable for the transferee (or transferees) of the item.
- (6) If there is one transferee of the transferred item and he is a party to the proceedings, the first basis is that the transferee represents and is answerable for the transferor of the item.

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- (7) If there are two or more transferees of the transferred item and they are parties to the proceedings, the first basis is that the transferees represent and are answerable for the transferor of the item.
- (8) If there are two or more transferees of the transferred item and one or more of them (but not both or all of them) are parties to the proceedings, the first basis is that—
- (a) the transferee who is a party represents and is answerable for the transferor of the item and for the transferee of it who is not (or the transferees of it who are not) parties, or
  - (b) the transferees who are parties represent and are answerable for the transferor of the item and for the transferee of it who is not (or the transferees of it who are not) parties.
- (9) The second basis is that the transferor of the transferred item and the transferee (or transferees) of it constitute a single person.
- (10) If the court determines the proceedings on the first and second bases any judgment or order of the court is to bind both the transferor and the transferee (or transferees) of the transferred item.

#### Commencement Information

**I58** Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 22 (1) For the purposes of this paragraph a relevant person is a person who satisfies these conditions—
- (a) he is a transferor or transferee under a transfer scheme or transfer schemes, and
  - (b) he might be prejudiced by paragraph 21 if there were court proceedings in which the scheme or schemes were an issue.
- (2) A relevant person must keep each other relevant person informed of any court proceedings in which the scheme or schemes may become an issue.

#### Commencement Information

**I59** Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 23 (1) This paragraph applies if a person falling within sub-paragraph (3) (the claimant) claims that—
- (a) he has been prejudiced by paragraph 21,
  - (b) another person or other persons falling within sub-paragraph (3) ought to indemnify him, and
  - (c) there has been an unreasonable failure by the person (or any of the persons) to indemnify him.
- (2) The claimant may refer the matter to the Secretary of State for determination by him; and a determination must be complied with.

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- (3) A person falls within this sub-paragraph if he is a transferor or a transferee under the scheme or schemes concerned.

**Commencement Information**

**I60** Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

*General*

- 24 Paragraphs 11 to 18 and 20 apply whether or not property, rights or liabilities are (or are to be) transferred under the scheme or schemes as a constituent of an undertaking (or part of one).

**Commencement Information**

**I61** Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 25 (1) Paragraphs 12 to 18 and 20 to 24 have effect as if references to a transfer scheme or schemes included references to—
- (a) an agreement or agreements under paragraph 9 or 11;
  - (b) an instrument or instruments under paragraph 9;
  - (c) an agreement or agreements treated as made under paragraph 10.
- (2) Where paragraph 14 has effect in relation to an agreement under paragraph 11 by virtue of sub-paragraph (1), sub-paragraph (2)(b) of paragraph 14 shall be disregarded.
- (3) Paragraph 19 has effect in relation to an agreement under paragraph 11 as it has effect in relation to an agreement made under paragraph 5 or 9.
- (4) Where paragraphs 12 to 24 have effect in relation to—
- (a) an agreement under paragraph 9 or 11,
  - (b) an instrument under paragraph 9, or
  - (c) an agreement treated as made under paragraph 10,
- references to a transferor or a transferee have effect as references to a transferor or a transferee under the agreement or the instrument.

**Commencement Information**

**I62** Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Transport Act 2000 is up to date with all changes known to be in force on or before 23 June 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)*

## SCHEDULE 7

Section 64.

### TRANSFER SCHEMES: TAX

#### *Interpretation*

- 1 In this Schedule—
- “the 1988 Act” means the <sup>M47</sup>Income and Corporation Taxes Act 1988;
  - “the 1990 Act” means the <sup>M48</sup>Capital Allowances Act 1990;
  - “the 1992 Act” means the <sup>M49</sup>Taxation of Chargeable Gains Act 1992;
  - “relevant transfer” means a transfer of property, rights or liabilities under a transfer scheme;
  - “transferee” in relation to a relevant transfer means the person to whom the property, rights or liabilities are transferred;
  - “transferor” in relation to a relevant transfer means the person from whom the property, rights or liabilities are transferred.

#### **Commencement Information**

**I63** Sch. 7 paras. 1-20 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

#### **Marginal Citations**

**M47** 1988 c. 1.

**M48** 1990 c. 1.

**M49** 1992 c. 12.

#### *Chargeable gains: general*

- 2 (1) For the purposes of the 1992 Act a disposal constituted by a relevant transfer is to be taken (in relation to the transferee as well as the transferor) to be for a consideration such that no gain or loss accrues to the transferor.
- (2) Sub-paragraph (1) has effect subject to the following provisions of this Schedule.
- <sup>F5</sup>(3) .....
- (4) Section 171(1) of the 1992 Act (provision in relation to disposal of assets from one member of a group of companies to another member of the group) does not apply if the disposal in question is constituted by a relevant transfer.
- (5) Expressions used in this paragraph and in the 1992 Act have the same meanings in this paragraph as in that Act.

#### **Textual Amendments**

**F5** Sch. 7 para. 2(3) omitted (with effect in accordance with Sch. 2 para. 71 of the amending Act) by virtue of Finance Act 2008 (c. 9), Sch. 2 para. 70(e)(i)



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#### Commencement Information

**I64** Sch. 7 paras. 1-20 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

#### *Chargeable gains: securities*

- 3
- (1) This paragraph applies if—
    - (a) assets are transferred to a company under a transfer scheme,
    - (b) in consequence the Secretary of State gives a direction under section 49 above, and
    - (c) the company issues securities in accordance with the direction.
  - (2) For the purposes of the 1992 Act the person to whom the securities are issued is to be treated as acquiring them for a consideration—
    - (a) provided by him wholly and exclusively for the securities, and
    - (b) equal to the market value of the assets transferred to the company under the scheme.
  - (3) This paragraph applies whether or not the person to whom the securities are issued is the person transferring the assets under the scheme.
  - (4) Expressions used in this paragraph and in the 1992 Act have the same meanings in this paragraph as in that Act.

#### Commencement Information

**I65** [Sch. 7 paras. 1-20](#) wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

- 4
- (1) This paragraph applies if—
    - (a) the Secretary of State gives a direction under section 57 above requiring the CAA to release a company from liability in respect of debts,
    - (b) in connection with the direction the Secretary of State gives a direction or directions under section 58 above, and
    - (c) securities are issued in accordance with the direction or directions under section 58.
  - (2) Sub-paragraph (3) applies if the direction under section 58 requires securities to be issued to one person only or the directions under that section (taken together) require securities to be issued to one person only; and sub-paragraph (4) applies in any other case.
  - (3) For the purposes of the 1992 Act the person to whom the securities are issued is to be treated as acquiring them for a consideration—
    - (a) provided by him wholly and exclusively for the securities, and
    - (b) equal to the amount of the liability affected by the release required by the direction under section 57.
  - (4) For the purposes of the 1992 Act a person to whom any of the securities are issued is to be treated as acquiring them for a consideration—
    - (a) provided by him wholly and exclusively for the securities, and

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- (b) equal to such part as is just and reasonable of the amount of the liability affected by the release required by the direction under section 57.
- (5) This paragraph applies whether or not the person to whom the securities are issued, or any person to whom any of the securities are issued, is a person transferring anything under the transfer scheme in connection with which the direction under section 57 is given.
- (6) Expressions used in this paragraph and in the 1992 Act have the same meanings in this paragraph as in that Act.

**Commencement Information**

**I66** Sch. 7 paras. 1-20 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

*Chargeable gains: value shifting*

- 5 Nothing in this Chapter and nothing done under it is to be regarded as a scheme or arrangement for the purposes of section 30 of the 1992 Act (tax-free benefits).

**Commencement Information**

**I67** Sch. 7 paras. 1-20 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

*Chargeable gains: roll-over relief*

- 6 (1) This paragraph applies if—
- (a) but for section 154 of the 1992 Act (depreciating assets) a held-over gain would have been carried forward to a depreciating asset,
  - (b) the asset is the subject of a relevant transfer, and
  - (c) the Secretary of State is not the transferee under the relevant transfer.
- (2) Section 154 is to have effect as if the gain had accrued to, and the claim for it to be held over had been made by, the transferee and as if the transferor's acquisition of the depreciating asset had been the transferee's acquisition of it.
- (3) Expressions used in this paragraph and in section 154 have the same meanings in this paragraph as in that section.

**Commencement Information**

**I68** Sch. 7 paras. 1-20 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

*Chargeable gains: restriction of losses*

- 7 (1) If there has been a relevant transfer of an asset section 174(1) of the 1992 Act (which applies section 41 to cases where assets have been acquired without gain or loss) is

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to have effect as if the asset had been transferred to the transferee, and acquired by him, in relevant circumstances.

- (2) This paragraph is not to prejudice paragraph 2.
- (3) Expressions used in this paragraph and in section 174(1) of the 1992 Act have the same meanings in this paragraph as in section 174(1).

#### **Commencement Information**

**I69** Sch. 7 paras. 1-20 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

#### *Chargeable gains: groups*

- 8 (1) Sub-paragraph (2) applies if a company (the degrouped company)—
  - (a) acquired an asset from another company at any time when both were members of the same group of companies (the old group),
  - (b) ceases by virtue of a relevant transfer to be a member of the old group, and
  - (c) becomes by virtue of the transfer a member of another group of companies (the new group).
- (2) Section 179 of the 1992 Act (company ceasing to be member of group) is not to treat the degrouped company as having by virtue of the transfer sold and immediately reacquired the asset.
- (3) Sub-paragraph (4) applies if—
  - (a) sub-paragraph (2) applies to an asset, and
  - (b) the degrouped company ceases to be a member of the new group.
- (4) On the company so ceasing section 179 of the 1992 Act is to have effect as if the degrouped company and the company from which it acquired the asset had been members of the new group at the time of acquisition.
- (5) But sub-paragraph (4) does not apply if—
  - (a) at the time when the degrouped company ceases to be a member of the new group the company from which it acquired the asset also ceases to be a member of the new group,
  - (b) the companies are associated companies immediately before and immediately after that time, and
  - (c) the companies were associated companies at the time of acquisition.
- (6) Expressions used in this paragraph and in section 179 of the 1992 Act have the same meanings in this paragraph as in that section.

#### **Commencement Information**

**I70** Sch. 7 paras. 1-20 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 9 (1) Sub-paragraph (3) applies if—

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- (a) a company (the degrouped company) ceases by virtue of a relevant transfer to be a member of a group of companies (the old group),
  - (b) it becomes by virtue of the transfer a member of another group of companies (the new group),
  - (c) it ceases to be a member of the new group, and
  - (d) the condition in sub-paragraph (2) is satisfied.
- (2) The condition is that—
- (a) the degrouped company acquired an asset under a relevant transfer at a time falling before it ceases to be a member of the new group, and
  - (b) at the time of acquisition the degrouped company and the transferor were not members of the new group.
- (3) On the degrouped company ceasing to be a member of the new group section 179 of the 1992 Act is to have effect as if the degrouped company and the transferor had been members of the new group at the time of acquisition.
- (4) But sub-paragraph (3) does not apply if—
- (a) at the time when the degrouped company ceases to be a member of the new group the transferor also ceases to be a member of the new group,
  - (b) the companies are associated companies immediately before and immediately after that time, and
  - (c) the companies were associated companies at the time of acquisition.
- (5) Paragraph 8(4) and sub-paragraph (3) above may apply on the same occasion; but if paragraph 8(4) applies to an asset on a given occasion sub-paragraph (3) above does not apply to that asset on that occasion.
- (6) Expressions used in this paragraph and in section 179 of the 1992 Act have the same meanings in this paragraph as in that section.

#### Commencement Information

**I71** Sch. 7 paras. 1-20 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 10 (1) Sub-paragraph (4) applies if—
- (a) a company ceases by virtue of a relevant transfer to be a member of a group of companies (the old group),
  - (b) it becomes by virtue of the transfer a member of another group of companies (the new group),
  - (c) a company falling within sub-paragraph (2) (the degrouped company) ceases to be a member of the new group, and
  - (d) the condition in sub-paragraph (3) is satisfied.
- (2) A company falls within this sub-paragraph if immediately before it ceases to be a member of the new group it is a subsidiary of—
- (a) the company referred to in sub-paragraph (1)(a), or
  - (b) the principal company of the new group (if that company differs from the company referred to in sub-paragraph (1)(a)).
- (3) The condition is that—

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- (a) the degrouped company acquired an asset under a relevant transfer at a time falling before it ceases to be a member of the new group, and
  - (b) at the time of acquisition the degrouped company and the transferor were not members of the new group.
- (4) On the degrouped company ceasing to be a member of the new group section 179 of the 1992 Act is to have effect as if the degrouped company and the transferor had been members of the new group at the time of acquisition.
- (5) But sub-paragraph (4) does not apply if—
- (a) at the time when the degrouped company ceases to be a member of the new group the transferor also ceases to be a member of the new group,
  - (b) the companies are associated companies immediately before and immediately after that time, and
  - (c) the companies were associated companies at the time of acquisition.
- (6) Expressions used in this paragraph and in section 179 of the 1992 Act have the same meanings in this paragraph as in that section.

#### **Commencement Information**

**I72** S. 1 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

#### *Capital allowances*

- 11 (1) This paragraph applies if—
- (a) property which is plant or machinery is the subject of a relevant transfer,
  - (b) section 343 of the 1988 Act (company reconstructions without a change of ownership) does not apply in relation to the transfer, and
  - (c) the transfer scheme concerned contains provision for the disposal value of the property to be taken for the purposes of the Capital Allowances Acts to be of an amount specified in or determined in accordance with the scheme.
- (2) For the purposes of the Capital Allowances Acts—
- (a) the provision mentioned in sub-paragraph (1)(c) is to have effect (instead of section 26(1) or 59 of the 1990 Act) for determining an amount as the disposal value of the property or the price at which a fixture is to be treated as sold;
  - (b) the transferee is to be taken to have incurred expenditure of that amount on the provision of the property;
  - (c) in the case of a fixture, the expenditure which falls to be treated as incurred by the transferee is to be taken for the purposes of section 54 of the 1990 Act to be incurred by the giving of a consideration consisting in a capital sum of that amount.
- (3) A provision mentioned in sub-paragraph (1)(c) for the determination of an amount may include provision—
- (a) for a determination to be made by the Secretary of State in a manner described in the scheme;

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- (b) for a determination to be made by reference to factors so described or to the opinion of a person so described;
  - (c) for a determination to be capable of being modified (on one or more occasions) in a manner and in circumstances so described.
- (4) The Treasury’s consent is required for the making or modification of a determination under a provision mentioned in sub-paragraph (1)(c).
- (5) The transferee’s consent is also required for such a modification after the relevant transfer takes effect.
- (6) If there is a determination or a modification of a determination under a provision mentioned in sub-paragraph (1)(c) all necessary adjustments—
- (a) must be made by making assessments or by repayment or discharge of tax, and
  - (b) must be made notwithstanding any limitation on the time within which assessments may be made.
- (7) In this paragraph “the Capital Allowances Acts” has the same meaning as in the Tax Acts and “fixture” has the same meaning as in Chapter VI of Part II of the 1990 Act.

**Commencement Information**

**I73** Sch. 7 paras. 1-20 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

*Transfers of trading stock*

- 12 (1) This paragraph applies if—
- (a) under a relevant transfer trading stock of the transferor is transferred to the transferee, and
  - (b) the stock falls, immediately after the time when the transfer takes effect, to be treated as trading stock of the transferee.
- (2) Sub-paragraphs (3) and (4) have effect in computing the profits or gains of the relevant trades for the purposes of the Corporation Tax Acts; and the relevant trades are—
- (a) the trade in relation to which the stock is trading stock immediately before the time when the transfer takes effect, and
  - (b) the trade in relation to which it is trading stock after that time.
- (3) The stock must be taken—
- (a) to have been disposed of by the transferor in the course of the trade carried on by the transferor,
  - (b) to have been acquired by the transferee in the course of the trade carried on by the transferee, and
  - (c) subject to that, to have been disposed of and acquired at the time when the transfer takes effect.
- (4) The stock must be valued for the purposes of each of the relevant trades as if the disposal and acquisition had been for a consideration which in relation to the transferor would have resulted in neither a profit nor a loss being brought into account

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in respect of the disposal in the accounting period of the transferor which ends with, or is current at, the time when the transfer takes effect.

- (5) In this paragraph “trading stock” has the same meaning as in [F6 section 163 of the Corporation Tax Act 2009].

#### Textual Amendments

- F6** Words in [Sch. 7 para. 12\(5\)](#) substituted (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), [Sch. 1 para. 472\(2\)](#) (with [Sch. 2 Pts. 1, 2](#))

#### Commencement Information

- I74** [Sch. 7 paras. 1-20](#) wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57](#), art. 3(1), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

#### *Trading losses: transfer of trade*

- 13 (1) This paragraph applies if a transfer scheme provides for a relevant transfer as a result of which the transferor ceases to carry on a trade and the transferee begins to carry it on.
- (2) A transferor treated as ceasing to carry on a trade for the purposes of section 343 of the 1988 Act (company reconstructions without a change of ownership) is to be so treated for the purposes of this paragraph.
- (3) A transferee treated as beginning to carry on a trade for the purposes of that section is to be so treated for the purposes of this paragraph.
- (4) Sub-paragraph (5) applies if the transfer will result in the transferee being entitled to relief for an amount in respect of the trade under section 393(1) of the 1988 Act (trading losses) by virtue of section 343(3).
- (5) In such a case the scheme may provide that the amount is to be treated as such amount (the replacement amount) as is specified in or determined in accordance with the scheme.
- (6) Sub-paragraph (7) applies if the trade concerned is in fact part of a trade of the transferor and the transferor is entitled to relief for an amount under section 393(1) in respect of the part retained.
- (7) In such a case the scheme may provide that the amount is to be treated as such amount (the replacement amount) as is specified in or determined in accordance with the scheme.
- (8) A provision under sub-paragraph (5) or (7) must be such that the replacement amount is not greater than the amount it replaces; and the replacement amount may be nil.
- (9) When the scheme comes into force a provision made under sub-paragraph (5) or (7) is to have effect for the purposes of arriving at the amount of relief concerned.

#### Commencement Information

- I75** [Sch. 7 paras. 1-20](#) wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57](#), art. 3(1), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

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*Trading losses: change in ownership*

- 14 (1) This paragraph applies if under a relevant transfer all the issued share capital of a company (the transferred company) is transferred from the CAA to—
- (a) the Secretary of State, or
  - (b) a company whose shares are all held by the Secretary of State when the transfer takes effect.
- (2) For the purposes of section 768 of the 1988 Act (disallowance of trading losses on change in company's ownership) the transfer is not to be taken to result in a change in the ownership of—
- (a) the transferred company, or
  - (b) a company which is a wholly owned subsidiary of the transferred company when the transfer takes effect.

**Commencement Information**

**I76** Sch. 7 paras. 1-20 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

*Leased assets*

- 15 (1) This paragraph applies for the purposes of section 781 of the 1988 Act (assets leased to traders and others) if the interest of the lessor or the lessee under a lease, or any other interest in an asset, is transferred to a person under a relevant transfer.
- (2) The transfer is to be treated as made without any capital sum having been obtained in respect of the interest by the transferor or the transferee; and this is so notwithstanding section 783(4) of that Act.

**Commencement Information**

**I77** Sch. 7 paras. 1-20 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

*Securities*

- 16 (1) This paragraph applies if securities are issued by a company in pursuance of a direction of the Secretary of State under section 49 or 58 above.
- (2) A share issued by the company is to be treated for the purposes of the Corporation Tax Acts as if it had been issued wholly in consideration of a subscription paid to the company of an amount equal to the nominal value of the share.
- (3) A debenture issued by the company is to be treated for the purposes of the Corporation Tax Acts as if it had been issued—
- (a) wholly in consideration of a loan made to the company of an amount equal to the principal sum payable under the debenture, and
  - (b) wholly and exclusively for the purposes of the trade carried on by the company.



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- (4) If a debenture issued by the company includes provision for the payment of a sum expressed as interest in respect of a period falling wholly or partly before the issue of the debenture, a payment made in pursuance of the provision in respect of the period is to be treated for the purposes of the Corporation Tax Acts as if the debenture had been issued at the commencement of the period and (accordingly) as interest on the principal sum payable under the debenture.
- (5) This paragraph has effect subject to paragraphs 3, 4 and 17.

#### Commencement Information

**I78** Sch. 7 paras. 1-20 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 17 (1) This paragraph applies if—
- (a) securities are issued to a company in pursuance of a direction of the Secretary of State under section 49 or 58 above, and
  - (b) by virtue of any such security the company has a loan relationship for the purposes of the Corporation Tax Acts.
- (2) For the purposes of [<sup>F7</sup>Part 5 of the Corporation Tax Act 2009] (loan relationships) the company is to be taken to have acquired its rights under the security wholly in consideration of a loan made by it to the issuing company of an amount equal to the principal sum payable under the security.
- (3) Expressions used in this paragraph and in [<sup>F8</sup>Part 5 of the Corporation Tax Act 2009] have the same meanings in this paragraph as in [<sup>F8</sup>that Part].

#### Textual Amendments

- F7** Words in Sch. 7 para. 17(2) substituted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 472(3)(a) (with Sch. 2 Pts. 1, 2)
- F8** Words in Sch. 7 para. 17(3) substituted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 472(3)(b) (with Sch. 2 Pts. 1, 2)

#### Commencement Information

**I79** Sch. 7 paras. 1-20 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

#### Stamp duty

- 18 (1) A relevant transfer is not to give rise to liability to stamp duty.
- (2) Stamp duty is not to be chargeable on a transfer scheme.
- (3) Stamp duty is not to be chargeable on an instrument which is certified to the Commissioners of Inland Revenue by the Secretary of State as having been made for the purposes of (or for purposes connected with) a transfer scheme.
- (4) But no instrument which is certified as mentioned in sub-paragraph (3) is to be taken to be duly stamped unless—

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- (a) it is stamped with the duty to which it would be liable but for that sub-paragraph, or
- (b) it has, in accordance with section 12 of the <sup>M50</sup>Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with that duty or that it is duly stamped.

(5) Stamp duty is not to be chargeable on an instrument which is made under Schedule 6.

**Commencement Information**

**I80** Sch. 7 paras. 1-20 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

**Marginal Citations**

**M50** 1891 c. 39.

*Stamp duty reserve tax*

- 19 An agreement is not to give rise to a charge to stamp duty reserve tax if—
- (a) it is made for the purposes of (or for purposes connected with) a transfer scheme, or
  - (b) it is made under Schedule 6.

**Commencement Information**

**I81** Sch. 7 paras. 1-20 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

*Agreements*

- 20 (1) Sub-paragraph (2) applies if the effect of—
- (a) an agreement made under paragraph 9 or 11 of Schedule 6,
  - (b) an instrument executed under paragraph 9 of Schedule 6, or
  - (c) an agreement treated as made under paragraph 10 of Schedule 6,
- is to modify the effect of a transfer scheme.
- (2) This Schedule, the 1988 Act, the 1990 Act and the 1992 Act are to have effect as if—
- (a) the scheme had been made as modified, and
  - (b) anything done by or in relation to the preceding holder had (so far as relating to the property, rights or liabilities affected by the modification) been done by or in relation to the subsequent holder.
- (3) Sub-paragraph (4) applies to a disposal of an asset if the disposal—
- (a) is effected in pursuance of an agreement made or treated as made under paragraph 9 or 10 of Schedule 6 or is effected by an instrument executed under paragraph 9 of that Schedule, and
  - (b) is the grant of a lease of land or the creation of other rights and liabilities over land.

*Status: Point in time view as at 01/04/2009.*

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- (4) For the purposes of the 1992 Act the disposal is to be taken (in relation to the person to whom it is made as well as the person making it) to be for a consideration such that no gain or loss accrues to the person making it.
- (5) Section 171(1) of the 1992 Act (provision in relation to disposal of assets from one member of a group of companies to another member of the group) does not apply if sub-paragraph (4) applies to the disposal in question.
- (6) References in this paragraph to an agreement or instrument include references to the agreement or instrument as varied in accordance with a direction under paragraph 19(4) of Schedule 6.
- (7) For the purposes of sub-paragraph (2) the preceding holder is the person who without the modification—
  - (a) became (under the transfer scheme concerned) entitled or subject to the property, rights or liabilities affected by the modification, or
  - (b) remained (despite the transfer scheme concerned) entitled or subject to the property, rights or liabilities affected by the modification,as the case may be.
- (8) For the purposes of sub-paragraph (2) the subsequent holder is the person who (in consequence of the modification) becomes, or resumes being, entitled or subject to the property, rights or liabilities affected by the modification.

#### Commencement Information

**182** Sch. 7 paras. 1-20 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

## SCHEDULE 8

Section 97.

### AMENDMENTS ABOUT AIR TRAFFIC

#### PART I

#### LICENCES

##### *House of Commons Disqualification Act 1975 (c.24)*

1 In the House of Commons Disqualification Act 1975, in Part III of Schedule 1, after the entry “Director of the Commonwealth Institute” there shall be inserted—

“Director of any of the following—

- (a) a company which for the time being holds a licence under Chapter I of Part I of the Transport Act 2000 (a licence company);
- (b) a company of which a licence company is a subsidiary (within the meaning given by section 736(1) of the Companies Act 1985 or Article 4(1) of the Companies (Northern Ireland) Order 1986);

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- (c) a company which is a subsidiary (within the meaning so given) of a licence company.”

**Commencement Information**

**I83** Sch. 8 para. 1 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

*Northern Ireland Assembly Disqualification Act 1975 (c.25)*

- 2 In the Northern Ireland Assembly Disqualification Act 1975, in Part III of Schedule 1, after the entry “Director of Cable and Wireless Limited nominated by a Minister of the Crown or government department” there shall be inserted—

“Director of any of the following—

- (a) a company which for the time being holds a licence under Chapter I of Part I of the Transport Act 2000 (a licence company);
- (b) a company of which a licence company is a subsidiary (within the meaning given by section 736(1) of the Companies Act 1985 or Article 4(1) of the Companies (Northern Ireland) Order 1986);
- (c) a company which is a subsidiary (within the meaning so given) of a licence company.”

**Commencement Information**

**I84** Sch. 8 para. 2 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

**PART II**

AIR NAVIGATION SERVICES

*Civil Aviation Act 1982 (c.16)*

- 3 Section 72 of the Civil Aviation Act 1982 (CAA’s duty to provide air navigation services) shall cease to have effect.

**PART III**

CHARGES

*Civil Aviation Act 1982 (c.16)*

- 4 Sections 73 and 74 of the Civil Aviation Act 1982 (charges for air navigation services etc) shall cease to have effect.
- 5 In section 86 of the Civil Aviation Act 1982 (mortgaging of aircraft) in subsection (2)(b) for “section 74(4) above” there shall be substituted “ section 83 of the Transport Act 2000 (detention and sale of aircraft) ”.

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- 6 (1) Section 88 of the Civil Aviation Act 1982 (detention and sale of aircraft for unpaid airport charges) shall be amended as follows.
- (2) In subsection (6)(d) for “regulations under section 73 above” substitute “ section 73 of the Transport Act 2000 (or, if more than one such charge is due, in payment of them in such order as the Secretary of State may specify by order) ”.
- (3) In subsection (10) in the definition of “airport charges” for “regulations under section 73 above” substitute “ section 73 of the Transport Act 2000 ”.
- 7 In section 90 of the Civil Aviation Act 1982 (Convention rights) in subsection (2) (b) for “section 74(4) above” there shall be substituted “ section 83 of the Transport Act 2000 (detention and sale of aircraft) ”.
- 8 (1) In Schedule 4 to the Civil Aviation Act 1982 (Eurocontrol) paragraph 1 shall be amended as follows.
- (2) In sub-paragraph (5) omit the definition of “record”.
- (3) After sub-paragraph (5) insert—
- “(6) For the purposes of this paragraph a record includes (in addition to a record in writing)—
- (a) a disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable of being reproduced from it (with or without the aid of some other instrument);
- (b) a film, tape or other device in which visual images are embodied so as to be capable of being reproduced from it (with or without the aid of some other instrument);
- (c) a photograph.”
- 9 In Schedule 13 to the Civil Aviation Act 1982 (subordinate instruments) in Part II after the entry relating to section 87 there shall be inserted—

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“Section 88(6)(d) Priority of charges Subject to the negative resolution procedure”.

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*Airports Act 1986 (c.31)*

- 10 In section 36 of the Airports Act 1986 (interpretation) in subsection (1) in the definition of “airport charges” for “regulations under section 73 of the 1982 Act (air navigation services etc)” there shall be substituted “ section 73 of the Transport Act 2000 (charges for services) ”.

**PART IV**

COMPETITION

*Fair Trading Act 1973 (c.41)*

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Transport Act 2000 is up to date with all changes known to be in force on or before 23 June 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)*

**Textual Amendments**

- F9** Sch. 8 paras. 11, 12 repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

*Competition Act 1980 (c.21)*

**F9**12 .....

**Textual Amendments**

- F9** Sch. 8 paras. 11, 12 repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

*Civil Aviation Act 1982 (c.16)*

13 In section 4 of the Civil Aviation Act 1982 (CAA’s general objectives) after subsection (2) there shall be inserted—

“(3) The duty mentioned in subsection (1) above does not apply in relation to anything done by the CAA in the performance of functions mentioned in subsection (3) of section 86 of the Transport Act 2000 which, by virtue of that section, are concurrent functions of the CAA and the Director General of Fair Trading.

(4) However, when performing such a function the CAA may have regard to any matter in respect of which a duty is imposed by subsection (1) above if it is a matter to which the Director General of Fair Trading could have regard when performing that function.”

**Commencement Information**

- I85** Sch. 8 para. 13 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

*Competition Act 1998 (c.41)*

14 (1) Section 54 of the Competition Act 1998 (regulators) shall be amended as follows.

**F10**(2) .....

(3) In subsection (4) after “Schedule 10” insert “ or by Chapter V of Part I of the Transport Act 2000 ”.

**Textual Amendments**

- F10** Sch. 8 para. 14(2) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 19(1)** Note 1 (with **Sch. 18**); S.I. 2003/1900, arts. 1(2), 2(1), **Sch. 1** (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), **Sch. 1** (with art. 11)

*Status: Point in time view as at 01/04/2009.*

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#### Commencement Information

**I86** Sch. 8 para. 14 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

<sup>F11</sup>15 .....

#### Textual Amendments

**F11** Sch. 8 para. 15 repealed (20.6.2003) by **The Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Amendment and Specification) Order 2003 (S.I. 2003/1400)**, art. 1, **Sch. 5**

- 16 (1) Schedule 13 to the Competition Act 1998 (transitionals and savings) shall be amended as follows.
- (2) In paragraph 1(1) in the definition of “regulator” after “Schedule 10” insert “ and the Civil Aviation Authority ”.
- (3) In paragraph 35(2) after paragraph (g) insert—
- “(h) in the case of the Civil Aviation Authority, the supply of air traffic services within the meaning given by section 98 of the Transport Act 2000.”

#### Commencement Information

**I87** Sch. 8 para. 16 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

## PART V

### HOSTILITIES ETC

#### *Civil Aviation Act 1982 (c.16)*

- 17 (1) Section 6 of the Civil Aviation Act 1982 (directions in national interest etc) shall be amended as follows.
- (2) In each of subsections (1) and (2) omit the words from “and in so far” to the end.
- (3) After subsection (2) insert—
- “(3) In so far as any directions given under this section conflict with the requirements of section 93 of the Transport Act 2000 or of an order under section 94 of that Act, the directions shall be disregarded.
- (4) In so far as any directions given under this section conflict with the requirements of any enactment or instrument relating to the CAA (other than section 93 of the Transport Act 2000 or an order under section 94 of that Act) the requirements shall be disregarded.”

*Status: Point in time view as at 01/04/2009.*

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**Commencement Information**

**I88** Sch. 8 para. 17 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 18 Sections 62 and 63 of the Civil Aviation Act 1982 (control in time of war or emergency) shall cease to have effect.

*Airports Act 1986 (c.31)*

- 19 (1) Section 30 of the Airports Act 1986 (directions in interests of national security etc) shall be amended as follows.
- (2) After subsection (4) insert—
- “(4A) In so far as any direction applying to an airport operator by virtue of subsection (1), (2) or (3) conflicts with the requirements of section 93 of the Transport Act 2000 or of an order under section 94 of that Act, the direction shall be disregarded.”
- (3) In subsection (5) after “to him as an airport operator” insert “ (other than section 93 of the Transport Act 2000 or an order under section 94 of that Act) ”.

**Commencement Information**

**I89** Sch. 8 para. 19 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

SCHEDULE 9

Section 102.

AIR TRAFFIC: INFORMATION

**Commencement Information**

**I90** Sch. 9 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

*Prohibition on disclosure*

- 1 (1) This Schedule applies to information if—
- (a) it was obtained under or by virtue of this Part, and
- (b) it relates to the affairs of an individual or to a particular business.
- (2) The information must not be disclosed during the lifetime of the individual or so long as the business is carried on, except as provided below.



*Status: Point in time view as at 01/04/2009.*

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#### Commencement Information

- I91** Sch. 9 para. 1 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

#### *Disclosure with consent*

- 2 Paragraph 1(2) does not apply to a disclosure made with the consent of the individual or the person for the time being carrying on the business.

#### Commencement Information

- I92** Sch. 9 para. 2 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

#### *Other permitted disclosures*

- 3 (1) Paragraph 1(2) does not apply to a disclosure made—
- (a) for the purpose of facilitating the carrying out by the Secretary of State, the CAA or the Competition Commission of any of his or their functions under this Part;
  - (b) for the purpose of facilitating the carrying out by a person or body mentioned in sub-paragraph (2) of any of his or its functions under an enactment or instrument specified in sub-paragraph (3);
  - (c) for the purpose of enabling or assisting the Secretary of State or the Treasury to exercise any powers conferred by the <sup>M51</sup>Financial Services Act 1986 or by the enactments relating to companies, insurance companies or insolvency;
  - (d) for the purpose of enabling or assisting an inspector appointed under the enactments relating to companies to carry out his functions;
  - (e) for the purpose of enabling or assisting an official receiver to carry out his functions under the enactments relating to insolvency or for the purpose of enabling or assisting a recognised professional body for the purposes of section 391 of the <sup>M52</sup>Insolvency Act 1986 or Article 350 of the <sup>M53</sup>Insolvency (Northern Ireland) Order 1989 to carry out its functions;
  - (f) for the purpose of facilitating the carrying out by <sup>F12</sup>... the Health and Safety Executive of any of its functions under any enactment or of facilitating the carrying out by any enforcing authority (within the meaning of Part I of the <sup>M54</sup>Health and Safety at Work etc. Act 1974) of any functions under a relevant statutory provision (within the meaning of that Act);
  - (g) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of any of his functions under any enactment;
  - (h) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;
  - (i) for the purposes of any civil proceedings brought under or by virtue of this Part or any enactment or instrument specified in sub-paragraph (3);
  - (j) in pursuance of a Community obligation;
  - (k) for the purpose of facilitating the performance of any function of the European Commission in respect of Community law about competition;

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- (l) by the Secretary of State, or with his consent, to an international organisation of which the United Kingdom is a member;
  - (m) in connection with negotiations conducted by officers of the Secretary of State with representatives of the government of a country or territory outside the United Kingdom;
  - (n) in connection with the discharge of an obligation of the United Kingdom under international arrangements;
  - (o) to a person to whom the information in question is required to be disclosed by regulations made in pursuance of section 7(2) of the <sup>M55</sup>Civil Aviation Act 1982 (special provisions as respects certain functions);
  - (p) for the purposes of an investigation undertaken in pursuance of regulations made under section 75 of the <sup>M56</sup>Civil Aviation Act 1982 (investigation of accidents).
- (2) The persons and bodies are—
- (a) any Minister of the Crown;
  - [<sup>F13</sup>(b) the Office of Fair Trading;]
  - (c) the Competition Commission;
  - [<sup>F14</sup>(d) the Office of Communications;]
  - <sup>F15</sup>(e) .....
  - (f) the Director General of Gas Supply;
  - [<sup>F16</sup>(g) the Water Services Regulation Authority;]
  - (h) the Director General of Electricity Supply;
  - (i) the Coal Authority;
  - (j) the CAA;
  - (k) the [<sup>F17</sup>Office of Rail Regulation];
  - (l) the Insolvency Practitioners Tribunal;
  - (m) a local weights and measures authority in Great Britain.
- (3) The enactments and instruments are—
- (a) the <sup>M57</sup>Trade Descriptions Act 1968;
  - (b) the <sup>M58</sup>Fair Trading Act 1973;
  - (c) the <sup>M59</sup>Consumer Credit Act 1974;
  - (d) the <sup>M60</sup>Estate Agents Act 1979;
  - (e) the <sup>M61</sup>Competition Act 1980;
  - (f) the <sup>M62</sup>Telecommunications Act 1984;
  - (g) the <sup>M63</sup>Airports Act 1986;
  - (h) the <sup>M64</sup>Gas Act 1986;
  - (i) the <sup>M65</sup>Insolvency Act 1986;
  - (j) the <sup>M66</sup>Consumer Protection Act 1987;
  - (k) the <sup>M67</sup>Electricity Act 1989;
  - (l) the <sup>M68</sup>Broadcasting Act 1990;
  - (m) the <sup>M69</sup>Property Misdescriptions Act 1991;
  - (n) the <sup>M70</sup>Water Industry Act 1991;
  - (o) the <sup>M71</sup>Water Resources Act 1991;

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- (p) the <sup>M72</sup>Railways Act 1993;
- (q) the <sup>M73</sup>Coal Industry Act 1994;
- [<sup>F18</sup>(qa) the Broadcasting Act 1996;]
- (r) the <sup>M74</sup>Competition Act 1998;
- [<sup>F19</sup>(ra) the Enterprise Act 2002;]
- [<sup>F20</sup>(rb) the Communications Act 2003;]
- [<sup>F21</sup>(rb) the Water Act 2003;]
- [<sup>F22</sup>(rd) the Railways Act 2005;]
- (s) any subordinate legislation made for the purpose of securing compliance with Articles 84 and 85 of the Treaty establishing the European Community;
- [<sup>F23</sup>(sa) any subordinate legislation made for the purpose of securing compliance with Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market;]
- (s) any subordinate legislation made for the purpose of securing compliance with Articles 84 and 85 of the Treaty establishing the European Community;
- [<sup>F24</sup>(t) any subordinate legislation made for the purpose of securing compliance with Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising;]
- (u) any Air Navigation Order made under section 60 of the <sup>M75</sup>Civil Aviation Act 1982.

#### Textual Amendments

- F12** Words in Sch. 9 para. 3(1)(f) omitted (1.4.2008) by virtue of [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), art. 1, [Sch. 3](#) (with art. 21, Sch. 2)
- F13** Sch. 9 para. 3(2)(b) substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 44\(11\)\(a\)\(i\)](#); [S.I. 2003/766](#), art. 2, Sch. (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), Sch.)
- F14** Sch. 9 para. 3(2)(d) substituted (25.7.2003 for specified purposes, 29.12.2003 for remaining purposes) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 166\(2\)](#) (with Sch. 18); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#)); [S.I. 2003/3142](#)
- F15** Sch. 9 para. 3(2)(e) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 19\(1\)](#) Note 1 (with Sch. 18); [S.I. 2003/3142](#), art. 3(1), Sch. 1 (with art. 11)
- F16** Sch. 9 para. 3(2)(g) substituted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), s. 105(3), [Sch. 7 para. 35\(a\)](#); [S.I. 2005/2714](#), art. 4(f)
- F17** Words in Sch. 9 para. 3 substituted (5.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Sch. 2 para. 19\(t\)\(iii\)](#); [S.I. 2004/827](#), art. 4(g)
- F18** Sch. 9 para. 3(3)(qa) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 166\(3\)\(a\)](#) (with Sch. 18); [S.I. 2003/3142](#), art. 3(1), Sch. 1 (with art. 11)
- F19** Sch. 9 para. 3(3)(ra) inserted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 44\(11\)\(a\)\(ii\)](#); [S.I. 2003/766](#), art. 2, Sch. (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), Sch.)
- F20** Sch. 9 para. 3(3)(rb) inserted (25.7.2003 for specified purposes, 29.12.2003 for remaining purposes) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 166\(3\)\(b\)](#) (with Sch. 18); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#)); [S.I. 2003/3142](#)
- F21** Sch. 9 para. 3(3)(rb) inserted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), s. 105(3), [Sch. 7 para. 35\(b\)](#); [S.I. 2004/641](#), art. 3(y), Sch. 2 (with Sch. 3 para. 7)
- F22** Sch. 9 para. 3(3)(rd) inserted (E.W.S.) (8.6.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), [Sch. 12 para. 17\(7\)](#); [S.I. 2005/1444](#), art. 2(1), Sch. 1

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**F23** Sch. 9 para. 3(3)(sa) inserted (26.5.2008) by [The Consumer Protection from Unfair Trading Regulations 2008 \(S.I. 2008/1277\)](#), reg. 1, **Sch. 2 para. 62(a)** (with reg. 28(2)(3))

**F24** Sch. 9 para. 3(3)(t) substituted (26.5.2008) by [The Consumer Protection from Unfair Trading Regulations 2008 \(S.I. 2008/1277\)](#), reg. 1, **Sch. 2 para. 62(b)** (with reg. 28(2)(3))

#### Modifications etc. (not altering text)

**C1** Sch. 9 para. 3 modified (8.2.2007 immediately before the Wireless Telegraphy Act 2006 (c. 36) comes into force) by [The Wireless Telegraphy \(Pre-Consolidation Amendments\) Order 2006 \(S.I. 2006/1391\)](#), art. 1, **Sch. para. 7(3)(h)**

#### Commencement Information

**I93** Sch. 9 para. 3 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57](#), art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

#### Marginal Citations

**M51** 1986 c. 60.

**M52** 1986 c. 45.

**M53** [S.I. 1989/2405 \(N.I. 19\)](#).

**M54** 1974 c. 37.

**M55** 1982 c. 16.

**M56** 1982 c. 16.

**M57** 1968 c. 29.

**M58** 1973 c. 41.

**M59** 1974 c. 39.

**M60** 1979 c. 38.

**M61** 1980 c. 21.

**M62** 1984 c. 12.

**M63** 1986 c. 31.

**M64** 1986 c. 44.

**M65** 1986 c. 45.

**M66** 1987 c. 43.

**M67** 1989 c. 29.

**M68** 1990 c. 42.

**M69** 1991 c. 29.

**M70** 1991 c. 56.

**M71** 1991 c. 57.

**M72** 1993 c. 43.

**M73** 1994 c. 21.

**M74** 1998 c. 41.

**M75** 1982 c. 16.

4           The Secretary of State may by order amend paragraph 3.

#### Commencement Information

**I94** [Sch. 9 para. 4](#) wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57](#), art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

#### *Other exceptions*

5           (1) Paragraph 1(2) does not limit—

*Status: Point in time view as at 01/04/2009.*

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- (a) the information which may be included in a report of the Competition Commission on a reference under section 12;
  - (b) the information or advice which may be published by the CAA under section 90.
- (2) Paragraph 1(2) does not apply to—
- (a) information which has been published in a report published under section 13;
  - (b) information which has otherwise been made available to the public by being disclosed in circumstances in which, or for a purpose for which, disclosure is not precluded by this Schedule.
- (3) Information obtained by the CAA in exercising functions which are exercisable concurrently with [<sup>F25</sup>the Office of Fair Trading] under Part I of the <sup>M76</sup>Competition Act 1998 is subject to [<sup>F26</sup>Part 9 of the Enterprise Act 2002 (Information)] and not to paragraph 1(2).

#### Textual Amendments

- F25** Words in Sch. 9 para. 5(3) substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 44\(1\)\(b\)](#); [S.I. 2003/766, art. 2, Sch.](#) (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846, reg. 3\(2\), Sch.](#))
- F26** Words in [Sch. 9 para. 5\(3\)](#) substituted (20.6.2003) by [The Enterprise Act 2002 \(Part 9 Restrictions on Disclosure of Information\) \(Amendment and Specification\) Order 2003 \(S.I. 2003/1400\), art. 1, Sch. 6](#)

#### Commencement Information

- I95** Sch. 9 para. 5 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

#### Marginal Citations

- M76** 1998 c. 41.

### Offence

- 6 A person who discloses information in contravention of this Schedule is guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

#### Commencement Information

- I96** [Sch. 9 para. 6](#) wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

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## SCHEDULE 10

Section 153.

### COMPETITION TEST FOR EXERCISE OF BUS FUNCTIONS

#### [<sup>F27</sup>PART 1

#### TEST FOR EXERCISE OF BUS FUNCTIONS BY LOCAL AUTHORITIES

##### Textual Amendments

**F27** Sch. 10 Pt. 1 heading substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 2 para. 2](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)

##### *Functions to which this Part of this Schedule applies]*

- 1 (1) The functions to which [<sup>F28</sup>this Part of] this Schedule applies are those of—
- (a) making and varying quality partnership schemes,
  - (b) making and varying ticketing schemes, and
  - (c) inviting and accepting tenders under section 89 or 91 of the <sup>M77</sup>Transport Act 1985 (subsidised services).
- (2) For the purposes of [<sup>F29</sup>this Part of] this Schedule an authority proposes (or authorities propose) to exercise a function to which [<sup>F30</sup>this Part of] this Schedule applies—
- (a) in the case of the function of making or varying a quality partnership scheme, once notice of a proposal to make or vary it has been given under section 115(1),
  - (b) in the case of the function of making or varying a ticketing scheme, once notice of a proposal to make or vary it has been given under section 136(1), and
  - (c) in the case of the function of inviting or accepting tenders under section 89 or 91 of the <sup>M78</sup>Transport Act 1985, once it is proposed to invite tenders under section 89(2) or 91(3) of that Act or to accept or not to accept a tender under section 89 of that Act.

##### Textual Amendments

**F28** Words in Sch. 10 para. 1(1) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 2 para. 3\(2\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)

**F29** Words in Sch. 10 para. 1(2) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 2 para. 3\(3\)\(a\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)

**F30** Words in Sch. 10 para. 1(2) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 2 para. 3\(3\)\(b\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)

##### Commencement Information

**I97** Sch. 10 para. 1 partly in force; Sch. 10 para. 1 not in force at Royal Assent see s. 275(1); Sch. 10 para. 1(1)(b)(c)(2)(b)(c) in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 1(1)(b)(c)(2)(b)(c) in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2, Sch. 1 para. 8](#)

*Status: Point in time view as at 01/04/2009.*

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### Marginal Citations

**M77** 1985 c. 67.

**M78** 1985 c. 67.

### Competition test

- 2 (1) For the purposes of [<sup>F31</sup>this Part of] this Schedule the exercise or proposed exercise of a function to which [<sup>F32</sup>this Part of] this Schedule applies meets the competition test unless it—
- (a) has or is likely to have a significantly adverse effect on competition, and
  - (b) is not justified by sub-paragraph (2).
- (2) The exercise or proposed exercise of a function is justified if—
- (a) it is with a view to achieving one or more of the purposes specified in sub-paragraph (3), and
  - (b) its effect on competition is or is likely to be proportionate to the achievement of that purpose or any of those purposes.
- (3) The purposes referred to in sub-paragraph (2) are—
- (a) securing improvements in the quality of vehicles or facilities used for or in connection with the provision of local services,
  - (b) securing other improvements in local services of <sup>F33</sup>... benefit to users of local services, and
  - (c) reducing or limiting traffic congestion, noise or air pollution.

### Textual Amendments

**F31** Words in Sch. 10 para. 2(1) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 2 para. 4\(2\)\(a\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)

**F32** Words in Sch. 10 para. 2(1) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 2 para. 4\(2\)\(b\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)

**F33** Word in Sch. 10 para. 2(3)(b) repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 2 para. 4\(3\), Sch. 7 Pt. 2](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)

### Commencement Information

**I98** Sch. 10 para. 2 wholly in force at 1.8.2001; Sch. 10 para. 2 not in force at Royal Assent see s. 275(1); Sch. 10 para. 2 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\), Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 2 in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2, Sch. 1 para. 8](#)

### Applications to [<sup>F34</sup>OFT] for decision

### Textual Amendments

**F34** Word in Sch. 10 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 44\(12\)\(a\)](#); [S.I. 2003/766, art. 2, Sch. \(with art. 3\)](#) (as amended (20.7.2007) by [S.I. 2007/1846, reg. 3\(2\), Sch.](#))

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#### Textual Amendments

**F35** Sch. 10 para. 3 repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 2 para. 5](#), [Sch. 7 Pt. 2](#); [S.I. 2009/107](#), art. 2(2), [Sch. 2 Pt. 1](#); [S.I. 2009/579](#), art. 2(d)

#### Commencement Information

**I99** Sch. 10 para. 3 wholly in force at 1.8.2001; Sch. 10 para. 3 not in force at Royal Assent see s. 275(1); Sch. 10 para. 3 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 3 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), art. 2, [Sch. 1 para. 8](#)

<sup>F36</sup>4

#### Textual Amendments

**F36** Sch. 10 para. 4 repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 2 para. 5](#), [Sch. 7 Pt. 2](#); [S.I. 2009/107](#), art. 2(2), [Sch. 2 Pt. 1](#); [S.I. 2009/579](#), art. 2(d)

#### Commencement Information

**I100** Sch. 10 para. 4 wholly in force at 1.8.2001; Sch. 10 para. 4 not in force at Royal Assent see s. 275(1); Sch. 10 para. 4 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 4 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), art. 2, [Sch. 1 para. 8](#)

### *Investigations by [<sup>F34</sup>OFT]*

- 5 If at any time [<sup>F37</sup>the Office of Fair Trading (in this Schedule referred to as “the OFT”)] considers that the exercise or proposed exercise of a function to which [<sup>F38</sup>this Part of] this Schedule applies may not meet the competition test, [<sup>F39</sup>it] may conduct an investigation.

#### Textual Amendments

**F37** Words in Sch. 10 para. 5 substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 2 para. 6\(a\)](#); [S.I. 2009/107](#), art. 2(2), [Sch. 2 Pt. 1](#); [S.I. 2009/579](#), art. 2(d)

**F38** Words in Sch. 10 para. 5 inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 2 para. 6\(b\)](#); [S.I. 2009/107](#), art. 2(2), [Sch. 2 Pt. 1](#); [S.I. 2009/579](#), art. 2(d)

**F39** Word in Sch. 10 para. 5 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 44\(12\)\(e\)](#); [S.I. 2003/766](#), art. 2, [Sch.](#) (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), [Sch.](#))

#### Commencement Information

**I101** Sch. 10 para. 5 wholly in force at 1.8.2001; Sch. 10 para. 5 not in force at Royal Assent see s. 275(1); Sch. 10 para. 5 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 5 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), art. 2, [Sch. 1 para. 8](#)

- 6 (1) For the purposes of an investigation under paragraph 5 the [<sup>F34</sup>OFT] may require any person—
- (a) to produce to [<sup>F40</sup>it] or to a person appointed by [<sup>F40</sup>it], at a specified time and place, any specified document, or
  - (b) to provide [<sup>F40</sup>it] or such a person, at such a time and place, any specified information,



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which [<sup>F40</sup>the OFT] considers relates to any matter relevant to the investigation.

- (2) The power conferred by sub-paragraph (1) is to be exercised by a notice in writing indicating the subject matter and purpose of the investigation; and in this paragraph “specified” means—
  - (a) specified, or described, in the notice, or
  - (b) falling within a category which is specified, or described, in the notice.
- (3) Information required to be provided under sub-paragraph (1) shall be provided in the specified manner and form.
- (4) The power conferred by sub-paragraph (1) to require a person to produce a document includes power—
  - (a) to require him to provide an explanation of the document, or
  - (b) if the document is not produced, to require him to state, to the best of his knowledge and belief, where it is.
- (5) In this paragraph “information” includes estimates and forecasts.

#### Textual Amendments

**F40** Words in Sch. 10 para. 6(1) substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 44\(12\)\(f\)](#); [S.I. 2003/766, art. 2, Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846, reg. 3\(2\), Sch.](#))

#### Commencement Information

**I102** Sch. 10 para. 6 wholly in force at 1.8.2001; Sch. 10 para. 6 not in force at Royal Assent see s. 275(1); Sch. 10 para. 6 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\), Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 6 in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2, Sch. 1 para. 8](#)

- 7 (1) If a person refuses or fails to comply with a notice under paragraph 6, the [<sup>F34</sup>OFT] may certify that fact in writing to the High Court which may enquire into the case.
- (2) If after hearing—
  - (a) any witness who may be produced against or on behalf of the person, and
  - (b) any statement which may be offered in defence,the High Court is satisfied that the person did not have a reasonable excuse for refusing or failing to comply with the notice, the High Court may punish him as if he had been guilty of contempt of court.

#### Commencement Information

**I103** Sch. 10 para. 7 wholly in force at 1.8.2001; Sch. 10 para. 7 not in force at Royal Assent see s. 275(1); Sch. 10 para. 7 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\), Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 7 in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2, Sch. 1 para. 8](#)

- 8 (1) A person shall not be required under paragraph 6 to produce or disclose a privileged communication.
- (2) In sub-paragraph (1) “privileged communication” means a communication—
  - (a) between a professional legal adviser and his client, or

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- (b) made in connection with, or in contemplation of, legal proceedings and for the purposes of those proceedings,  
 which in proceedings in the High Court would be protected from disclosure on grounds of legal professional privilege.

#### Commencement Information

**I104** Sch. 10 para. 8 wholly in force at 1.8.2001; Sch. 10 para. 8 not in force at Royal Assent see s. 275(1); Sch. 10 para. 8 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\)](#), [Sch. 3 Pt. 1](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 8 in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2](#), [Sch. 1 para. 8](#)

- 9 Before the [<sup>F34</sup>OFT], as the result of an investigation under paragraph 5, makes a decision that the exercise or proposed exercise of a function does not meet the competition test, [<sup>F41</sup>the OFT] must—
- (a) give written notice to the person or persons likely to be affected by the proposed decision, and
  - (b) give that person or those persons an opportunity to make representations.

#### Textual Amendments

**F41** Words in Sch. 10 para. 9 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 44\(12\)\(g\)](#); [S.I. 2003/766, art. 2, Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846, reg. 3\(2\)](#), Sch.)

#### Commencement Information

**I105** Sch. 10 para. 9 wholly in force at 1.8.2001; Sch. 10 para. 9 not in force at Royal Assent see s. 275(1); Sch. 10 para. 9 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\)](#), [Sch. 3 Pt. 1](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 9 in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2](#), [Sch. 1 para. 8](#)

### Decisions

- 10 When the [<sup>F34</sup>OFT] makes a decision—
- <sup>F42</sup>(a) .....
  - (b) after an investigation under paragraph 5,  
 [<sup>F43</sup>the OFT] must publish [<sup>F43</sup>its] decision, together with [<sup>F43</sup>its] reasons for making it.

#### Textual Amendments

**F34** Word in Sch. 10 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 44\(12\)\(a\)](#); [S.I. 2003/766, art. 2, Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846, reg. 3\(2\)](#), Sch.)

**F42** Sch. 10 para. 10(a) repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 2 para. 7, Sch. 7 Pt. 2](#); [S.I. 2009/107, art. 2\(2\), Sch. 2 Pt. 1](#); [S.I. 2009/579, art. 2\(d\)](#)

**F43** Words in Sch. 10 para. 10 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 44\(12\)\(h\)](#); [S.I. 2003/766, art. 2, Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846, reg. 3\(2\)](#), Sch.)

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#### Commencement Information

**I106** Sch. 10 para. 10 wholly in force at 1.8.2001; Sch. 10 para. 10 not in force at Royal Assent see s. 275(1); Sch. 10 para. 10 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 10 in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2](#), [Sch. 1 para. 8](#)

<sup>F44</sup>11 .....

#### Textual Amendments

**F44** Sch. 10 para. 11 repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\)](#), [Sch. 2 para. 8](#), [Sch. 7 Pt. 2](#); [S.I. 2009/107, art. 2\(2\)](#), [Sch. 2 Pt. 1](#); [S.I. 2009/579, art. 2\(d\)](#)

#### Commencement Information

**I107** Sch. 10 para. 11 wholly in force at 1.8.2001; Sch. 10 para. 11 not in force at Royal Assent see s. 275(1); Sch. 10 para. 11 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 11 in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2](#), [Sch. 1 para. 8](#)

### *Enforcement of decisions*

- 12 (1) If the [<sup>F34</sup>OFT] has made a decision that the exercise or proposed exercise of a function to which [<sup>F45</sup>this Part of] this Schedule applies does not meet the competition test, [<sup>F46</sup>the OFT] may give to the authority or authorities by which it was or was to be exercised such directions as [<sup>F46</sup>the OFT] considers appropriate.
- (2) A direction under sub-paragraph (1) may (in particular)—
- (a) in the case of a proposal to exercise a function, include provision prohibiting the exercise of the function in the manner proposed,
  - (b) in the case of the exercise of the function of making or varying a quality partnership scheme or a ticketing scheme, include provision requiring the variation or revocation of the scheme,
  - (c) in the case of the exercise of the function of inviting tenders under section 89(2) or 91(3) of the <sup>M79</sup>Transport Act 1985, include provision requiring the variation or withdrawal of the invitation, and
  - (d) in the case of the exercise of the function of accepting or not accepting a tender under section 89 or 91 of that Act, include provision requiring the variation or termination of any agreement entered into by accepting the tender or requiring the acceptance of any tender.
- (3) A direction under sub-paragraph (1) must be given in writing.
- (4) If an authority fails, without reasonable excuse, to comply with a direction under sub-paragraph (1), the [<sup>F34</sup>OFT] may apply to the High Court for an order requiring the authority to comply with the direction within a time specified in the order.
- (5) An order under sub-paragraph (4) may provide for all of the costs of, or incidental to, the application for the order to be borne by the authority.

#### Textual Amendments

**F34** Word in Sch. 10 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 44\(12\)\(a\)](#); [S.I. 2003/766, art. 2, Sch. \(with art. 3\)](#) (as amended (20.7.2007) by [S.I. 2007/1846, reg. 3\(2\)](#), Sch.)

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- F45** Words in Sch. 10 para. 12(1) inserted (9.2.2009 for E., 1.4.2009 for W.) by **Local Transport Act 2008** (c. 26), s. 134(4), **Sch. 2 para. 9**; S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)
- F46** Words in Sch. 10 para. 12(1) substituted (1.4.2003) by **Enterprise Act 2002** (c. 40), s. 279, **Sch. 25 para. 44(12)(j)**; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)

#### Commencement Information

- I108** Sch. 10 para. 12 partly in force; Sch. 10 para. 12 not in force at Royal Assent see s. 275(1); Sch. 10 para. 12 in force (E.) (except the words “a quality partnership scheme or” in para. 12(2))(E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to the savings in **Sch. 3 Pt. II**); Sch. 10 para. 12 in force (W.) (except the words “a quality partnership scheme or” in para. 12(2)) at 1.8.2001 by S.I. 2001/2788, art. 2, **Sch. 1 para. 8**

#### Marginal Citations

- M79** 1985 c. 67.

### Information

- 13 (1) No information which—
- (a) has been obtained by the [<sup>F34</sup>OFT] in connection with [<sup>F47</sup>its] functions under [<sup>F48</sup>this Part of] this Schedule, and
  - (b) relates to the affairs of any individual or to any particular business,
- is to be disclosed during the lifetime of that individual or while that business continues to be carried on, unless the condition mentioned in sub-paragraph (2) is satisfied.
- (2) The condition is that consent to the disclosure has been obtained from—
- (a) the person from whom the information was obtained, and
  - (b) if different, the individual to whose affairs the information relates or the person for the time being carrying on the business to which the information relates.
- (3) Sub-paragraph (1) does not apply to a disclosure of information—
- (a) made for the purpose of facilitating the performance of any function of the [<sup>F34</sup>OFT], a traffic commissioner or the [<sup>F49</sup>Office of Rail Regulation],
  - (b) made for the purpose of facilitating the performance of any function of the European Commission in respect of Community law about competition,
  - (c) made for the purpose of criminal proceedings in any part of the United Kingdom or in connection with the investigation of a criminal offence triable in any part of the United Kingdom, or
  - (d) made in compliance with the order of a court or tribunal.
- (4) If information is disclosed to the public in circumstances in which the disclosure does not contravene sub-paragraph (1), that sub-paragraph does not prevent its further disclosure by any person.
- (5) A person who contravenes this paragraph is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Transport Act 2000 is up to date with all changes known to be in force on or before 23 June 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)*

### Textual Amendments

- F34** Word in Sch. 10 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 44\(12\)\(a\)](#); [S.I. 2003/766](#), art. 2, Sch. (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), Sch.)
- F47** Word in Sch. 10 paras. 13-15 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 44\(12\)\(k\)](#); [S.I. 2003/766](#), art. 2, Sch. (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), Sch.)
- F48** Words in Sch. 10 para. 13(1) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 2 para. 10](#); [S.I. 2009/107](#), art. 2(2), Sch. 2 Pt. 1; [S.I. 2009/579](#), art. 2(d)
- F49** Words in Sch. 10 para. 13 substituted (5.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Sch. 2 para. 19\(t\)\(iv\)](#); [S.I. 2004/827](#), art. 4(g)

### Modifications etc. (not altering text)

- C2** Sch. 10 para. 13(3): Disclosure powers extended (14.12.2001) by [2001 c. 24](#), ss. 17, 127(2)(a), [Sch. 4 Pt. I para. 53\(2\)](#)

### Commencement Information

- I109** Sch. 10 para. 13 wholly in force at 1.8.2001; Sch. 10 para. 13 not in force at Royal Assent see s. 275(1); Sch. 10 para. 13 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 13 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), art. 2, [Sch. 1 para. 8](#)

- 14 (1) If information is provided by a person to the [F34OFT] in connection with [F47:its] functions under [F50this Part of] this Schedule, the person is guilty of an offence if—
- the information is false or misleading in a material particular, and
  - the person knows that it is or is reckless as to whether it is.
- (2) If a person—
- provides any information to another person, knowing the information to be false or misleading in a material particular, or
  - recklessly provides to another person any information which is false or misleading in a material particular,
- knowing that the information is to be used for the purpose of providing information to the [F34OFT] in connection with [F47:its] functions under [F50this Part of] this Schedule, the person is guilty of an offence.
- (3) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### Textual Amendments

- F34** Word in Sch. 10 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 44\(12\)\(a\)](#); [S.I. 2003/766](#), art. 2, Sch. (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), Sch.)
- F47** Word in Sch. 10 paras. 13-15 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 44\(12\)\(k\)](#); [S.I. 2003/766](#), art. 2, Sch. (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), Sch.)
- F50** Words in Sch. 10 para. 14 inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 2 para. 11](#); [S.I. 2009/107](#), art. 2(2), Sch. 2 Pt. 1; [S.I. 2009/579](#), art. 2(d)

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### Commencement Information

- I110** Sch. 10 para. 14 wholly in force at 1.8.2001; Sch. 10 para. 14 not in force at Royal Assent see s. 275(1); Sch. 10 para. 14 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), [art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 14 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), [art. 2](#), [Sch. 1 para. 8](#)

### [<sup>F51</sup> Advice and information

### Textual Amendments

- F51** Sch. 10 para. 14A and cross-heading inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), [s. 134\(4\)](#), [Sch. 2 para. 12](#); [S.I. 2009/107](#), [art. 2\(2\)](#), [Sch. 2 Pt. 1](#); [S.I. 2009/579](#), [art. 2\(d\)](#)

- 14A (1) As soon as is reasonably practicable after the passing of the Local Transport Act 2008, the OFT must prepare and publish advice and information about—
- (a) the application of the competition test,
  - (b) the enforcement of decisions regarding that test.
- (2) The OFT may at any time publish revised, or new, advice or information.
- (3) Advice and information published under this paragraph must be prepared with a view to—
- (a) explaining provisions of this Part of this Schedule to persons who are likely to be affected by them, and
  - (b) indicating how the OFT expects such provisions to operate.
- (4) Advice (or information) published by virtue of sub-paragraph (3)(b) may include advice (or information) about the factors which the OFT may take into account in considering whether, and if so how, to exercise a power conferred on it by this Part of this Schedule.
- (5) Any advice or information published by the OFT under this paragraph is to be published in such form and in such manner as it considers appropriate.
- (6) If the OFT is preparing any advice or information under this paragraph it must consult such persons as it considers appropriate.]

### Defamation

- 15 For the purposes of the law relating to defamation, absolute privilege attaches to any decision made or notice given [<sup>F52</sup>, and to any advice or information given,] by the [<sup>F34</sup>OFT] in the exercise of any of [<sup>F47</sup>its] functions under [<sup>F53</sup>this Part of] this Schedule.

### Textual Amendments

- F34** Word in Sch. 10 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), [s. 279](#), [Sch. 25 para. 44\(12\)\(a\)](#); [S.I. 2003/766](#), [art. 2](#), [Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846](#), [reg. 3\(2\)](#), [Sch.](#))
- F47** Word in Sch. 10 paras. 13-15 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), [s. 279](#), [Sch. 25 para. 44\(12\)\(k\)](#); [S.I. 2003/766](#), [art. 2](#), [Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846](#), [reg. 3\(2\)](#), [Sch.](#))

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- F52** Words in Sch. 10 para. 15 inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 2 para. 13\(a\)](#); [S.I. 2009/107](#), art. 2(2), Sch. 2 Pt. 1; [S.I. 2009/579](#), art. 2(d)
- F53** Words in Sch. 10 para. 15 inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 2 para. 13\(b\)](#); [S.I. 2009/107](#), art. 2(2), Sch. 2 Pt. 1; [S.I. 2009/579](#), art. 2(d)

#### Commencement Information

- I111** Sch. 10 para. 15 wholly in force at 1.8.2001; Sch. 10 para. 15 not in force at Royal Assent see s. 275(1); Sch. 10 para. 15 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 15 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), art. 2, [Sch. 1 para. 8](#)

### Fees

- 16 (1) The [<sup>F34</sup>OFT] may charge fees in connection with the exercise by [<sup>F54</sup>the OFT] of any of [<sup>F54</sup>its] functions under [<sup>F55</sup>this Part of] this Schedule.
- (2) Different fees may be charged in connection with different functions and in different circumstances.
- <sup>F56</sup>(3) .....

#### Textual Amendments

- F34** Word in Sch. 10 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 44\(12\)\(a\)](#); [S.I. 2003/766](#), art. 2, [Sch.](#) (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), Sch.)
- F54** Words in Sch. 10 para. 16 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 44\(12\)\(i\)](#); [S.I. 2003/766](#), art. 2, [Sch.](#) (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), Sch.)
- F55** Words in Sch. 10 para. 16(1) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 2 para. 14\(2\)](#); [S.I. 2009/107](#), art. 2(2), Sch. 2 Pt. 1; [S.I. 2009/579](#), art. 2(d)
- F56** Sch. 10 para. 16(3) repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 2 para. 14\(3\)](#), [Sch. 7 Pt. 2](#); [S.I. 2009/107](#), art. 2(2), Sch. 2 Pt. 1; [S.I. 2009/579](#), art. 2(d)

#### Commencement Information

- I112** Sch. 10 para. 16 wholly in force at 1.8.2001; Sch. 10 para. 16 not in force at Royal Assent see s. 275(1); Sch. 10 para. 16 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 16 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), art. 2, [Sch. 1 para. 8](#)

## [<sup>F57</sup>PART 2

### TEST FOR CERTAIN AGREEMENTS, DECISIONS AND PRACTICES

#### Textual Amendments

- F57** Sch. 10 Pt. 2 inserted (26.11.2008 for specified purposes, 9.2.2009 for E. in so far as not already in force, 1.4.2009 for W. in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(1)(c)(4), [Sch. 2 para. 15](#); [S.I. 2009/107](#), art. 2(2), Sch. 2 Pt. 1; [S.I. 2009/579](#), art. 2(d)

*Status: Point in time view as at 01/04/2009.*

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### *Interpretation*

- 17 (1) This paragraph applies for the purposes of the interpretation of this Part of this Schedule.
- (2) A voluntary multilateral agreement (a “VMA”) is a voluntary partnership agreement (within the meaning given by section 153) to which two or more operators of local services are parties.
- (3) A voluntary bilateral agreement (a “VBA”) is a voluntary partnership agreement (within the meaning given by that section) to which only one operator of local services is a party.
- (4) In this Part of this Schedule—
- (a) a “qualifying agreement” is an agreement between bus undertakings only;
  - (b) a “qualifying decision” is so much of any decision by an association of undertakings as relates to the operation of local services;
  - (c) a “qualifying practice” is a concerted practice by bus undertakings only.
- (5) For the purposes of sub-paragraph (4)—
- (a) a bus undertaking is an undertaking which is the operator of a local service;
  - (b) the involvement of a local authority which is not a bus undertaking is to be disregarded;
  - (c) a quality partnership scheme or voluntary partnership agreement is not to be regarded as a qualifying agreement, qualifying decision or qualifying practice.
- (6) In sub-paragraph (5)(b) “local authority” means—
- (a) a local transport authority;
  - (b) a district council in England.
- (7) A provision of this Part of this Schedule which is expressed to apply to, or in relation to, a qualifying agreement is to be read as applying equally to, or in relation to, a qualifying decision or a qualifying practice (but with any necessary modifications).
- (8) A reference to the area of an authority—
- (a) in relation to a VMA or VBA, is a reference to the area of a local transport authority who are a party to the agreement;
  - (b) in relation to a qualifying agreement, is a reference to the area of a local transport authority in whose area the agreement is, or is to be, implemented.
- (9) The “bus improvement objectives” are—
- (a) securing improvements in the quality of vehicles or facilities used for or in connection with the provision of local services,
  - (b) securing other improvements in local services of benefit to users of local services, and
  - (c) reducing or limiting traffic congestion, noise or air pollution.

### *Agreements, decisions and practices to which this Part of this Schedule applies*

- 18 (1) This Part of this Schedule applies to—
- (a) VMAs or VBAs falling within sub-paragraph (2), and
  - (b) qualifying agreements falling within sub-paragraph (3).



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This paragraph is subject to paragraph 19.

- (2) A VMA or VBA falls within this sub-paragraph if it has as its object or effect the prevention, restriction or distortion of competition in the area of the authority, or the combined area of the authorities.
  - (3) A qualifying agreement falls within this sub-paragraph if—
    - (a) it has as its object or effect the prevention, restriction or distortion of competition in the area of the authority, or the combined area of the authorities, but
    - (b) the authority, or any of the authorities, has certified that they have considered all the terms and effects (or likely effects) of the agreement and that in their opinion the requirements mentioned in sub-paragraph (4) are satisfied.
  - (4) The requirements are that the agreement—
    - (a) is in the interests of persons using local services within the area of the authority, or the combined area of the authorities, and
    - (b) does not impose on the undertakings concerned restrictions that are not indispensable to the attainment of the bus improvement objectives.
  - (5) For the purposes of sub-paragraph (2)—
    - (a) the object or effect of a VMA may be considered either on its own or together with one or more other VMAs, VBAs or qualifying agreements;
    - (b) the object or effect of a VBA is to be considered together with one or more VMAs, other VBAs or qualifying agreements.
  - (6) For the purposes of sub-paragraph (3) the object or effect of a qualifying agreement may be considered either on its own or together with one or more VMAs, VBAs or other qualifying agreements.
- 19 (1) This Part of this Schedule does not apply to a VMA, VBA or qualifying agreement if it (or any of its provisions) constitutes a price-fixing agreement within the meaning given by section 39(9) of the Competition Act 1998.
- (2) Where the standard of services specified in a VMA or VBA includes any requirement as to maximum fares (see section 153(3)), any provision of that agreement relating to the setting, review or revision of the maximum fare is not to be regarded as constituting a price-fixing agreement for the purposes of sub-paragraph (1).

#### *The prohibition*

- 20 (1) Any VMA, VBA or qualifying agreement to which this Part of this Schedule applies is prohibited unless it is exempt in accordance with the provisions of this Part of this Schedule.
- (2) The prohibition in sub-paragraph (1) applies in place of the Chapter 1 prohibition.
- (3) The Chapter 1 prohibition is the prohibition imposed by section 2(1) of the Competition Act 1998.

#### *Agreements and decisions void*

- 21 Any agreement or decision which is prohibited by paragraph 20 is void.

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### *Exempt agreements*

- 22 (1) A VMA, VBA or qualifying agreement to which this Part of this Schedule applies is exempt if—
- (a) it contributes to the attainment of one or more of the bus improvement objectives,
  - (b) it does not impose on the undertakings concerned restrictions which are not indispensable to the attainment of those objectives, and
  - (c) it does not afford the undertakings concerned the possibility of eliminating competition in respect of a substantial part of the services in question.
- (2) In any proceedings in which it is alleged that the prohibition in paragraph 20 is being or has been infringed by a VMA, VBA or qualifying agreement any undertaking or association of undertakings claiming the benefit of sub-paragraph (1) shall bear the burden of proving that the conditions of that sub-paragraph are satisfied.

### *Application of provisions of Competition Act 1998*

- 23 (1) The provisions of Part 1 of the Competition Act 1998 (“the 1998 Act”) specified in sub-paragraph (2) apply in relation to the prohibition in paragraph 20 (and a VMA, VBA or qualifying agreement to which this Part of this Schedule applies) as those provisions apply in relation to the Chapter 1 prohibition (and an agreement to which the provisions of that Chapter apply).
- (2) The provisions are—
- (a) in Chapter 1, sections 3, 6, 8, 10 and 11 (excluded agreements and exemptions);
  - (b) Chapter 3 (investigations and enforcement), except sections 36 to 39 (penalties);
  - (c) in Chapter 4, sections 46 to 49 (appeals);
  - (d) Chapter 5 (miscellaneous), except section 54 (regulators).
- (3) The application, by virtue of sub-paragraph (2)(d), of Chapter 5 includes section 52(1) of the 1998 Act; but this is subject to the following modifications—
- (a) the reference to the passing of the 1998 Act is to be read as a reference to the passing of the Local Transport Act 2008;
  - (b) the reference to the Director is to be read as a reference to the OFT.
- (4) The application, in accordance with sub-paragraph (1), of the provisions mentioned in sub-paragraph (2) is to be subject to such further modifications as the Secretary of State may by order provide.]

## SCHEDULE 11

Section 161.

### MINOR AND CONSEQUENTIAL AMENDMENTS ABOUT LOCAL TRANSPORT

#### *Finance Act 1965 (c.25)*

- 1 In section 92(8) of the Finance Act 1965 (grants towards duty charged on bus fuel), in the definition of “bus service”—

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- (a) in paragraph (a), after “Act” insert “ or provided under a quality contract (within the meaning of Part II of the Transport Act 2000) ”, and
- (b) in paragraph (b), for “II of that Act” substitute “ II of the <sup>M80</sup>Transport Act 1985 ”.

#### Commencement Information

**I113** Sch. 11 para. 1 wholly in force at 26.10.2001; Sch. 11 para. 1 not in force at Royal Assent see s. 275(1); Sch. 11 para. 1 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, Sch. 1 para. 11; Sch. 11 para. 1 in force (E.) at 26.10.2001 by S.I. 2001/3342, art. 2, Sch.

#### Marginal Citations

**M80** 1985 c. 67.

### Transport Act 1968 (c.73)

- 2 The Transport Act 1968 has effect subject to the following amendments.

#### Commencement Information

**I114** Sch. 11 para. 2 wholly in force at 1.8.2001; Sch. 11 para. 2 not in force at Royal Assent see s. 275(1); Sch. 11 para. 2 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. 1 (subject to the savings in Sch. 3 Pt. II); Sch. 11 para. 2 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, Sch. 1 para. 11

- 3 (1) Section 9A (general functions of Passenger Transport Authorities and Executives) is amended as follows.
- (2) Omit subsections (1) and (2).
  - (3) For subsection (3) substitute—

“(3) It shall be the duty of the Executive for each passenger transport area in England to secure the provision of such public passenger transport services as the Authority for the area consider it appropriate for the Executive to secure for meeting any public transport requirements within the area which in the Authority’s view would not be met apart from any action taken by the Executive for that purpose.

(3A) The Authority shall seek and have regard to the advice of the Executive for their area in determining which services it would be appropriate for the Executive to secure under subsection (3) of this section.”
  - (4) In subsection (6), for the words following paragraph (b) substitute “ to have regard to a combination of economy, efficiency and effectiveness. ”
  - (5) In subsection (7), insert at the end “ and to the bus strategy made jointly by the Authority and the councils for the metropolitan districts comprised in the area. ”

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**Commencement Information**

**I115** Sch. 11 para. 3 wholly in force at 1.8.2001; Sch. 11 para. 3 not in force at Royal Assent see s. 275(1); Sch. 11 para. 3 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to the savings in Sch. 3 Pt. II); Sch. 11 para. 3 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, Sch. 1 para. 11

4 Omit section 9B (consultation and publicity with respect to policies as to services).

**Commencement Information**

**I116** Sch. 11 para. 4 wholly in force at 1.8.2001; Sch. 11 para. 4 not in force at Royal Assent see s. 275(1); Sch. 11 para. 4 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to the savings in Sch. 3 Pt. II); Sch. 11 para. 4 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, Sch. 1 para. 11

*Local Government Act 1972 (c.70)*

5 In section 97 of the Local Government Act 1972 (exceptions from prohibition on member of local authority discussing and voting on matters in which he has pecuniary interest), after subsection (6) insert—

“(7) Section 94 above shall not prohibit a director of a public transport company, or a subsidiary of such a company, who is neither—

- (a) paid for acting as such; nor
- (b) an employee of the public transport company or subsidiary,

from taking part in the consideration or discussion of, or from voting on any question with respect to, a local transport plan or bus strategy; and in this subsection “public transport company” and “subsidiary” have the same meanings as in Part IV of the <sup>M81</sup>Transport Act 1985.”

**Commencement Information**

**I117** Sch. 11 para. 5 wholly in force at 1.8.2001; Sch. 11 para. 5 not in force at Royal Assent see s. 275(1); Sch. 11 para. 5 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to the savings in Sch. 3 Pt. II); Sch. 11 para. 2 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, Sch. 1 para. 11

**Marginal Citations**

**M81** 1985 c. 67.

*Road Traffic Regulation Act 1984 (c.27)*

6 The Road Traffic Regulation Act 1984 has effect subject to the following amendments.

**Commencement Information**

**I118** Sch. 11 para. 6 wholly in force at 26.10.2001; Sch. 11 para. 6 not in force at Royal Assent see s. 275(1); Sch. 11 para. 6 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, Sch. 1 para. 11; Sch. 11 para. 6 in force (E.) at 26.10.2001 by S.I. 2001/3342, art. 2, Sch.

7 In section 1 (traffic regulation orders), after subsection (3) insert—

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“(3A) A local traffic authority may make a traffic regulation order in respect of a road in relation to which the Secretary of State or the National Assembly for Wales is the traffic authority if—

- (a) the order is required for the provision of facilities pursuant to a quality partnership scheme under Part II of the Transport Act 2000, and
- (b) the Secretary of State, or the National Assembly for Wales, consents.”

#### Commencement Information

**I119** Sch. 11 para. 7 wholly in force at 26.10.2001; Sch. 11 para. 7 not in force at Royal Assent see s. 275(1); Sch. 11 para. 7 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, Sch. 1 para. 11; Sch. 11 para. 7 in force (E.) at 26.10.2001 by S.I. 2001/3342, art. 2, Sch.

8 (1) Paragraph 27 of Schedule 9 (variation and revocation of orders) is amended as follows.

(2) In sub-paragraph (1), for “sub-paragraph (2)” substitute “ sub-paragraphs (2) and (3) ”.

(3) After sub-paragraph (2) insert—

“(3) Where an order is required for the provision of facilities pursuant to a quality partnership scheme made under Part II of the Transport Act 2000 by more than one authority—

- (a) it may not be varied or revoked by virtue of this paragraph by the Secretary of State or the National Assembly for Wales unless he or it has consulted the other authority or authorities who made the scheme, and
- (b) it may not be varied or revoked by virtue of this paragraph by any other authority without the consent of that other authority or those other authorities.”

#### Commencement Information

**I120** Sch. 11 para. 8 wholly in force at 26.10.2001; Sch. 11 para. 8 not in force at Royal Assent see s. 275(1); Sch. 11 para. 8 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, Sch. 1 para. 11; Sch. 11 para. 8 in force (E.) at 26.10.2001 by S.I. 2001/3342, art. 2, Sch.

#### Transport Act 1985 (c.67)

9 The Transport Act 1985 has effect subject to the following amendments.

#### Commencement Information

**I121** Sch. 11 para. 9 wholly in force at 1.8.2001; Sch. 11 para. 9 not in force at Royal Assent see s. 275(1); Sch. 11 para. 9 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to the savings in Sch. 3 Pt. II); Sch. 11 para. 2 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, Sch. 1 para. 11

10 (1) Section 26(1) (conditions attached to PSV operator’s licence) is amended as follows.

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Transport Act 2000 is up to date with all changes known to be in force on or before 23 June 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)*

- (2) In paragraph (b), after “section” insert “ or section 118(4) or 129(1)(b) of the Transport Act 2000 ”.
- (3) After that paragraph insert “; or
- (ba) the operator has failed to comply with section 138 or 140(3) of that Act;”.

#### Commencement Information

**I122** Sch. 11 para. 10 wholly in force; Sch. 11 para. 10 not in force at Royal Assent see s. 275(1); Sch. 11 para. 10(1)(3) in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to the savings in Sch. 3 Pt. II); Sch. 11 para. 10 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, Sch. 1 para. 11; Sch. 11 para. 10(2) in force (E.) at 26.10.2001 by S.I. 2001/3342, art. 2, Sch.

- 11 (1) Section 63 (functions of local councils with respect to passenger transport in areas other than passenger transport areas) is amended as follows.
- (2) In subsection (1), omit paragraph (b) and the word “and” before it.
- (3) In subsection (3)—
- (a) omit “(1)(b) or” and “(1)(a) or”,
- (b) in paragraph (a), omit “as a local education authority or (as the case may be)”, and
- (c) in paragraph (b), omit “social services or (as the case may be)”.
- (4) In subsection (7), for the words from “so to conduct” to the end substitute “ to have regard to a combination of economy, efficiency and effectiveness. ”
- (5) In subsection (8), at end insert “ and to the appropriate bus strategy. ”
- (6) After that subsection insert—
- “(8A) In subsection (8) “the appropriate bus strategy” means—
- (a) in the case of a council which is a local transport authority (within the meaning of section 108(4) of the Transport Act 2000), their bus strategy;
- (b) in the case of a district council which is not such an authority, the bus strategy of the council for the county in which the district is situated.”

#### Commencement Information

**I123** Sch. 11 para. 11 wholly in force at 1.8.2001; Sch. 11 para. 11 not in force at Royal Assent see s. 275(1); Sch. 11 para. 11 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to the savings in Sch. 3 Pt. II); Sch. 11 para. 11 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, Sch. 1 para. 11

- 12 (1) Section 64 (consultation and publicity with respect to policies as to services) is amended as follows.
- (2) In subsection (1)—
- (a) for “63(1)(b) or (2)(b)” substitute “ 63(2)(b) ”,
- (b) for “either of those provisions” substitute “ that provision ”, and
- (c) omit the words following paragraph (b).

*Status: Point in time view as at 01/04/2009.*

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(3) In subsection (2), omit “under section 63(1)(a) or (as the case may be)”.

#### Commencement Information

**I124** Sch. 11 para. 12 wholly in force; Sch. 11 para. 12 not in force at Royal Assent see s. 275(1); Sch. 11 para. 12 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to the savings in Sch. 3 Pt. II); Sch. 11 para. 2 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, Sch. 1 para. 11

13 <sup>F58</sup>In section 74 (directors of public transport companies), after subsection (3) insert—

“(3A) Subsection (3) above shall not prohibit a person from taking part in the consideration or discussion of, or from voting on any question with respect to, a local transport plan or bus strategy.”]

#### Textual Amendments

**F58** Sch. 11 para. 13 repealed (9.2.2009 for E., 31.1.2010 for W.) by Local Transport Act 2008 (c. 26), s. 134(4), Sch. 7 Pt. 3; S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/3294, art. 2(d)

#### Commencement Information

**I125** Sch. 11 para. 13 wholly in force at 1.8.2001; Sch. 11 para. 13 not in force at Royal Assent see s. 275(1); Sch. 11 para. 13 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to the savings in Sch. 3 Pt. II); Sch. 11 para. 2 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, Sch. 1 para. 11

14 In section 82 (bus stations: restrictions on discriminatory practices), after subsection (4) insert—

“(4A) Nothing done pursuant to a quality partnership scheme under Part II of the Transport Act 2000 by—  
(a) a Passenger Transport Executive,  
(b) a local authority, or  
(c) a person to whom subsection (3) above applies,  
shall be taken to be discrimination prohibited by subsection (1) or (3) above.”

#### Commencement Information

**I126** Sch. 11 para. 14 wholly in force at 26.10.2001; Sch. 11 para. 14 not in force at Royal Assent see s. 275(1); Sch. 11 para. 14 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, Sch. 1 para. 11; Sch. 11 para. 14 in force (E.) at 26.10.2001 by S.I. 2001/3342, art. 2, Sch.

15 In section 93(7) (persons eligible to receive travel concessions under local scheme), for paragraphs (d) and (e) substitute—

“(d) persons who are blind;  
(e) persons who are partially sighted;  
(ea) persons who are deaf;  
(eb) persons who are without speech;  
(ec) persons who have a disability, or have suffered an injury, which has a substantial and long-term adverse effect on their ability to walk;

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- (ed) persons who do not have arms or have long-term loss of the use of both arms;
- (ee) persons who have a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning;
- (ef) persons who, if they applied for the grant of a licence to drive a motor vehicle under Part III of the <sup>M82</sup>Road Traffic Act 1988, would have their applications refused pursuant to section 92 of that Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol;
- (eg) any person travelling as the companion of a person who—
  - (i) is eligible to receive travel concessions by virtue of any other paragraph of this subsection; and
  - (ii) requires the assistance of a companion in order to travel on journeys on public passenger transport services;”.

**Commencement Information**

**I127** Sch. 11 para. 15 wholly in force at 1.4.2002; Sch. 11 para. 15 not in force at Royal Assent see. S. 275; Sch. 11 para. 15 in force (E.) at 1.6.2001 by S.I. 2000/3229, art. 2, Sch. Pt. IV; Sch. 11 para. 15 in force (W.) at 1.4.2002 by S.I. 2001/2788, art. 2, Sch. 2

**Marginal Citations**

**M82** 1988 c. 52.

- 16 In section 94(4) (definition of eligible service), for the words from “a service is” to the end substitute ““eligible service” means—
- (a) until section 92 of the <sup>M83</sup>Finance Act 1965 (grants towards duty charged on bus fuel) ceases to have effect as a result of section 154(6) of the Transport Act 2000, a service qualifying for fuel duty grant, and
  - (b) after that time, a service using public service vehicles of a class specified in an order made by the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales).”

**Commencement Information**

**I128** Sch. 11 para. 16 wholly in force at 1.4.2002; Sch. 11 para. 16 not in force at Royal Assent see. S. 275; Sch. 11 para. 16 in force (E.) at 1.6.2001 by S.I. 2000/3229, art. 2, Sch. Pt. IV; Sch. 11 para. 16 in force (W.) at 1.4.2002 by S.I. 2001/2788, art. 2, Sch. 2

**Marginal Citations**

**M83** 1965 c. 25.

- 17 In section 103(3) (no subsidies for concessions available under a scheme), insert at the end “ or under section 145(1) of the Transport Act 2000. ”



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#### Commencement Information

**I129** Sch. 11 para. 17 wholly in force at 1.4.2002; Sch. 11 para. 17 not in force at Royal Assent see. S. 275; Sch. 11 para. 17 in force (E.) at 1.6.2001 by S.I. 2000/3229, art. 2, Sch. Pt. IV; Sch. 11 para. 17 in force (W.) at 1.4.2002 by S.I. 2001/2788, art. 2, Sch. 2

- 18 (1) Section 104 (travel concessions on services provided by Passenger Transport Executives) is amended as follows.
- (2) In subsection (1), for the words from “other than” to “that section” substitute “otherwise than in accordance with a scheme established under section 93 of this Act or in accordance with section 145(1) of the Transport Act 2000”.
- (3) In subsection (2), after paragraph (a) insert—
- “(aa) in accordance with section 145(1) of the Transport Act 2000; or”.

#### Commencement Information

**I130** Sch. 11 para. 18 wholly in force at 1.4.2002; Sch. 11 para. 18 not in force at Royal Assent see. S. 275; Sch. 11 para. 18 in force (E.) at 1.6.2001 by S.I. 2000/3229, art. 2, Sch. Pt. IV; Sch. 11 para. 18 in force (W.) at 1.4.2002 by S.I. 2001/2788, art. 2, Sch. 2

- 19 In section 105(1) (travel concessions on services provided by local authorities), for the words “of any description” onwards substitute “in accordance with a scheme established under section 93 of this Act or in accordance with section 145(1) of the Transport Act 2000.”

#### Commencement Information

**I131** Sch. 11 para. 19 wholly in force at 1.4.2002; Sch. 11 para. 19 not in force at Royal Assent see. S. 275; Sch. 11 para. 19 in force (E.) (1.6.2001 for specified purposes) by S.I. 2000/3229, art. 2, Sch. Pt. IV; Sch. 11 para. 19 in force (W.) at 1.4.2002 by S.I. 2001/2788, art. 2, Sch. 2

- <sup>F59</sup>20 (1) Section 108 (grants for establishment of rural passenger services in Wales and Scotland) is amended as follows.
- (2) In subsection (1), omit “Wales or”.
- (3) In the sidenote, omit “Wales and”.

#### Textual Amendments

**F59** Sch. 11 para. 20 partly in force; Sch. 11 para. 20 not in force at Royal Assent see s. 275; Sch. 11 para. 20 in force (W.) at 1.4.2002 by S.I. 2001/2788, art. 2, Sch. 2

- 21 Omit section 109 (transitional rural bus grants).

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#### Commencement Information

**I132** Sch. 11 para. 21 wholly in force at 26.10.2001; Sch. 11 para. 21 not in force at Royal Assent see s. 275(1); Sch. 11 para. 21 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, Sch. 1 para. 11; Sch. 11 para. 21 in force (E.) at 26.10.2001 by S.I. 2001/3342, art. 2, Sch.

22 (1) Section 111 (unregistered and unreliable local services: requirement to repay twenty per cent. of bus fuel duty grants) is amended as follows (until it ceases to have effect as a result of section 154(6)).

(2) For subsection (1) substitute—

“(1) Where the traffic commissioner for any traffic area is satisfied that the operator of a local service has, without reasonable excuse—

- (a) failed to operate a local service registered under section 6 of this Act;
- (b) operated a local service in contravention of that section or section 118(4) or 129(1)(b) of the Transport Act 2000; or
- (c) failed to comply with section 138 or 140(3) of that Act;

he may make a determination to that effect.”

#### Commencement Information

**I133** Sch. 11 para. 22 partly in force; Sch. 11 para. 22 not in force at Royal Assent see s. 275(1); Sch. 11 para. 22 in force for specified purposes (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to the savings in Sch. 3 Pt. II); Sch. 11 para. 22 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, Sch. 1 para. 11; Sch. 11 para. 22 in force in so far as it is not already in force (E.) at 26.10.2001 by S.I. 2001/3342, art. 2, Sch.

### *Greater London Authority Act 1999 (c.29)*

<sup>F60</sup>23 .....

#### Textual Amendments

**F60** Sch. 11 para. 23 repealed (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by Concessionary Bus Travel Act 2007 (c. 13), s. 15(1), Sch. 3; S.I. 2007/2799, arts. 2, 3 (with art. 4)

## SCHEDULE 12

Section 191.

### ROAD USER CHARGING AND WORKPLACE PARKING LEVY: FINANCIAL PROVISIONS

#### *Introductory*

1 (1) In this Schedule “relevant scheme” means a charging scheme or licensing scheme under this Part.

(2) In this Schedule—

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- (a) “the relevant authority”, in relation to a relevant scheme made by one authority, means the authority by which the scheme is made, and
- (b) “the relevant authorities”, in relation to a relevant scheme made jointly by more than one authority, means the authorities by which the scheme is made.

#### Commencement Information

**I134** Sch. 12 para. 1 partly in force; Sch. 12 para. 1 not in force at Royal Assent see s. 275(1); Sch. 12 para. 1 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to the savings in **Sch. 3 Pt. II**)

#### *Net proceeds*

- 2 (1) In this Schedule “net proceeds”, in relation to a relevant scheme and a financial year, means the amount (if any) by which—
- (a) the amounts received under or in connection with the scheme which are attributable to the financial year, exceed
  - (b) the expenses incurred for or in connection with the scheme which are so attributable.
- (2) For the purposes of this Schedule—
- (a) the amounts received under or in connection with a relevant scheme, and
  - (b) the expenses incurred for or in connection with a relevant scheme,
- and the extent to which they are attributable to any financial year, shall be determined in accordance with regulations made by the appropriate national authority.
- (3) Regulations under sub-paragraph (2) may, in particular, provide that—
- (a) any such costs of constructing, improving or maintaining roads in respect of which charges are imposed by trunk road charging schemes, and any such costs of managing traffic on those roads, as are specified by or determined in accordance with the regulations, or
  - (b) any such payments made for or in respect of the construction, improvement or maintenance of those roads, or the management of traffic on them, as are so specified or determined,
- are to be regarded, to the extent so specified or determined, as expenses incurred for or in connection with the trunk road charging schemes.
- (4) Where a trunk road charging scheme is made by virtue of section 167(2)(b), the relevant authority and the local traffic authority [<sup>F61</sup>or Integrated Transport Authority] which requested the making of the scheme (or Transport for London, if it did) may agree that—
- (a) the expenses incurred for or in connection with the trunk road charging scheme shall be taken to include specified expenses incurred for or in connection with the charging scheme in connection with which the trunk road charging scheme was requested, and
  - (b) the expenses incurred for or in connection with that other charging scheme shall be taken to include specified expenses incurred for or in connection with the trunk road charging scheme.

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#### Textual Amendments

**F61** Words in [Sch. 12 para. 2\(4\)](#) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 5 para. 11](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(k)

#### Commencement Information

**I135** Sch. 12 para. 2 partly in force; Sch. 12 para. 2 not in force at Royal Assent see s. 275(1); Sch. 12 para. 2 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#))

### *Apportionment*

- 3 (1) A relevant scheme which is—
- (a) a joint local charging scheme or licensing scheme, <sup>F62</sup>...
  - [<sup>F62</sup>(aa) a joint local-ITA charging scheme,]
  - (b) a joint local-London charging scheme or licensing scheme, [<sup>F63</sup> or
  - (c) a joint ITA-London charging scheme,]
- shall provide for the net proceeds of the scheme to be apportioned between the relevant authorities.
- (2) Where a trunk road charging scheme is made by virtue of section 167(2)(b)—
- (a) the trunk road charging scheme, or
  - (b) the charging scheme in connection with which the trunk road charging scheme was requested,
- or both, may provide for the net proceeds of the scheme to be apportioned between the relevant authority and the local traffic authority [<sup>F64</sup>or Integrated Transport Authority] which requested the making of the scheme (or Transport for London, if it did).

#### Textual Amendments

**F62** Sch. 12 para. 3(1)(aa) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 5 para. 12\(2\)\(a\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(k)

**F63** Sch. 12 para. 3(1)(c) and word inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 5 para. 12\(2\)\(b\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(k)

**F64** Words in Sch. 12 para. 3(2) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 5 para. 12\(3\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(k)

#### Commencement Information

**I136** Sch. 12 para. 3 partly in force; Sch. 12 para. 3 not in force at Royal Assent see s. 275(1); Sch. 12 para. 3 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#))

- 4 References in the following provisions of this Schedule to an authority's share of the net proceeds of a relevant scheme are—
- (a) where the net proceeds of the scheme are apportioned as provided by paragraph 3, to so much of the net proceeds of the scheme as are apportioned to the authority, and
  - (b) otherwise, to the net proceeds of the scheme.

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#### Commencement Information

**I137** Sch. 12 para. 4 partly in force; Sch. 12 para. 4 not in force at Royal Assent see s. 275(1); Sch. 12 para. 4 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#))

#### *Accounts and funds*

- 5 Regulations made by the appropriate national authority may make provision for—
- (a) the keeping of accounts relating to trunk road charging schemes, and
  - (b) the preparation and publication of statements of such accounts.

#### Commencement Information

**I138** Sch. 12 para. 5 partly in force at 1.8.2001; Sch. 12 para. 5 not in force at Royal Assent see s. 275(1); Sch. 12 para. 5 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#))

- 6
- (1) An account relating to a relevant scheme which is not a trunk road charging scheme shall be kept for each financial year by the relevant authority or jointly by the relevant authorities.
  - (2) A statement of every such account shall be prepared for each financial year by the relevant authority or authorities and published in the annual accounts of the relevant authority, or of each of the relevant authorities, for the financial year.
  - (3) Regulations made by the appropriate national authority may make—
    - (a) further provision relating to accounts required to be kept under this paragraph (including provision requiring or allowing the keeping of consolidated accounts relating to more than one relevant scheme), and
    - (b) further provision relating to the preparation and publication of statements of such accounts.

#### Commencement Information

**I139** Sch. 12 para. 6 partly in force; Sch. 12 para. 6 not in force at Royal Assent see s. 275(1); Sch. 12 para. 6 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#))

- 7
- (1) At the end of each financial year any deficit in an account required to be kept under paragraph 6 shall be made good by the relevant authority or authorities.
  - (2) Any surplus in such an account may (so far as not made available for any purpose in accordance with this Schedule) be applied by the relevant authority or authorities towards making good any amount used to make good a deficit in respect of the account in the ten years immediately preceding the financial year.
  - (3) So much of any surplus as remains after the application of sub-paragraph (2) shall be carried forward in the account to the next financial year.
  - (4) A relevant scheme made by more than one authority must make provision specifying or for determining—
    - (a) the proportion of any deficit which each authority shall make good, and

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- (b) the proportion of any surplus which each authority may apply in accordance with sub-paragraph (2).
- (5) Any deficit required to be made good shall be made good—
  - (a) in the case of a Welsh county council or county borough council, from its general account,
  - (b) in the case of Transport for London, from its gross income, and
  - (c) in the case of any other non-metropolitan local traffic authority or London traffic authority, [<sup>F65</sup>or an Integrated Transport Authority,] from its general fund.

**Textual Amendments**  
**F65** Words in Sch. 12 para. 7(5)(c) inserted (9.2.2009 for E., 1.4.2009 for W.) by Local Transport Act 2008 (c. 26), s. 134(4), Sch. 5 para. 13(2); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(k)

**Commencement Information**  
**I140** Sch. 12 para. 7 partly in force; Sch. 12 para. 7 not in force at Royal Assent see s. 275(1); Sch. 12 para. 7 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to the savings in Sch. 3 Pt. II)

*Application of proceeds by non-metropolitan local traffic authorities*

- 8 (1) This paragraph applies to a non-metropolitan local traffic authority’s share of the net proceeds of [<sup>F66</sup>any relevant scheme].
- (2) The share of the net proceeds is available only—
  - (a) for application by the authority for the purpose of directly or indirectly facilitating the achievement of [<sup>F67</sup>local transport policies of the authority], or
  - (b) for application by any authority falling within sub-paragraph (3) selected by the authority whose share it is in accordance with sub-paragraph (4).
- (3) The authorities which fall within this sub-paragraph are—
  - (a) other non-metropolitan local traffic authorities
  - [<sup>F68</sup>(aa) Integrated Transport Authorities;]
  - (b) London traffic authorities and the Greater London Authority.
- (4) A share of the net proceeds of a relevant scheme is applied in accordance with this sub-paragraph if it is applied—
  - (a) by a non-metropolitan local traffic authority for the purpose of directly or indirectly facilitating the achievement of [<sup>F69</sup>any of its local transport policies],
  - [<sup>F70</sup>(aa) by an Integrated Transport Authority for the purpose of directly or indirectly facilitating the achievement of any of its local transport policies, or]
  - (b) by a London traffic authority or the Greater London Authority in accordance with the transport strategy prepared and published under section 142 of the <sup>M84</sup>Greater London Authority Act 1999,

in a way which will benefit the whole or any part of the area of the non-metropolitan local traffic authority whose share it is.

<sup>F71</sup>(5) .....

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- F71(6) .....
- F71(7) .....

#### Textual Amendments

- F66** Words in Sch. 12 para. 8(1) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\)](#), [Sch. 6 para. 2\(2\)](#); [S.I. 2009/107, art. 2\(2\)](#), [Sch. 2 Pt. 1](#); [S.I. 2009/579, art. 2\(t\)](#)
- F67** Words in Sch. 12 para. 8(2)(a) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\)](#), [Sch. 1 para. 8\(2\)\(a\)](#); [S.I. 2009/107, art. 2\(2\)](#), [Sch. 2 Pt. 1](#); [S.I. 2009/579, art. 2\(a\)](#)
- F68** Sch. 12 para. 8(3)(aa) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\)](#), [Sch. 5 para. 14\(2\)](#); [S.I. 2009/107, art. 2\(2\)](#), [Sch. 2 Pt. 1](#); [S.I. 2009/579, art. 2\(k\)](#)
- F69** Words in Sch. 12 para. 8(4)(a) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\)](#), [Sch. 1 para. 8\(2\)\(b\)](#); [S.I. 2009/107, art. 2\(2\)](#), [Sch. 2 Pt. 1](#); [S.I. 2009/579, art. 2\(a\)](#)
- F70** Sch. 12 para. 8(4)(aa) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\)](#), [Sch. 5 para. 14\(3\)](#); [S.I. 2009/107, art. 2\(2\)](#), [Sch. 2 Pt. 1](#); [S.I. 2009/579, art. 2\(k\)](#)
- F71** Sch. 12 para. 8(5)-(7) repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\)](#), [Sch. 6 para. 2\(3\)](#), [Sch. 7 Pt. 5](#); [S.I. 2009/107, art. 2\(2\)](#), [Sch. 2 Pt. 1](#); [S.I. 2009/579, art. 2\(t\)](#)

#### Modifications etc. (not altering text)

- C3** Sch. 12 para. 8 applied (with modifications) (1.2.2005) by [The Local Authorities' Plans and Strategies \(Disapplication\) \(England\) Order 2005 \(S.I. 2005/157\)](#), [art. 1](#), [Sch. 2 para. 17\(a\)](#) (with [art. 7\(4\)](#))

#### Commencement Information

- I141** Sch. 12 para. 8 partly in force; Sch. 12 para. 8 not in force at Royal Assent see [s. 275\(1\)](#); Sch. 12 para. 8 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#))

#### Marginal Citations

- M84** [1999 c. 29](#).

F72<sup>9</sup> .....

#### Textual Amendments

- F72** Sch. 12 para. 9 repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\)](#), [Sch. 6 para. 3\(3\)](#), [Sch. 7 Pt. 5](#); [S.I. 2009/107, art. 2\(2\)](#), [Sch. 2 Pt. 1](#); [S.I. 2009/579, art. 2\(t\)](#)

#### Commencement Information

- I142** Sch. 12 para. 9 partly in force; Sch. 12 para. 9 not in force at Royal Assent see [s. 275\(1\)](#); Sch. 12 para. 9 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#))

- 10 (1) A relevant scheme made by one or more non-metropolitan local traffic authorities must include—
- (a) a general plan relating to the application of their shares of the net proceeds of the relevant scheme during the opening ten year period, and
  - (b) a detailed programme for the application of their shares of the net proceeds of the relevant scheme during [<sup>F73</sup>the opening five year period].
- (2) In this Schedule—

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Transport Act 2000 is up to date with all changes known to be in force on or before 23 June 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)*

- (a) “the opening ten year period” means the period which begins with the date on which the relevant scheme comes into force and ends with the tenth financial year that commences on or after that date, and
- [<sup>F74</sup>(b) “the opening five year period” means the period which begins with that date and ends with the fifth financial year that commences on or after that date.]
- (3) The order making a scheme [<sup>F75</sup>which relates to an area in Wales] shall not come into force unless and until the general plan and detailed programme required by sub-paragraph (1) have been approved by [<sup>F76</sup>the Welsh Ministers].

#### Textual Amendments

- F73** Words in Sch. 12 para. 10(1)(b) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 6 para. 4\(2\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)
- F74** Sch. 12 para. 10(2)(b) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 6 para. 4\(3\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)
- F75** Words in Sch. 12 para. 10(3) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 6 para. 4\(4\)\(a\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)
- F76** Words in Sch. 12 para. 10(3) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 6 para. 4\(4\)\(b\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)

#### Modifications etc. (not altering text)

- C4** Sch. 12 para. 10 applied (with modifications) (1.2.2005) by [The Local Authorities' Plans and Strategies \(Disapplication\) \(England\) Order 2005 \(S.I. 2005/157\), art. 1, Sch. 2 para. 17\(b\)](#) (with art. 7(4))

#### Commencement Information

- I143** Sch. 12 para. 10 partly in force; Sch. 12 para. 10 not in force at Royal Assent see s. 275(1); Sch. 12 para. 10 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\), Sch. 3 Pt. 1](#) (subject to the savings in [Sch. 3 Pt. II](#))

- 11 [<sup>F77</sup>(1) If a relevant scheme made by one or more non-metropolitan local traffic authorities remains in force after the end of the opening five year period, the authority or each of the authorities shall, during every fifth financial year after the financial year in which the scheme comes into force, prepare a detailed programme for the application of its share of the net proceeds of the scheme during the next five years.]
- (2) Any programme [<sup>F78</sup>prepared in accordance with sub-paragraph (1)] in relation to a relevant scheme prevails over any conflicting provisions in the general plan included in the scheme pursuant to paragraph 10(1)(a).
- (3) Except with the consent of the appropriate national authority in any particular case, a non-metropolitan local traffic authority may not apply its share of the net proceeds of a scheme for any purpose (other than making good any amount to the general fund or general account of the relevant authority which made the scheme) in any financial year beginning after the end of [<sup>F79</sup>the opening five year period] unless it is complying with sub-paragraph (1).

#### Textual Amendments

- F77** Sch. 12 para. 11(1) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 6 para. 5\(2\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)
- F78** Words in Sch. 12 para. 11(2) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 6 para. 5\(3\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)



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**F79** Words in Sch. 12 para. 11(3) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 6 para. 5\(4\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)

**Modifications etc. (not altering text)**

**C5** Sch. 12 para. 11 applied (with modifications) (1.2.2005) by [The Local Authorities' Plans and Strategies \(Disapplication\) \(England\) Order 2005 \(S.I. 2005/157\)](#), art. 1, [Sch. 2 para. 17\(c\)](#) (with art. 7(4))

**Commencement Information**

**I144** Sch. 12 para. 11 partly in force; Sch. 12 para. 11 not in force at Royal Assent see s. 275(1); Sch. 12 para. 11 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#))

*<sup>F80</sup>Application of proceeds by Integrated Transport Authorities*

**Textual Amendments**

**F80** Sch. 12 para. 11A-11C and crossheading inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 5 para. 15](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(k)

- 11A (1) This paragraph applies to an Integrated Transport Authority's share of the net proceeds of any relevant scheme.
- (2) The share of the net proceeds is available only—
- (a) for application by the Authority for the purpose of directly or indirectly facilitating the achievement of any of the Authority's local transport policies, or
- (b) for application in accordance with sub-paragraph (4) by an authority falling within sub-paragraph (3) selected by the Authority.
- (3) The authorities which fall within this sub-paragraph are—
- (a) non-metropolitan local traffic authorities;
- (b) London traffic authorities and the Greater London Authority.
- (4) A share of the net proceeds of a relevant scheme is applied in accordance with this sub-paragraph if it is applied—
- (a) by a non-metropolitan local traffic authority for the purpose of directly or indirectly facilitating the achievement of any of its local transport policies, or
- (b) by a London traffic authority or the Greater London Authority in accordance with the transport strategy prepared and published under section 142 of the Greater London Authority Act 1999,
- in a way which will benefit the whole or any part of the integrated transport area of the Authority.
- 11B (1) A relevant scheme made by an Integrated Transport Authority must include—
- (a) a general plan relating to the application of its share of the net proceeds of the relevant scheme during the opening ten year period, and
- (b) a detailed programme for the application of its share for the net proceeds of the relevant scheme during the opening five year period.
- (2) See paragraph 10(2) for the meaning of “the opening ten year period” and “the opening five year period”.

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- 11C (1) If a relevant scheme made by an Integrated Transport Authority remains in force after the end of the opening five year period, the Authority shall, during every fifth financial year after the financial year in which the scheme comes into force, prepare a detailed programme for the application of its share of the net proceeds of the scheme during the next five years.
- (2) Any programme prepared in accordance with sub-paragraph (1) in relation to a relevant scheme prevails over any conflicting provisions in the general plan included in the scheme pursuant to paragraph 11B(1)(a).
- (3) Except with the consent of the Secretary of State in any particular case, an Integrated Transport Authority may not apply its share of the net proceeds of a scheme for any purpose (other than making good any amount to its general fund) in any financial year beginning after the end of the opening five year period unless it is complying with sub-paragraph (1).]

*Application of proceeds by London traffic authorities*

- 12 (1) The share of the net proceeds of a relevant scheme of a London traffic authority is available.
- [<sup>F81</sup>(a) in the case of a charging scheme under this Part, only for application for relevant transport purposes within the meaning of Schedule 23 to the Greater London Authority Act 1999;
- (b) in the case of a licensing scheme under this Part, only for application in accordance with regulations made by the Secretary of State.]
- [<sup>F82</sup>(1A) Paragraphs 19(1) and (2), 20(1) and (5), 23(1) and (3) and 24 of Schedule 23 to that Act apply in relation to a charging scheme under this Part as they apply in relation to a charging scheme under that Schedule.]
- (2) Regulations under sub-paragraph (1) shall provide for—
- <sup>F83</sup>(a) .....
- (b) paragraphs 22 to 30 of Schedule 24 to that Act,
- to apply in relation to [<sup>F84</sup>a licensing scheme] with any such modifications as the Secretary of State considers appropriate.
- (3) Before making regulations under sub-paragraph (1) the Secretary of State shall consult the Greater London Authority.

**Textual Amendments**

- F81** Words in Sch. 12 para. 12(1) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 6 para. 6\(2\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)
- F82** Sch. 12 para. 12(1A) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 6 para. 6\(3\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)
- F83** Sch. 12 para. 12(2)(a) repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 6 para. 6\(4\)\(a\), Sch. 7 Pt. 5](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)
- F84** Words in Sch. 12 para. 12(2) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 6 para. 6\(4\)\(b\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)

*Status: Point in time view as at 01/04/2009.*

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### Commencement Information

**I145** Sch. 12 para. 12 wholly in force at 1.8.2001; Sch. 12 para. 12 not in force at Royal Assent see s. 275(1); Sch. 12 para. 12 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), [art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#))

### *Application of proceeds by Secretary of State and Assembly*

- 13 (1) In the case of a trunk road charging scheme—
- (a) which is made by virtue of paragraph (a) of subsection (2) of section 167, or
  - (b) which is made by virtue of paragraph (b) of that subsection <sup>F85</sup> ...,
- the relevant authority's share of the net proceeds is available only for application for the purpose of directly or indirectly facilitating the achievement of any policies or proposals relating to transport.
- <sup>F86</sup>(2) .....
- (3) [<sup>F87</sup>Sub-paragraph (1)(a)] applies during the period of ten years beginning with the coming into force of a scheme [<sup>F88</sup>made by virtue of section 167(2)(a)].
- (4) The appropriate national authority may by regulations make provision as to circumstances in which—
- (a) the same scheme is to be regarded as continuing in force in spite of a variation of the scheme or the revocation and replacement (with or without modifications) of the scheme, or
  - (b) a different scheme is, or is not, to be regarded as coming into force, for the purposes of determining when the period specified in sub-paragraph (3) begins or expires in the case of a scheme.
- (5) Except where [<sup>F89</sup>sub-paragraph (1)(a)] applies, the relevant authority's share of the net proceeds of a trunk road charging scheme [<sup>F90</sup>made by virtue of section 167(2)(a)] is available to be applied only as may be specified in, or determined in accordance with, regulations made by the appropriate national authority.
- (6) The provision that may be made by regulations under sub-paragraph (5) includes provision for sub-paragraph (3) to apply with the substitution for the number of years for the time being mentioned in it of a number of years greater than ten.

### Textual Amendments

- F85** Words in Sch. 12 para. 13(1)(b) repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), [s. 134\(4\)](#), [Sch. 6 para. 7\(2\)](#), [Sch. 7 Pt. 5](#); [S.I. 2009/107](#), [art. 2\(2\)](#), [Sch. 2 Pt. 1](#); [S.I. 2009/579](#), [art. 2\(t\)](#)
- F86** Sch. 12 para. 13(2) repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), [s. 134\(4\)](#), [Sch. 6 para. 7\(3\)](#), [Sch. 7 Pt. 5](#); [S.I. 2009/107](#), [art. 2\(2\)](#), [Sch. 2 Pt. 1](#); [S.I. 2009/579](#), [art. 2\(t\)](#)
- F87** Words in Sch. 12 para. 13(3) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), [s. 134\(4\)](#), [Sch. 6 para. 7\(4\)\(a\)](#); [S.I. 2009/107](#), [art. 2\(2\)](#), [Sch. 2 Pt. 1](#); [S.I. 2009/579](#), [art. 2\(t\)](#)
- F88** Words in Sch. 12 para. 13(3) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), [s. 134\(4\)](#), [Sch. 6 para. 7\(4\)\(b\)](#); [S.I. 2009/107](#), [art. 2\(2\)](#), [Sch. 2 Pt. 1](#); [S.I. 2009/579](#), [art. 2\(t\)](#)
- F89** Words in Sch. 12 para. 13(5) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), [s. 134\(4\)](#), [Sch. 6 para. 7\(5\)\(a\)](#); [S.I. 2009/107](#), [art. 2\(2\)](#), [Sch. 2 Pt. 1](#); [S.I. 2009/579](#), [art. 2\(t\)](#)

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**F90** Words in Sch. 12 para. 13(5) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008](#) (c. 26), s. 134(4), [Sch. 6 para. 7\(5\)\(b\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)

**Commencement Information**

**I146** Sch. 12 para. 13 partly in force; Sch. 12 para. 13 not in force at Royal Assent see s. 275(1); Sch. 12 para. 13 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#))

SCHEDULE 13

Section 199.

AMENDMENTS OF SCHEDULES 23 AND 24 TO GREATER LONDON AUTHORITY ACT

*Road user charging*

1 Schedule 23 to the <sup>M85</sup>Greater London Authority Act 1999 (road user charging in Greater London) has effect subject to the following amendments.

**Commencement Information**

**I147** [Sch. 13 para. 1](#) partly in force; [Sch. 13 para. 1](#) not in force at Royal Assent see s. 275(1); [Sch. 13 para. 1](#) in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#))

**Marginal Citations**

**M85** 1999 c. 29.

- 2 (1) Paragraph 1 (interpretation) is amended as follows.
- (2) In sub-paragraph (1), in the definition of “net proceeds”, for the words from “, means” to the end substitute “and a financial year, means the amount (if any) by which—
- (a) the amounts received under or in connection with the scheme which are attributable to the financial year, exceed
  - (b) the expenses incurred for or in connection with the scheme which are so attributable;”.
- (3) In that sub-paragraph, after the definition of “prescribed”, insert—
- ““registered keeper”, in relation to a charge imposed in respect of a motor vehicle, means the person in whose name the vehicle was registered under the <sup>M86</sup>Vehicle Excise and Registration Act 1994 at the time of the act, omission, event or circumstances in respect of which the charge is imposed;”.
- (4) In that sub-paragraph, in the definition of “regulations”, after “means” insert “(except where otherwise provided) ”.
- (5) In that sub-paragraph, in the definition of “traffic sign”, for “same meaning as in the <sup>M87</sup>Road Traffic Regulation Act 1984 (see in particular section 64 of that Act)” substitute “ meaning given by section 64 of the Road Traffic Regulation Act 1984 but also includes signposts and other signs and notices included in that term by section 71(2) of that Act ”.
- (6) For sub-paragraph (2) substitute—

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- “(2) For the purposes of this Schedule—
- (a) the amounts received under or in connection with a charging scheme, and
  - (b) the expenses incurred for or in connection with such a scheme,
- and the extent to which they are attributable to any financial year, shall be determined in accordance with regulations under this sub-paragraph.”

**Modifications etc. (not altering text)**

**C6** Sch. 13 para. 2 partly in force; Sch. 13 para. 2 not in force at Royal Assent see s. 275(1); Sch. 13 para. 2 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

**Marginal Citations**

**M86** 1994 c. 22.

**M87** 1984 c. 27.

- 3 (1) Paragraph 4 (making of charging scheme) is amended as follows.
- (2) After paragraph (a) of sub-paragraph (3) insert—
- “(aa) require such an authority to publish its proposals for the scheme and to consider objections to the proposals;”.
- (3) After paragraph (d) of that sub-paragraph insert—
- “(da) require the authority by whom any such order is made to publish notice of the order and of its effect;”.
- (4) Omit paragraph (e) of that sub-paragraph.
- (5) After that sub-paragraph insert—
- “(4) Subsections (2) and (3) of section 250 of the<sup>M88</sup> Local Government Act 1972 (witnesses at local inquiries) apply in relation to any inquiry held by virtue of sub-paragraph (3)(b) above.
- (5) Where an inquiry is held by virtue of sub-paragraph (3)(b) above for the purposes of any order containing a charging scheme—
- (a) the costs of the inquiry shall be paid by the charging authority; and
  - (b) the parties at the inquiry shall bear their own costs.
- (6) The charging authority may enter any land, and exercise any other powers which may be necessary, for placing and maintaining, or causing to be placed and maintained, traffic signs in connection with the charging scheme.”

**Commencement Information**

**I148** Sch. 13 para. 3 partly in force; Sch. 13 para. 3 not in force at Royal Assent see s. 275(1); Sch. 13 para. 3 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

**Marginal Citations**

**M88** 1972 c. 70.

*Status: Point in time view as at 01/04/2009.*

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- 4 In sub-paragraph (2) of paragraph 11 (exemptions, reduced rates etc.), after “above” insert “ and to paragraphs 4 and 6 above ”.

**Commencement Information**

**I149** Sch. 13 para. 4 partly in force; Sch. 13 para. 4 not in force at Royal Assent see s. 275(1); Sch. 13 para. 4 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

- 5 After that paragraph insert—

*“ Documents and equipment*

- 11A A charging scheme may require—
- (a) documents to be displayed while a motor vehicle is on a road in respect of which charges are imposed; or
  - (b) equipment to be carried in or fitted to a motor vehicle while it is on such a road.”

**Commencement Information**

**I150** Sch. 13 para. 5 partly in force; Sch. 13 para. 5 not in force at Royal Assent see s. 275(1); Sch. 13 para. 5 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

- 6 (1) Paragraph 12 (penalty charges) is amended as follows.
- (2) In sub-paragraph (1), for “, notification, payment, adjudication or enforcement” substitute “ and payment ”.
- (3) After sub-paragraph (2) insert—
- “(3) The Lord Chancellor may make regulations about the notification, adjudication and enforcement of penalty charges.”

**Commencement Information**

**I151** Sch. 13 para. 6 partly in force; Sch. 13 para. 6 not in force at Royal Assent see s. 275(1); Sch. 13 para. 6 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

- 7 For paragraph 13 substitute—
- “13 Charges imposed in respect of any motor vehicle by a charging scheme (including penalty charges imposed in respect of any motor vehicle) shall be paid—
- (a) by the registered keeper of the motor vehicle; or
  - (b) in prescribed circumstances, by such person as is prescribed.”

**Commencement Information**

**I152** Sch. 13 para. 7 partly in force; Sch. 13 para. 7 not in force at Royal Assent see s. 275(1); Sch. 13 para. 7 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

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- 8 In paragraph 14 (installation of equipment), for the words from “install” to “used or” substitute—
- “(a) install and maintain, or authorise the installation and maintenance of, any equipment; or
  - (b) construct and maintain, or authorise the construction and maintenance of, buildings or other structures,
- used or ”.

#### Commencement Information

**I153** Sch. 13 para. 8 partly in force; Sch. 13 para. 8 not in force at Royal Assent see s. 275(1); Sch. 13 para. 8 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

- 9 (1) Paragraph 15 (accounts and funds) is amended as follows.
- (2) In sub-paragraphs (1) and (2), for “of their income and expenditure in respect of” substitute “relating to”.
- (3) In sub-paragraph (3)—
- (a) for the words from the beginning to “year, each” substitute “Each”, and
  - (b) for “that year” substitute “each financial year”.
- (4) After sub-paragraph (4) insert—
- “(4A) Regulations may make further provision relating to—
- (a) accounts required to be kept under sub-paragraph (1) or (2) above (including provision requiring or allowing the keeping of consolidated accounts relating to more than one charging scheme); and
  - (b) the preparation and publication of statements of such accounts.”
- (5) In sub-paragraph (5)(b), after “account” insert “(after the application of any of the net proceeds in accordance with the following provisions)”.

#### Commencement Information

**I154** Sch. 13 para. 9 partly in force; Sch. 13 para. 9 not in force at Royal Assent see s. 275(1); Sch. 13 para. 9 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

- 10 (1) Paragraph 25 (offences) is amended as follows.
- (2) In sub-paragraph (1)—
- (a) insert “or” at the end of paragraph (a), and
  - (b) omit paragraph (c) and the word “or” before it.
- (3) After that sub-paragraph insert—
- “(1A) A person who makes or uses any false document with intent to avoid payment of, or being identified as having failed to pay, a charge imposed by a charging scheme or a penalty charge is guilty of an offence.”
- (4) In sub-paragraph (2), after “sub-paragraph (1)” insert “or (1A)”.

*Status: Point in time view as at 01/04/2009.*

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(5) After that sub-paragraph insert—

“(3) A person is guilty of an offence if he removes a penalty charge notice which has been fixed to a motor vehicle in accordance with regulations under paragraph 12 above unless—

- (a) he is the registered keeper of the vehicle or a person using the vehicle with his authority; or
- (b) he does so under the authority of the registered keeper or such a person or of the charging authority.

(4) A person guilty of an offence under sub-paragraph (3) above shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.”

#### Commencement Information

**I155** Sch. 13 para. 10 partly in force; Sch. 13 para. 10 not in force at Royal Assent see s. 275(1); Sch. 13 para. 10 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

11 (1) Paragraph 26 (examination of motor vehicles etc.) is amended as follows.

(2) In sub-paragraph (1)(b)(iii), for “unlawfully” substitute “ with intent to avoid payment of, or being identified as having failed to pay, a charge ”.

(3) For sub-paragraph (2) substitute—

“(2) Regulations may make provision conferring power on any person authorised in writing by the charging authority to enter a motor vehicle where he has reasonable grounds for suspecting, in relation to a motor vehicle which is on a road, that—

- (a) any equipment required to be carried in or fitted to the motor vehicle while it is on a road in respect of which charges are imposed has been interfered with with intent to avoid payment of, or being identified as having failed to pay, a charge imposed by the charging scheme; or
- (b) there is in the motor vehicle a false document which has been made or used with intent to avoid payment of, or being identified as having failed to pay, such a charge.”

(4) After that sub-paragraph insert—

“(3) A person who intentionally obstructs a person exercising any power conferred on him by virtue of sub-paragraph (2) above is guilty of an offence.

(4) A person guilty of an offence under sub-paragraph (3) above shall be liable on summary conviction to—

- (a) a fine not exceeding level 5 on the standard scale, or
  - (b) imprisonment for a term not exceeding six months,
- or to both.

(5) Regulations may make provision conferring power on any person authorised in writing by the charging authority to seize anything (if necessary by detaching it from a motor vehicle) and detain it as evidence of the commission of an offence under paragraph 25 above.”



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#### Commencement Information

**I156** Sch. 13 para. 11 partly in force; Sch. 13 para. 11 not in force at Royal Assent see s. 275(1); Sch. 13 para. 11 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

- 12 (1) Paragraph 27 (removal or immobilisation of motor vehicles) shall be renumbered as sub-paragraph (1) of that paragraph and amended as follows.
- (2) After paragraph (a) insert—
- “(aa) the fixing of immobilisation notices to motor vehicles to which an immobilisation device has been fitted;”.
- (3) Insert at the end “; and
- (e) the sale or destruction of motor vehicles not released.
- (2) A person who removes or interferes with an immobilisation notice in contravention of provision made by virtue of sub-paragraph (1) above is guilty of an offence.
- (3) A person who removes or attempts to remove an immobilisation device fixed to a motor vehicle in accordance with provision made by virtue of sub-paragraph (1) above in contravention of such provision is guilty of an offence.
- (4) A person who intentionally obstructs a person exercising any power conferred on him by provision made by virtue of sub-paragraph (1) above is guilty of an offence.
- (5) A person guilty of an offence under sub-paragraph (2) above shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (6) A person guilty of an offence under sub-paragraph (3) or (4) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

#### Commencement Information

**I157** Sch. 13 para. 12 partly in force; Sch. 13 para. 12 not in force at Royal Assent see s. 275(1); Sch. 13 para. 12 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

- 13 In paragraph 28 (determination of disputes and appeals), for “Regulations may” substitute “ The Lord Chancellor may by regulations ”.

#### Commencement Information

**I158** Sch. 13 para. 13 partly in force; Sch. 13 para. 13 not in force at Royal Assent see s. 275(1); Sch. 13 para. 13 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

- 14 In paragraph 29(6) (approval of equipment), for the words after “regulations” substitute “ under section 176(2) of the Transport Act 2000. ”

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**Commencement Information**

**I159** Sch. 13 para. 14 partly in force; Sch. 13 para. 14 not in force at Royal Assent see s. 275(1); Sch. 13 para. 14 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

- 15 In paragraph 30 (evidence), for “Regulations may” substitute “The Lord Chancellor may by regulations”.

**Commencement Information**

**I160** Sch. 13 para. 15 partly in force; Sch. 13 para. 15 not in force at Royal Assent see s. 275(1); Sch. 13 para. 15 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

- 16 In paragraph 34 (guidance), insert at the end—  
 “(3) Guidance issued under this paragraph shall be published in such manner as the Authority consider appropriate; and the Authority may at any time vary or revoke such guidance.”

**Commencement Information**

**I161** Sch. 13 para. 16 partly in force; Sch. 13 para. 16 not in force at Royal Assent see s. 275(1); Sch. 13 para. 16 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

- 17 After that paragraph insert—

*“ Information*

- 34A(1) Information obtained by—
- (a) any Minister of the Crown or government department, or
  - (b) any local authority or other statutory body,
- may be disclosed to a charging authority for or in connection with the exercise of any of their functions with respect to a charging scheme.
- (2) Information obtained by a charging authority for or in connection with any of their functions other than their functions with respect to a charging scheme may be used by the authority for or in connection with the exercise of any of their functions with respect to a charging scheme.
- (3) Any information—
- (a) which has been or could be disclosed to a charging authority under sub-paragraph (1) above for or in connection with the exercise of any of their functions with respect to a charging scheme, or
  - (b) which has been or could be used by an authority by virtue of sub-paragraph (2) above for or in connection with the exercise of any of those functions,
- may be disclosed to any person with whom the authority has entered into arrangements under paragraph 32(b) above.
- (4) Information disclosed to a person under sub-paragraph (3) above—

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- (a) may be disclosed to any other person for or in connection with the charging scheme; but
- (b) may not be used (by him or any other person to whom it is disclosed under paragraph (a) above) otherwise than for or in connection with the charging scheme.”

#### Commencement Information

**I162** Sch. 13 para. 17 partly in force; Sch. 13 para. 17 not in force at Royal Assent see s. 275(1); Sch. 13 para. 17 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

- 18 In paragraph 38 (variation and revocation of charging schemes)—
- (a) omit “, exercisable in the same manner, and subject to the same conditions and limitations,”, and
  - (b) insert at the end “; and paragraph 4 above (apart from sub-paragraphs (3) (f) and (6)) applies in relation to the variation or revocation of a charging scheme as to the making of a charging scheme.”

#### Commencement Information

**I163** Sch. 13 para. 18 partly in force; Sch. 13 para. 18 not in force at Royal Assent see s. 275(1); Sch. 13 para. 18 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

#### *Workplace parking levy*

- 19 Schedule 24 to the <sup>M89</sup>Greater London Authority Act 1999 (workplace parking levy in Greater London) has effect subject to the following amendments.

#### Commencement Information

**I164** Sch. 13 para. 19 partly in force; Sch. 13 para. 19 not in force at Royal Assent see s. 275(1); Sch. 13 para. 19 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

#### Marginal Citations

**M89** 1999 c. 29.

- 20 (1) Paragraph 1 (interpretation) is amended as follows.
- (2) In sub-paragraph (1), in the definition of “licence”, omit “by the occupier of those premises”.
  - (3) In that sub-paragraph, in the definition of “net proceeds”, for the words from “, means” to the end substitute “and a financial year, means the amount (if any) by which—
    - (a) the amounts received under or in connection with the scheme which are attributable to the financial year, exceed
    - (b) the expenses incurred for or in connection with the scheme which are so attributable;”.
  - (4) In that sub-paragraph, omit the definition of “occupier”.

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(5) In that sub-paragraph, in the definition of “regulations”, after “means” insert “(except where otherwise provided)”.

(6) For sub-paragraph (2) substitute—

“(2) For the purposes of this Schedule—

- (a) the amounts received under or in connection with a licensing scheme, and
- (b) the expenses incurred for or in connection with such a scheme, and the extent to which they are attributable to any financial year, shall be determined in accordance with regulations under this sub-paragraph.”

#### Commencement Information

**I165** Sch. 13 para. 20 partly in force; Sch. 13 para. 20 not in force at Royal Assent see s. 275(1); Sch. 13 para. 20 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

21 In paragraph 3(1) (provision of workplace parking places)—

- (a) for the words from “the cases” to “time being” substitute “ a workplace parking place is provided at any premises at any time if a parking place provided at the premises is at that time ”, and
- (b) for paragraph (d) substitute—
  - “(d) where a body whose affairs are controlled by its members is a relevant person, by a member of the body engaged in the carrying on of any business of the body,”.

#### Commencement Information

**I166** Sch. 13 para. 21 partly in force; Sch. 13 para. 21 not in force at Royal Assent see s. 275(1); Sch. 13 para. 21 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

22 (1) Paragraph 7 (making of licensing scheme) is amended as follows.

(2) After paragraph (a) of sub-paragraph (3) insert—

“(aa) require such an authority to publish its proposals for the scheme and to consider objections to the proposals;”.

(3) After paragraph (d) of that sub-paragraph insert—

“(da) require the authority by whom any such order is made to publish notice of the order and of its effect.”

(4) Omit paragraph (e) of that sub-paragraph.

(5) After that sub-paragraph insert—

“(4) Subsections (2) and (3) of section 250 of the <sup>M90</sup>Local Government Act 1972 (witnesses at local inquiries) apply in relation to any inquiry held by virtue of sub-paragraph (3)(b) above.

(5) Where an inquiry is held by virtue of sub-paragraph (3)(b) above for the purposes of any order containing a licensing scheme—

- (a) the costs of the inquiry shall be paid by the licensing authority; and

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(b) the parties at the inquiry shall bear their own costs.”

**Commencement Information**

**I167** Sch. 13 para. 22 partly in force; Sch. 13 para. 22 not in force at Royal Assent see s. 275(1); Sch. 13 para. 22 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

**Marginal Citations**

**M90** 1972 c. 70.

23 For paragraph 15 substitute—

“15 A licence may not be granted for a period of more than one year.”

**Commencement Information**

**I168** Sch. 13 para. 23 partly in force; Sch. 13 para. 23 not in force at Royal Assent see s. 275(1); Sch. 13 para. 23 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

24 Renumber paragraph 16 (licensing: procedure) as sub-paragraph (1) of that paragraph and after that sub-paragraph insert—

“(2) A person who intentionally provides false or misleading information in or in connection with an application for a licence is guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine.”

**Commencement Information**

**I169** Sch. 13 para. 24 partly in force; Sch. 13 para. 24 not in force at Royal Assent see s. 275(1); Sch. 13 para. 24 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

25 In paragraph 17(3) and (4) (exemptions, reduced rates etc.), after “(2) above” insert “and to paragraphs 7 and 9 above”.

**Commencement Information**

**I170** Sch. 13 para. 25 partly in force; Sch. 13 para. 25 not in force at Royal Assent see s. 275(1); Sch. 13 para. 25 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

26 (1) Paragraph 18 (penalty charges) is amended as follows.

(2) In sub-paragraph (1), for “, notification, payment, adjudication or enforcement” substitute “and payment”.

(3) After sub-paragraph (2) insert—

“(3) The Lord Chancellor may make regulations about the notification, adjudication and enforcement of penalty charges.”

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**Commencement Information**

**I171** Sch. 13 para. 26 partly in force; Sch. 13 para. 26 not in force at Royal Assent see s. 275(1); Sch. 13 para. 26 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

27 For paragraph 19 substitute—

- “19 Charges imposed in respect of any premises by a licensing scheme (including penalty charges imposed in respect of any premises) shall be paid—
- (a) by the occupier of the premises; or
  - (b) in prescribed circumstances, by such person as is prescribed.”

**Commencement Information**

**I172** Sch. 13 para. 27 partly in force; Sch. 13 para. 27 not in force at Royal Assent see s. 275(1); Sch. 13 para. 27 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

28 In paragraph 20 (determination of disputes and appeals), for “Regulations may” substitute “ The Lord Chancellor may by regulations ”.

**Commencement Information**

**I173** Sch. 13 para. 28 partly in force; Sch. 13 para. 28 not in force at Royal Assent see s. 275(1); Sch. 13 para. 28 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

29 (1) Paragraph 21 (accounts and funds) is amended as follows.

(2) In sub-paragraphs (1) and (2), for “of their income and expenditure in respect of” substitute “ relating to ”.

(3) In sub-paragraph (3)—

- (a) for the words from the beginning to “year, each” substitute “ Each ”, and
- (b) for “that year” substitute “ each financial year ”.

(4) After sub-paragraph (4) insert—

“(4A) Regulations may make further provision relating to—

- (a) accounts required to be kept under sub-paragraph (1) or (2) above (including provision requiring or allowing the keeping of consolidated accounts relating to more than one licensing scheme); and
- (b) the preparation and publication of statements of such accounts.”

(5) In sub-paragraph (5)(b), after “account” insert “ (after the application of any of the net proceeds in accordance with the following provisions) ”.

**Commencement Information**

**I174** Sch. 13 para. 29 partly in force; Sch. 13 para. 29 not in force at Royal Assent see s. 275(1); Sch. 13 para. 29 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

30 In paragraph 31 (rights of entry)—

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- (a) in sub-paragraph (4), for “wilfully” substitute “intentionally” and for “level 5 on the standard scale” substitute “the statutory maximum”, and
- (b) in sub-paragraph (6), for “(7)” substitute “(5)”.

**Commencement Information**

**I175** Sch. 13 para. 30 partly in force; Sch. 13 para. 30 not in force at Royal Assent see s. 275(1); Sch. 13 para. 30 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

- 31 In paragraph 32 (evidence), for “Regulations may” substitute “The Lord Chancellor may by regulations”.

**Commencement Information**

**I176** Sch. 13 para. 31 partly in force; Sch. 13 para. 31 not in force at Royal Assent see s. 275(1); Sch. 13 para. 31 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

- 32 In paragraph 35 (guidance), insert at the end—  
“(3) Guidance issued under this paragraph shall be published in such manner as the Authority consider appropriate; and the Authority may at any time vary or revoke such guidance.”

**Commencement Information**

**I177** Sch. 13 para. 32 partly in force; Sch. 13 para. 32 not in force at Royal Assent see s. 275(1); Sch. 13 para. 32 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

- 33 After that paragraph insert—

*“ Information*

- 35A(1) Information obtained by—
- (a) any Minister of the Crown or government department, or
  - (b) any local authority or other statutory body,
- may be disclosed to a licensing authority for or in connection with the exercise of any of their functions with respect to a licensing scheme.
- (2) Information obtained by a licensing authority for or in connection with any of their functions other than their functions with respect to a licensing scheme may be used by the authority for or in connection with the exercise of any of their functions with respect to a licensing scheme.
  - (3) Any information—
    - (a) which has been or could be disclosed to a licensing authority under sub-paragraph (1) above for or in connection with the exercise of any of their functions with respect to a licensing scheme, or
    - (b) which has been or could be used by an authority by virtue of sub-paragraph (2) above for or in connection with the exercise of any of those functions,

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may be disclosed to any person with whom the authority has entered into arrangements under paragraph 33(b) above.

- (4) Information disclosed to a person under sub-paragraph (3) above—
- (a) may be disclosed to any other person for or in connection with the licensing scheme; but
  - (b) may not be used (by him or any other person to whom it is disclosed under paragraph (a) above) otherwise than for or in connection with the licensing scheme.”

**Commencement Information**

**I178** Sch. 13 para. 33 partly in force; Sch. 13 para. 33 not in force at Royal Assent see s. 275(1); Sch. 13 para. 33 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

- 34 In paragraph 39 (variation and revocation of licensing schemes)—
- (a) omit “, exercisable in the same manner, and subject to the same conditions and limitations,”, and
  - (b) insert at the end “; and paragraph 7 above applies in relation to the variation or revocation of a licensing scheme as to the making of a licensing scheme.”

**Commencement Information**

**I179** Sch. 13 para. 34 partly in force; Sch. 13 para. 34 not in force at Royal Assent see s. 275(1); Sch. 13 para. 34 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

F<sup>91</sup>SCHEDULE 14

Section 204.

**Textual Amendments**

**F91** Sch. 14 repealed (E.W.S.) (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

F<sup>92</sup>SCHEDULE 15

Section 211.

**Textual Amendments**

**F92** Sch. 15 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.



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SCHEDULE 16

Section 215.

TRANSFER TO SRA OF FRANCHISING DIRECTOR’S FUNCTIONS

**Commencement Information**

**I180** Sch. 16 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

*Transport Act 1968 (c.73)*

- 1 (1) Section 56 of the Transport Act 1968 (Ministerial grants and local authority payments towards capital expenditure incurred in provision, improvement or development of facilities for public passenger transport) is amended as follows.
- (2) In subsection (2A), for “Franchising Director under which the Franchising Director undertakes to exercise franchising functions of his” substitute “ Strategic Rail Authority under which the Authority undertakes to exercise any of its franchising functions ”.
- (3) In subsection (2B)—
- (a) omit the definition of “the Franchising Director”, and
  - (b) in the definition of “franchising functions”, for “Franchising Director” substitute “ Strategic Rail Authority ” and for “him” substitute “ it ”.

**Commencement Information**

**I181** Sch. 16 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

*Insolvency Act 1986 (c.45)*

F93<sub>2</sub> .....

**Textual Amendments**

**F93** Sch. 16 paras. 2-7 repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), **Sch. 11 para. 11(2)**); S.I. 2005/1909, art. 2, **Sch.**

F93<sub>3</sub> .....

**Textual Amendments**

**F93** Sch. 16 paras. 2-7 repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), **Sch. 11 para. 11(2)**); S.I. 2005/1909, art. 2, **Sch.**

F93<sub>4</sub> .....

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**Textual Amendments**

**F93** Sch. 16 paras. 2-7 repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

F93<sub>5</sub> .....

**Textual Amendments**

**F93** Sch. 16 paras. 2-7 repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

F93<sub>6</sub> .....

**Textual Amendments**

**F93** Sch. 16 paras. 2-7 repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

F93<sub>7</sub> .....

**Textual Amendments**

**F93** Sch. 16 paras. 2-7 repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

*Railways Act 1993 (c.43)*

8 The <sup>M91</sup>Railways Act 1993 has effect subject to the following amendments.

**Commencement Information**

**I182** Sch. 16 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

**Marginal Citations**

**M91** 1993 c. 43.

F94<sub>9</sub> .....

**Textual Amendments**

**F94** Sch. 16 paras. 9-13 repealed (24.7.2005 for the repeal of Sch. 16 paras. 9, 10, 1.12.2006 in so far as not already in force) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.; S.I. 2006/2911, art. 2, Sch.

F94<sub>10</sub> .....

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Transport Act 2000 is up to date with all changes known to be in force on or before 23 June 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)*

**Textual Amendments**

**F94** Sch. 16 paras. 9-13 repealed (24.7.2005 for the repeal of Sch. 16 paras. 9, 10, 1.12.2006 in so far as not already in force) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.; S.I. 2006/2911, art. 2, Sch.

**F94** 11 . . . . .

**Textual Amendments**

**F94** Sch. 16 paras. 9-13 repealed (24.7.2005 for the repeal of Sch. 16 paras. 9, 10, 1.12.2006 in so far as not already in force) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.; S.I. 2006/2911, art. 2, Sch.

**F94** 12 . . . . .

**Textual Amendments**

**F94** Sch. 16 paras. 9-13 repealed (24.7.2005 for the repeal of Sch. 16 paras. 9, 10, 1.12.2006 in so far as not already in force) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.; S.I. 2006/2911, art. 2, Sch.

**F94** 13 . . . . .

**Textual Amendments**

**F94** Sch. 16 paras. 9-13 repealed (24.7.2005 for the repeal of Sch. 16 paras. 9, 10, 1.12.2006 in so far as not already in force) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.; S.I. 2006/2911, art. 2, Sch.

14 (1) Section 23 (passenger services to be subject to franchise agreements) is amended as follows.

**F95**(2) . . . . .

(3) In subsection (2)—

**F96**(a) . . . . .

(b) for “his” substitute “ its ”.

**F97**(4) . . . . .

**Textual Amendments**

**F95** Sch. 16 para. 14(2) repealed (16.10.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(1), Sch. 1

**F96** Sch. 16 para. 14(3)(a) repealed (16.10.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(1), Sch. 1

**F97** Sch. 16 para. 14(4) repealed (16.10.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(1), Sch. 1

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Transport Act 2000 is up to date with all changes known to be in force on or before 23 June 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)*

**Commencement Information**

**I183** Sch. 16 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

<sup>F98</sup>15 .....

**Textual Amendments**

**F98** Sch. 16 para. 15 repealed (16.10.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), **Sch. 11 para. 11(2)**); S.I. 2005/2812, art. 2(1), Sch. 1

16 (1) Section 26 (invitations to tender for franchises) is amended as follows.

<sup>F99</sup>(2) .....

(3) In subsections (2) and (3)—

- <sup>F100</sup>(a) .....
- (b) for “he” substitute “ it ”.

**Textual Amendments**

**F99** Sch. 16 para. 16(2) repealed (16.10.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), **Sch. 11 para. 11(2)**); S.I. 2005/2812, art. 2(1), Sch. 1

**F100** Sch. 16 para. 16(3)(a) repealed (16.10.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), **Sch. 11 para. 11(2)**); S.I. 2005/2812, art. 2(1), Sch. 1

**Commencement Information**

**I184** Sch. 16 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

17 (1) Section 27 (transfer of franchise assets and shares) is amended as follows.

(2) In subsections (1) and (2)—

- <sup>F101</sup>(a) .....
- (b) for “himself” substitute “ itself ”.

<sup>F102</sup>(3) .....

(4) In subsection (9)—

- <sup>F103</sup>(a) .....
- (b) for “his” substitute “ its ”, and
- (c) for “himself” substitute “ itself ”.

(5) In subsection (10)—

- <sup>F104</sup>(a) .....
- (b) for “he” substitute “ it ”.

**Textual Amendments**

**F101** Sch. 16 para. 17(2)(a) repealed (16.10.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), **Sch. 11 para. 11(2)**); S.I. 2005/2812, art. 2(1), Sch. 1

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Transport Act 2000 is up to date with all changes known to be in force on or before 23 June 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)*

**F102** Sch. 16 para. 17(3) repealed (16.10.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(1), Sch. 1

**F103** Sch. 16 para. 17(4)(a) repealed (16.10.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(1), Sch. 1

**F104** Sch. 16 para. 17(5)(a) repealed (16.10.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(1), Sch. 1

**Commencement Information**

**I185** Sch. 16 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

18 (1) Section 28 (fares and approved discount fare schemes) is amended as follows.

(2) In subsection (2)—

- <sup>F105</sup>(a) . . . . .
- (b) for “he” (in both places) substitute “ it ”, and
- (c) for “his” substitute “ its ”.

<sup>F106</sup>(3) . . . . .

**Textual Amendments**

**F105** Sch. 16 para. 18(2)(a) repealed (16.10.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(1), Sch. 1

**F106** Sch. 16 para. 18(3) repealed (16.10.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(1), Sch. 1

**Commencement Information**

**I186** Sch. 16 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

<sup>F107</sup>19 . . . . .

**Textual Amendments**

**F107** Sch. 16 paras. 19-33 repealed (16.10.2005 for the repeal of Sch. 16 para. 19, 1.12.2006 for the repeal of Sch. 16 paras. 22-33) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(1), Sch. 1; S.I. 2006/2911, art. 2, Sch.

20<sup>F107</sup>(1) Section 34 (Passenger Transport Authorities and Executives: franchising) is amended as follows.

(2) In subsection (4)—

- (a) for “Franchising Director” substitute “ Authority ”, and
- (b) for “him” substitute “ the Authority ”.

(3) In subsection (5)—

- (a) for “Franchising Director” substitute “ Authority ”,
- (b) for “his” (in both places) substitute “the Authority’s,” and
- (c) for “him” substitute “ the Authority ”.

*Status: Point in time view as at 01/04/2009.*

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- (4) In subsection (6) and in subsection (7) (in both places), for “Franchising Director” substitute “ Authority ”.
- (5) In subsection (8)—
- (a) for “Franchising Director” (in both places) substitute “ Authority ”, and
  - (b) for “he” substitute “ the Authority ”.
- (6) In subsections (10) and (12) and in subsection (13) (in both places), for “Franchising Director” substitute “ Authority ”.
- (7) In subsection (14)—
- (a) for “Franchising Director” (in each place) substitute “ Authority ”,
  - (b) for “him” substitute “ the Authority ”, and
  - (c) for “he” (in both places) substitute “ the Authority ”.
- (8) In subsection (15), for “Franchising Director” substitute “ Authority ”.
- (9) In subsection (16)—
- (a) for “Franchising Director” (in both places) substitute “ Authority ”, and
  - (b) for “his” substitute “ its ”.
- (10) In subsection (17), for “Franchising Director” (in each place) substitute “ Authority ”.
- (11) In subsection (18)—
- (a) for “Franchising Director” (in both places) substitute “ Authority ”, and
  - (b) for “he may apply” substitute “ the Authority may apply ”.
- (12) In subsection (19), for “Franchising Director” substitute “ Authority ”.]

#### Textual Amendments

**F107** Sch. 16 paras. 19-33 repealed (16.10.2005 for the repeal of Sch. 16 para. 19, 1.12.2006 for the repeal of Sch. 16 paras. 22-33) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), [Sch. 13 Pt. 1](#) (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); [S.I. 2005/2812](#), art. 2(1), [Sch. 1](#); [S.I. 2006/2911](#), art. 2, [Sch.](#)

#### Commencement Information

**I187** Sch. 16 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57](#), art. 3(1), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

- 21 <sup>[F107]</sup>In section 35 (termination and variation of section 20(2) agreements by Franchising Director), for “Franchising Director” (in each place, including the sidenote) substitute “ Authority ”.]

#### Textual Amendments

**F107** Sch. 16 paras. 19-33 repealed (16.10.2005 for the repeal of Sch. 16 para. 19, 1.12.2006 for the repeal of Sch. 16 paras. 22-33) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), [Sch. 13 Pt. 1](#) (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); [S.I. 2005/2812](#), art. 2(1), [Sch. 1](#); [S.I. 2006/2911](#), art. 2, [Sch.](#)

#### Commencement Information

**I188** Sch. 16 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57](#), art. 3(1), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

*Status: Point in time view as at 01/04/2009.*

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F107<sup>22</sup> .....

**Textual Amendments**

**F107** Sch. 16 paras. 19-33 repealed (16.10.2005 for the repeal of Sch. 16 para. 19, 1.12.2006 for the repeal of Sch. 16 paras. 22-33) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(1), Sch. 1; S.I. 2006/2911, art. 2, Sch.

F107<sup>23</sup> .....

**Textual Amendments**

**F107** Sch. 16 paras. 19-33 repealed (16.10.2005 for the repeal of Sch. 16 para. 19, 1.12.2006 for the repeal of Sch. 16 paras. 22-33) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(1), Sch. 1; S.I. 2006/2911, art. 2, Sch.

F107<sup>24</sup> .....

**Textual Amendments**

**F107** Sch. 16 paras. 19-33 repealed (16.10.2005 for the repeal of Sch. 16 para. 19, 1.12.2006 for the repeal of Sch. 16 paras. 22-33) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(1), Sch. 1; S.I. 2006/2911, art. 2, Sch.

F107<sup>25</sup> .....

**Textual Amendments**

**F107** Sch. 16 paras. 19-33 repealed (16.10.2005 for the repeal of Sch. 16 para. 19, 1.12.2006 for the repeal of Sch. 16 paras. 22-33) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(1), Sch. 1; S.I. 2006/2911, art. 2, Sch.

F107<sup>26</sup> .....

**Textual Amendments**

**F107** Sch. 16 paras. 19-33 repealed (16.10.2005 for the repeal of Sch. 16 para. 19, 1.12.2006 for the repeal of Sch. 16 paras. 22-33) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(1), Sch. 1; S.I. 2006/2911, art. 2, Sch.

F107<sup>27</sup> .....

**Textual Amendments**

**F107** Sch. 16 paras. 19-33 repealed (16.10.2005 for the repeal of Sch. 16 para. 19, 1.12.2006 for the repeal of Sch. 16 paras. 22-33) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(1), Sch. 1; S.I. 2006/2911, art. 2, Sch.

F107<sup>28</sup> .....

*Status: Point in time view as at 01/04/2009.*

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**Textual Amendments**

**F107** Sch. 16 paras. 19-33 repealed (16.10.2005 for the repeal of Sch. 16 para. 19, 1.12.2006 for the repeal of Sch. 16 paras. 22-33) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(1), Sch. 1; S.I. 2006/2911, art. 2, Sch.

**F107**<sup>29</sup> .....

**Textual Amendments**

**F107** Sch. 16 paras. 19-33 repealed (16.10.2005 for the repeal of Sch. 16 para. 19, 1.12.2006 for the repeal of Sch. 16 paras. 22-33) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(1), Sch. 1; S.I. 2006/2911, art. 2, Sch.

**F107**<sup>30</sup> .....

**Textual Amendments**

**F107** Sch. 16 paras. 19-33 repealed (16.10.2005 for the repeal of Sch. 16 para. 19, 1.12.2006 for the repeal of Sch. 16 paras. 22-33) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(1), Sch. 1; S.I. 2006/2911, art. 2, Sch.

**F107**<sup>31</sup> .....

**Textual Amendments**

**F107** Sch. 16 paras. 19-33 repealed (16.10.2005 for the repeal of Sch. 16 para. 19, 1.12.2006 for the repeal of Sch. 16 paras. 22-33) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(1), Sch. 1; S.I. 2006/2911, art. 2, Sch.

**F107**<sup>32</sup> .....

**Textual Amendments**

**F107** Sch. 16 paras. 19-33 repealed (16.10.2005 for the repeal of Sch. 16 para. 19, 1.12.2006 for the repeal of Sch. 16 paras. 22-33) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(1), Sch. 1; S.I. 2006/2911, art. 2, Sch.

**F107**<sup>33</sup> .....

**Textual Amendments**

**F107** Sch. 16 paras. 19-33 repealed (16.10.2005 for the repeal of Sch. 16 para. 19, 1.12.2006 for the repeal of Sch. 16 paras. 22-33) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(1), Sch. 1; S.I. 2006/2911, art. 2, Sch.

- 34 (1) Section 54 (exercise of functions for purpose of encouraging investment in railways) is amended as follows.
- (2) In subsection (1)—



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- (a) for “Franchising Director” substitute “ Authority ”, and
- (b) for “his, or (as the case may be) their,” substitute “ their ”.

(3) In subsection (2)—

- (a) for “Franchising Director” (in both places) substitute “ Authority ”, and
- (b) for “franchising functions of his” substitute “ any of its franchising functions ”.

(4) In subsection (3)—

- (a) for “Franchising Director” substitute “ Authority ”,
- (b) for “functions of his under” substitute “ of the Authority’s functions under ”,
- (c) for “him” substitute “ the Authority ”, and
- (d) for “his which” substitute “ the Authority which ”.

**Commencement Information**

**I189** Sch. 16 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

35 (1) Section 55 (orders for securing compliance) is amended as follows.

(2) In subsections (1) to (7)—

- (a) for “officer” (in each place) substitute “ authority ”, and
- (b) for “he” and “him” (in each place) substitute “ it ”.

(3) In subsection (10)—

- (a) for “officer” substitute “ authority ”, and

<sup>F108</sup>(b) .....

<sup>F109</sup>(4) .....

<sup>F109</sup>(5) .....

**Textual Amendments**

**F108** Sch. 16 para. 35(3)(b) repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

**F109** Sch. 16 para. 35(4)(5) repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

**Commencement Information**

**I190** Sch. 16 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

36 In section 56 (procedural requirements)—

- (a) for “officer” (in each place) substitute “ authority ”,
- (b) for “he” (in each place) substitute “ it ”, and
- (c) for “his” (in each place) substitute “ its ”.

*Status: Point in time view as at 01/04/2009.*

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**Commencement Information**

**I191** Sch. 16 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

37 In section 57(7) (validity and effect of orders), for “officer” substitute “ authority ”.

**Commencement Information**

**I192** Sch. 16 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

38 (1) Section 58 (power to require information etc.) is amended as follows.  
(2) In subsection (1)—  
    (a) for “officer” (in both places) substitute “ authority ”, and  
    (b) for “his” substitute “ its ”.  
(3) In subsection (2) (in each place) and in subsection (6), for “officer” substitute “ authority ”.

**Commencement Information**

**I193** Sch. 16 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

F110<sup>39</sup> .....

**Textual Amendments**

**F110** Sch. 16 paras. 39-42 repealed (24.7.2005 for the repeal of Sch. 16 paras. 40, 41, 16.10.2005 for the repeal of Sch. 16 para. 39, 1.12.2006 in so far as not already in force) by [Railways Act 2005 \(c. 14\), s. 60\(2\)](#), [Sch. 13 Pt. 1](#) (with [s. 14\(4\)\(5\)](#), [Sch. 11 para. 11\(2\)](#)); [S.I. 2005/1909, art. 2, Sch.](#); [S.I. 2005/2812, art. 2\(1\), Sch. 1](#); [S.I. 2006/2911, art. 2, Sch.](#)

F110<sup>40</sup> .....

**Textual Amendments**

**F110** Sch. 16 paras. 39-42 repealed (24.7.2005 for the repeal of Sch. 16 paras. 40, 41, 16.10.2005 for the repeal of Sch. 16 para. 39, 1.12.2006 in so far as not already in force) by [Railways Act 2005 \(c. 14\), s. 60\(2\)](#), [Sch. 13 Pt. 1](#) (with [s. 14\(4\)\(5\)](#), [Sch. 11 para. 11\(2\)](#)); [S.I. 2005/1909, art. 2, Sch.](#); [S.I. 2005/2812, art. 2\(1\), Sch. 1](#); [S.I. 2006/2911, art. 2, Sch.](#)

F110<sup>41</sup> .....

**Textual Amendments**

**F110** Sch. 16 paras. 39-42 repealed (24.7.2005 for the repeal of Sch. 16 paras. 40, 41, 16.10.2005 for the repeal of Sch. 16 para. 39, 1.12.2006 in so far as not already in force) by [Railways Act 2005 \(c. 14\), s. 60\(2\)](#),

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Transport Act 2000 is up to date with all changes known to be in force on or before 23 June 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)*

**Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.; S.I. 2005/2812, art. 2(1), Sch. 1; S.I. 2006/2911, art. 2, Sch.

F110<sup>42</sup> .....

**Textual Amendments**

**F110** Sch. 16 paras. 39-42 repealed (24.7.2005 for the repeal of Sch. 16 paras. 40, 41, 16.10.2005 for the repeal of Sch. 16 para. 39, 1.12.2006 in so far as not already in force) by *Railways Act 2005* (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.; S.I. 2005/2812, art. 2(1), Sch. 1; S.I. 2006/2911, art. 2, Sch.

43 In subsection (9) of section 72 (keeping of register by Regulator)—  
(a) for “Franchising Director” (in both places) substitute “ Authority ”, and  
(b) for “him” substitute “ it ”,  
and in the heading preceding that section, for “Franchising Director” substitute “ Authority ”.

**Commencement Information**

**I194** Sch. 16 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

F111<sup>44</sup> .....

**Textual Amendments**

**F111** Sch. 16 paras. 44-48 repealed (24.7.2005 for the repeal of Sch. 16 paras. 44, 47, 48, 1.12.2006 in so far as not already in force) by *Railways Act 2005* (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.; S.I. 2006/2911, art. 2, Sch.

F111<sup>45</sup> .....

**Textual Amendments**

**F111** Sch. 16 paras. 44-48 repealed (24.7.2005 for the repeal of Sch. 16 paras. 44, 47, 48, 1.12.2006 in so far as not already in force) by *Railways Act 2005* (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.; S.I. 2006/2911, art. 2, Sch.

F111<sup>46</sup> .....

**Textual Amendments**

**F111** Sch. 16 paras. 44-48 repealed (24.7.2005 for the repeal of Sch. 16 paras. 44, 47, 48, 1.12.2006 in so far as not already in force) by *Railways Act 2005* (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.; S.I. 2006/2911, art. 2, Sch.

F111<sup>47</sup> .....

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Transport Act 2000 is up to date with all changes known to be in force on or before 23 June 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)*

**Textual Amendments**

**F111** Sch. 16 paras. 44-48 repealed (24.7.2005 for the repeal of Sch. 16 paras. 44, 47, 48, 1.12.2006 in so far as not already in force) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.; S.I. 2006/2911, art. 2, Sch.

**F111**48 . . . . .

**Textual Amendments**

**F111** Sch. 16 paras. 44-48 repealed (24.7.2005 for the repeal of Sch. 16 paras. 44, 47, 48, 1.12.2006 in so far as not already in force) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.; S.I. 2006/2911, art. 2, Sch.

49 (1) Section 118 (control of railways in time of hostilities, severe international tension or great national emergency) is amended as follows.

**F112**(2) . . . . .

(3) In subsection (3)—

**F113**(a) . . . . .

(b) for “him to carry out his” substitute “ the carrying out of”.

**F112**(4) . . . . .

**F112**(5) . . . . .

**Textual Amendments**

**F112** Sch. 16 para. 49(2)(4)(5) repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

**F113** Sch. 16 para. 49(3)(a) repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

**Commencement Information**

**I195** Sch. 16 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in Sch. 2 Pt. II)

**F114**50 . . . . .

**Textual Amendments**

**F114** Sch. 16 para. 50 repealed (16.10.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(1), Sch. 1

51 (1) Section 136 (grants and subsidies) is amended as follows.

**F115**(2) . . . . .

(3) In subsection (6), for “Franchising Director may each, in his capacity” substitute “ Authority may each, ”.

*Status: Point in time view as at 01/04/2009.*

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F116(4) .....

F116(5) .....

**Textual Amendments**

**F115** Sch. 16 para. 51(2) repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

**F116** Sch. 16 para. 51(4)(5) repealed (16.10.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(1), Sch. 1

**Commencement Information**

**I196** Sch. 16 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in Sch. 2 Pt. II)

F11752 .....

**Textual Amendments**

**F117** Sch. 16 para. 52 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

F11853 .....

**Textual Amendments**

**F118** Sch. 16 para. 53 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

- 54 (1) Paragraph 2 of Schedule 7 (transfer schemes in connection with railway administration orders) is amended as follows.
- (2) In sub-paragraph (2), for “Franchising Director” substitute “ Authority ”.
- (3) In sub-paragraph (3), for “Franchising Director, for his approval, he” substitute “ Authority for approval, the Secretary of State or Authority ”.
- (4) In sub-paragraph (6)—
- (a) for “Franchising Director” substitute “ Authority ”, and
  - (b) for “him” substitute “ the Secretary of State or Authority ”.
- (5) In sub-paragraph (7)—
- (a) for “Franchising Director” substitute “ Authority ”,
  - (b) for “he” substitute “ the Secretary of State or Authority ”, and
  - (c) omit “on him”.

**Commencement Information**

**I197** Sch. 16 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in Sch. 2 Pt. II)

*Status: Point in time view as at 01/04/2009.*

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*Railway Heritage Act 1996 (c.42)*

- 55 (1) Section 1 of the Railway Heritage Act 1996 (bodies to which Act applies) is amended as follows.
- (2) For paragraph (f) substitute—  
     “(f) the Strategic Rail Authority (“the Authority”);”.
- (3) In paragraph (g), for “that Director” substitute “ the Authority ”.

**Commencement Information**

**I198** Sch. 16 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

*Channel Tunnel Rail Link Act 1996 (c.61)*

- 56 (1) Section 19 of the Channel Tunnel Rail Link Act 1996 (railway administration orders) is amended as follows.
- (2) In subsections (2) and (5), for “Director of Passenger Rail Franchising” substitute “ Strategic Rail Authority ”.
- (3) In subsection (6)—  
     (a) for “Franchising Director” (in both places) substitute “ Authority ”, and  
     (b) for “Director” substitute “ Authority ”.

**Commencement Information**

**I199** Sch. 16 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

*Competition Act 1998 (c.41)*

F11957 .....

**Textual Amendments**

**F119** Sch. 16 para. 57 repealed (20.6.2003) by [The Enterprise Act 2002 \(Part 9 Restrictions on Disclosure of Information\) \(Amendment and Specification\) Order 2003 \(S.I. 2003/1400\)](#), art. 1, [Sch. 5](#)

*Greater London Authority Act 1999 (c.29)*

- 58 The Greater London Authority Act 1999 has effect subject to the following amendments.

**Commencement Information**

**I200** Sch. 16 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

*Status: Point in time view as at 01/04/2009.*

**Changes to legislation:** Transport Act 2000 is up to date with all changes known to be in force on or before 23 June 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)

F120<sup>59</sup> .....

**Textual Amendments**

**F120** Sch. 16 para. 59 repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

60 In section 177 (provision of extra passenger transport services and facilities), for “Franchising Director” (in both places) substitute “ Strategic Rail Authority ”.

**Commencement Information**

**I201** Sch. 16 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

F121<sup>61</sup> .....

**Textual Amendments**

**F121** Sch. 16 para. 61 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

F122<sup>62</sup> .....

**Textual Amendments**

**F122** Sch. 16 para. 62 repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

63 In section 199(1) (licence exemptions and facility exemptions), for “Franchising Director” substitute “ Strategic Rail Authority ”.

**Commencement Information**

**I202** Sch. 16 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

F123<sup>64</sup> .....

**Textual Amendments**

**F123** Sch. 16 para. 64 repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

65 In section 203 (closures: copy documents to Mayor of London), for “Franchising Director” (in both places, including the sidenote) substitute “ Strategic Rail Authority ”.

*Status: Point in time view as at 01/04/2009.*

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**Commencement Information**

**I203** Sch. 16 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

**F124** 66 . . . . .

**Textual Amendments**

**F124** Sch. 16 para. 66 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

- 67 (1) Section 240 (travel concessions on journeys in and around Greater London) is amended as follows.
- (2) In subsection (2) (in both places), and in subsection (7), for “Franchising Director” substitute “ Strategic Rail Authority ”.
- (3) In subsection (8), omit the definition of “the Franchising Director”.

**Commencement Information**

**I204** Sch. 16 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

SCHEDULE 17

Section 216.

TRANSFERS TO SRA FROM RAIL REGULATOR

**PART I**

FUNCTIONS RELATING TO LICENCES

*Introductory*

- 1 The <sup>M92</sup>Railways Act 1993 has effect subject to the following amendments.

**Commencement Information**

**I205** Sch. 17 Pt. I wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

**Marginal Citations**

**M92** 1993 c. 43.



*Status: Point in time view as at 01/04/2009.*

**Changes to legislation:** Transport Act 2000 is up to date with all changes known to be in force on or before 23 June 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)

### Exemptions

2 (1) Section 7 (exemptions from requirement for operator of railway asset to be authorised by licence) is amended as follows.

F125(2) .....

F125(3) .....

F125(4) .....

F125(5) .....

(6) In subsection (7), for “subsection (6) above” substitute “ this section ”.

F126(7) .....

F126(8) .....

#### Textual Amendments

**F125** Sch. 17 para. 2(2)-(5) repealed (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); S.I. 2005/1909, art. 2, Sch.

**F126** Sch. 17 para. 2(7)(8) repealed (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); S.I. 2005/1909, art. 2, Sch.

#### Commencement Information

**I206** Sch. 17 Pt. I wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

### Consumer protection conditions

F127<sup>3</sup> .....

#### Textual Amendments

**F127** Sch. 17 para. 3 repealed (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); S.I. 2005/1909, art. 2, Sch.

### Grant

4 (1) Section 8 (licences) is amended as follows.

(2) In subsection (1)—

F128(a) .....

(b) in paragraph (b) (grant by Regulator with consent of, or in accordance with general authority given by, Secretary of State), for the words after “consent” substitute “ , or in accordance with a general authority, of the Secretary of State given after consultation with the Authority, ”.

(3) In subsection (2) (general authority may require Regulator to consult, or obtain approval of, Secretary of State), for the words after “above” substitute—

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- “(a) shall include a requirement for the Regulator before granting a licence to consult the Authority about, or a requirement for him before doing so to obtain the approval of the Authority to, any conditions to be included in the licence which relate to consumer protection; and
- (b) may include a requirement for the Regulator either to consult the Secretary of State, or a requirement to obtain his approval before granting a licence;

but a failure to comply with such a requirement shall not affect the validity of the licence.”

- (4) In subsection (6) (certain licences not capable of being surrendered without consent of Regulator), for “without the consent of the Regulator” substitute “ unless the Regulator and the Authority consent to the surrender ”.
- (5) In subsection (7) (grantor of licence to give copies)—
- <sup>F129</sup>(a) .....
- (b) in paragraph (b), after “Regulator,” insert “ to the Authority and ”.

#### Textual Amendments

- F128** Sch. 17 para. 4(2)(a) repealed (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), [Sch. 13 Pt. 1](#) (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); [S.I. 2005/1909](#), art. 2, Sch.
- F129** Sch. 17 para. 4(5)(a) repealed (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), [Sch. 13 Pt. 1](#) (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); [S.I. 2005/1909](#), art. 2, Sch.

#### Commencement Information

- I207** Sch. 17 Pt. I wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57](#), art. 3(1), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

#### *Assignment*

- 5 (1) Section 11 (assignment of licences) is amended as follows.
- (2) In subsection (2) (requirement of consent of whichever of the relevant authorities is specified), for the words after “consent of” substitute—
- “(a) the Secretary of State, if he is specified for the purpose in the licence;  
or  
(b) the Regulator and the Authority, in any other case.”
- (3) Omit subsection (3) (definition of “relevant authorities”).
- (4) In subsection (4) (consent may be given subject to conditions imposed by person giving consent), for “the person giving the consent thinks fit to impose” substitute “ are imposed by the person or persons giving the consent ”.

#### Commencement Information

- I208** Sch. 17 Pt. I wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57](#), art. 3(1), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Transport Act 2000 is up to date with all changes known to be in force on or before 23 June 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)*

### Modification

6 (1) Section 12 (modification by agreement) is amended as follows.

<sup>F130</sup>(2) .....

(3) In subsection (2) (notice by Regulator)—

<sup>F131</sup>(a) .....

(b) after “and shall” insert “, before making the modifications, ”.

<sup>F132</sup>(4) .....

<sup>F132</sup>(5) .....

#### Textual Amendments

**F130** Sch. 17 para. 6(2) repealed (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); [S.I. 2005/1909](#), art. 2, Sch.

**F131** Sch. 17 para. 6(3)(a) repealed (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); [S.I. 2005/1909](#), art. 2, Sch.

**F132** Sch. 17 para. 6(4)(5) repealed (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); [S.I. 2005/1909](#), art. 2, Sch.

#### Commencement Information

**I209** Sch. 17 Pt. I wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57](#), art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

7 (1) Section 13 (modification references to Competition Commission) is amended as follows.

<sup>F133</sup>(2) .....

<sup>F133</sup>(3) .....

<sup>F133</sup>(4) .....

(5) In subsection (3) (matters which may be specified in reference or variation)—

<sup>F134</sup>(a) .....

(b) for “his” (in both places) substitute “ its ”.

(6) In subsection (4) (notice of reference or variation)—

<sup>F135</sup>(a) .....

(b) for “he” substitute “ it ”.

<sup>F136</sup>(7) .....

(8) In subsection (6) (assistance to Commission)—

<sup>F137</sup>(a) .....

(b) for “his possession” substitute “ the possession of the appropriate authority ”,

(c) for “his opinion” substitute “ the opinion of the appropriate authority ”, and

(d) for “his power” substitute “ the power of the appropriate authority ”.

*Status: Point in time view as at 01/04/2009.*

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**Textual Amendments**

- F133** Sch. 17 para. 7(2)-(4) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), **Sch. 11 para. 11(2)**); S.I. 2005/1909, art. 2, Sch.
- F134** Sch. 17 para. 7(5)(a) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), **Sch. 11 para. 11(2)**); S.I. 2005/1909, art. 2, Sch.
- F135** Sch. 17 para. 7(6)(a) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), **Sch. 11 para. 11(2)**); S.I. 2005/1909, art. 2, Sch.
- F136** Sch. 17 para. 7(7) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), **Sch. 11 para. 11(2)**); S.I. 2005/1909, art. 2, Sch.
- F137** Sch. 17 para. 7(8)(a) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), **Sch. 11 para. 11(2)**); S.I. 2005/1909, art. 2, Sch.

**Commencement Information**

- I210** Sch. 17 Pt. I wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

8 (1) Section 14 (reports on modification references) is amended as follows.

- F138**(2) .....
- (3) In subsection (5) (publication by Regulator)—
  - F139**(a) .....
  - (b) for “he” substitute “ it ”.
- F140**(4) .....
- F140**(5) .....

**Textual Amendments**

- F138** Sch. 17 para. 8(2) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), **Sch. 11 para. 11(2)**); S.I. 2005/1909, art. 2, Sch.
- F139** Sch. 17 para. 8(3)(a) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), **Sch. 11 para. 11(2)**); S.I. 2005/1909, art. 2, Sch.
- F140** Sch. 17 para. 8(4)(5) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), **Sch. 11 para. 11(2)**); S.I. 2005/1909, art. 2, Sch.

**Commencement Information**

- I211** Sch. 17 Pt. I wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

9 (1) Section 15 (modification following report) is amended as follows.

- (2) In subsection (1) (duty of Regulator to modify)—
  - (a) for “Where” substitute “ This section applies where ”, and
  - (b) omit the words following paragraph (d).
- (3) After that subsection insert—

“(1A) Where the report is made to the Regulator he shall, subject to the following provisions of this section and to section 15A below, make such modifications

*Status: Point in time view as at 01/04/2009.*

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of the conditions of the licence as appear to him requisite for the purpose of remedying or preventing the adverse effects specified in the report.

(1B) Where the report is made to the Authority it shall, subject to the following provisions of this section and to section 15A below, require the Regulator to make such modifications of the conditions of the licence as appear to it requisite for the purpose of remedying or preventing the adverse effects specified in the report.”

(4) In subsection (2) (Regulator to have regard to modifications specified in report)—

(a) after “making” insert “, or requiring the making of, ”, and

<sup>F141</sup>(b) .....

(5) In subsection (3) (notice by Regulator), for “this section” substitute “ subsection (1A) above ”.

<sup>F142</sup>(6) .....

<sup>F142</sup>(7) .....

<sup>F142</sup>(8) .....

**Textual Amendments**

**F141** Sch. 17 para. 9(4)(b) repealed (24.7.2005) by [Railways Act 2005 \(c. 14\), s. 60\(2\), Sch. 13 Pt. 1](#) (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); S.I. 2005/1909, art. 2, Sch.

**F142** Sch. 17 para. 9(6)-(8) repealed (24.7.2005) by [Railways Act 2005 \(c. 14\), s. 60\(2\), Sch. 13 Pt. 1](#) (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); S.I. 2005/1909, art. 2, Sch.

**Commencement Information**

**I212** Sch. 17 Pt. I wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\), Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

<sup>F143</sup>10 .....

**Textual Amendments**

**F143** Sch. 17 para. 10 repealed (24.7.2005) by [Railways Act 2005 \(c. 14\), s. 60\(2\), Sch. 13 Pt. 1](#) (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); S.I. 2005/1909, art. 2, Sch.

*Enforcement*

11 (1) Section 55 (orders for securing compliance) is amended as follows.

(2) After subsection (5) insert—

“(5ZA) The Authority shall not make a final order, or make or confirm a provisional order, in relation to a licence holder or person under closure restrictions unless—

(a) it has given notice to the Regulator specifying a period within which he may give notice to it if he considers that the most appropriate way of proceeding is under the <sup>M93</sup>Competition Act 1998;

(b) that period has expired; and

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(c) the Regulator has not given notice to the Authority within that period that he so considers (or, if he has, he has withdrawn it).”

F144(3) .....

(4) In subsection (11), for “(5A)” substitute “ (5ZA) ”.

**Textual Amendments**

F144 Sch. 17 para. 11(3) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

**Commencement Information**

I213 Sch. 17 Pt. I wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

**Marginal Citations**

M93 1998 c. 41.

12 In section 56 (procedural requirements), after subsection (2) insert—

“(2A) Where the Regulator serves a copy of a notice under subsection (1) above on a licence holder, he shall also serve a copy on the Authority; and where the Authority so serves a copy of such a notice, it shall also serve a copy on the Regulator.”

**Commencement Information**

I214 Sch. 17 Pt. I wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

*Investigation*

F145 13 .....

**Textual Amendments**

F145 Sch. 17 para. 13 repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

F146 14 .....

**Textual Amendments**

F146 Sch. 17 para. 14 repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

*Registers*

15 In section 72(2)(a) (matters about licences to be entered in register maintained by Regulator)—

*Status: Point in time view as at 01/04/2009.*

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- (a) in sub-paragraph (iii) (modifications and revocations of licences), insert at the end “ and every requirement to modify conditions of a licence imposed on the Regulator by the Authority ”,
- (b) in sub-paragraph (iv) (revocation of licence exemptions), insert at the end “ and every requirement to revoke a licence exemption imposed on the Regulator by the Authority ”,
- (c) in sub-paragraph (vii) (enforcement orders etc.), for “which relates” substitute “ made by the Regulator in relation ”, and
- (d) after that sub-paragraph insert—  
“(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;”.

**Commencement Information**

**I215** Sch. 17 Pt. I wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

- 16 In section 73(2) (matters which Authority is to enter in register maintained by it)—
- (a) in paragraph (e) (provisions of enforcement orders etc.), for “which relates to” substitute “ made by the Authority in relation to a licence or ”, <sup>F147</sup>...
  - <sup>F147</sup>(b) .....

**Textual Amendments**

**F147** Sch. 17 para. 16(b) and preceding word repealed (24.7.2005) by [Railways Act 2005 \(c. 14\), s. 60\(2\)](#), [Sch. 13 Pt. 1](#) (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); [S.I. 2005/1909, art. 2, Sch.](#)

**Commencement Information**

**I216** Sch. 17 Pt. I wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

**PART II**

OTHER FUNCTIONS

*Introductory*

- 17 The <sup>M94</sup>Railways Act 1993 has effect subject to the following further amendments.

**Commencement Information**

**I217** Sch. 17 Pt. II wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

**Marginal Citations**

**M94** 1993 c. 43.

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Transport Act 2000 is up to date with all changes known to be in force on or before 23 June 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)*

*Rail users’ consultative committees*

F148 18 .....

**Textual Amendments**  
F148 Sch. 17 para. 18 repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

F149 19 .....

**Textual Amendments**  
F149 Sch. 17 para. 19 repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

20 (1) Section 76 (general duties of Central Committee) is amended as follows.

F150 (2) .....

(3) In subsection (5), for the words from “refer the matter” to the end substitute “, unless representations about the matter have been made to the Authority by the Rail Passengers’ Council, refer it to the Authority with a view to the Authority exercising such of its powers as it considers appropriate in the circumstances of the case.”

(4) After that subsection insert—

“(5A) But if the Authority considers that it would be more appropriate for a matter referred to it by the Rail Passengers’ Council to be considered by the Regulator, the Authority shall refer it to him, with a view to his exercising such of his powers as he considers appropriate in the circumstances of the case.”

F151 (5) .....

**Textual Amendments**  
F150 Sch. 17 para. 20(2) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.  
F151 Sch. 17 para. 20(5) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

**Commencement Information**  
I218 Sch. 17 Pt. II wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

F152 21 .....



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**Textual Amendments**

**F152** Sch. 17 paras. 21-27 repealed (24.7.2005 for the repeal of Sch. 17 paras. 21-24, 1.12.2006 for the repeal of Sch.17 paras. 25-27) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, **Sch.**; S.I. 2006/2911. Sch.

F152<sup>22</sup> .....

**Textual Amendments**

**F152** Sch. 17 paras. 21-27 repealed (24.7.2005 for the repeal of Sch. 17 paras. 21-24, 1.12.2006 for the repeal of Sch.17 paras. 25-27) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, **Sch.**; S.I. 2006/2911. Sch.

F152<sup>23</sup> .....

**Textual Amendments**

**F152** Sch. 17 paras. 21-27 repealed (24.7.2005 for the repeal of Sch. 17 paras. 21-24, 1.12.2006 for the repeal of Sch.17 paras. 25-27) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, **Sch.**; S.I. 2006/2911. Sch.

F152<sup>24</sup> .....

**Textual Amendments**

**F152** Sch. 17 paras. 21-27 repealed (24.7.2005 for the repeal of Sch. 17 paras. 21-24, 1.12.2006 for the repeal of Sch.17 paras. 25-27) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, **Sch.**; S.I. 2006/2911. Sch.

*Closures*

F152<sup>25</sup> .....

**Textual Amendments**

**F152** Sch. 17 paras. 21-27 repealed (24.7.2005 for the repeal of Sch. 17 paras. 21-24, 1.12.2006 for the repeal of Sch.17 paras. 25-27) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, **Sch.**; S.I. 2006/2911. Sch.

F152<sup>26</sup> .....

**Textual Amendments**

**F152** Sch. 17 paras. 21-27 repealed (24.7.2005 for the repeal of Sch. 17 paras. 21-24, 1.12.2006 for the repeal of Sch.17 paras. 25-27) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, **Sch.**; S.I. 2006/2911. Sch.

F152<sup>27</sup> .....

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#### Textual Amendments

**F152** Sch. 17 paras. 21-27 repealed (24.7.2005 for the repeal of Sch. 17 paras. 21-24, 1.12.2006 for the repeal of Sch.17 paras. 25-27) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, **Sch.**; S.I. 2006/2911. Sch.

#### *Code for protection of disabled rail users*

28 (1) After section 71A insert—

**“71B Code of practice for protection of interests of rail users who are disabled.**

(1) The Authority shall—

(a) prepare and from time to time revise, and

(b) publish and otherwise promote the adoption and implementation of, a code of practice for protecting the interests of users of railway passenger services or station services who are disabled

(2) In preparing or revising the code of practice, the Authority shall consult the Disabled Persons Transport Advisory Committee established under section 125 of the <sup>M95</sup>Transport Act 1985.”

(2) Omit section 70 (existing obligation of Regulator in relation to code).

#### Commencement Information

**I219** Sch 17 Pt. II wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

#### Marginal Citations

**M95** 1985 c. 67.

#### *Annual reports*

<sup>F153</sup>29 .....

#### Textual Amendments

**F153** Sch. 17 para. 29 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

#### *Penalty fares*

<sup>F154</sup>30 .....

*Status: Point in time view as at 01/04/2009.*

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**Textual Amendments**

**F154** Sch. 17 para. 30 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

**F155** **PART III**

ASSOCIATED PROPERTY, RIGHTS AND LIABILITIES

**Textual Amendments**

**F155** Sch. 17 Pt. III repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2), Sch. 13 para. 3); S.I. 2006/2911, art. 2, Sch.

SCHEDULE 18

Section 217.

TRANSFER TO SRA OF BR'S FUNCTIONS RELATING TO TRANSPORT POLICE

**Commencement Information**

**I220** Sch. 18 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in Sch. 2 Pt. II)

**PART I**

FUNCTIONS

*British Transport Commission Act 1949 (c.xxix)*

**F156**<sub>1</sub> .....

**Textual Amendments**

**F156** Sch. 18 paras. 1-3 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

**F156**<sub>2</sub> .....

**Textual Amendments**

**F156** Sch. 18 paras. 1-3 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

**F156**<sub>3</sub> .....

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Transport Act 2000 is up to date with all changes known to be in force on or before 23 June 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)*

**Textual Amendments**

**F156** Sch. 18 paras. 1-3 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

*British Transport Commission Act 1962 (c.xlii)*

- 4 (1) Section 43 of the British Transport Commission Act 1962 (constables) is amended as follows.
- (2) Omit subsection (1).
- (3) In subsection (2), for “the said section 53” substitute “ section 53 (constables) of the Act of 1949 ”.

**Commencement Information**

**I221** Sch. 18 Pt. III wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in Sch. 2 Pt. II)

*Police and Criminal Evidence Act 1984 (c.60)*

- 5 In section 6 of the Police and Criminal Evidence Act 1984 (stop and search powers: statutory undertakers etc.), in subsection (1A) (transport police), for “by the British Railways Board” substitute “ by the Strategic Rail Authority ”.

**Commencement Information**

**I222** Sch. 18 Pt. III wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in Sch. 2 Pt. II)

*Channel Tunnel Act 1987 (c. 53)*

- 6 (1) Section 14 of the Channel Tunnel Act 1987 (arrangements for policing of tunnel system) is amended as follows.
- <sup>F157</sup>(2) . . . . .
- (3) In subsection (5) (payments by Kent police authority)—
- <sup>F158</sup>(a) . . . . .
- (b) for “Board” substitute “ Authority ”.

**Textual Amendments**

**F157** Sch. 18 para. 6(2) repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

**F158** Sch. 18 para. 6(3)(a) repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

*Status: Point in time view as at 01/04/2009.*

**Changes to legislation:** Transport Act 2000 is up to date with all changes known to be in force on or before 23 June 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)

*Railways Act 1993 (c.43)*

F159<sup>7</sup> .....

**Textual Amendments**

**F159** Sch. 18 paras. 7-10 repealed (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **Sch. 8**; S.I. 2004/1572, art. 3(kkk)

F159<sup>8</sup> .....

**Textual Amendments**

**F159** Sch. 18 paras. 7-10 repealed (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **Sch. 8**; S.I. 2004/1572, art. 3(kkk)

F159<sup>9</sup> .....

**Textual Amendments**

**F159** Sch. 18 paras. 7-10 repealed (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **Sch. 8**; S.I. 2004/1572, art. 3(kkk)

F159<sup>10</sup> .....

**Textual Amendments**

**F159** Sch. 18 paras. 7-10 repealed (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **Sch. 8**; S.I. 2004/1572, art. 3(kkk)

**F160** PART II

ASSOCIATED PROPERTY, RIGHTS AND LIABILITIES

.....

**Textual Amendments**

**F160** Sch. 18 Pt. II repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Transport Act 2000 is up to date with all changes known to be in force on or before 23 June 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)*

<sup>F161</sup>SCHEDULE 19

Section 218.

TRANSFER TO SRA OF BR’S PROPERTY ETC

**Textual Amendments**

**F161** Schs. 19-21 repealed (16.10.2005 for the repeal of Sch. 20, 1.12.2006 for the repeal of Schs. 19, 21) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2), Sch. 13 para. 4); S.I. 2005/2812, art. 2(1), **Sch. 1**; S.I. 2006/2911, **Sch.**

*Transfer schemes*

1 .....

*Contents of transfer scheme*

2 .....  
3 .....  
4 .....  
5 .....

*Functions under legislation*

6 .....

*Effect of transfer scheme*

7 .....  
8 .....  
9 .....  
10 .....  
11 .....

*Transfer of employees*

12 .....

*Foreign property, rights and liabilities*

13 .....

*Modification of transfer scheme*

14 .....

*Provision of information to Secretary of State*

15 .....

*Status: Point in time view as at 01/04/2009.*

**Changes to legislation:** Transport Act 2000 is up to date with all changes known to be in force on or before 23 June 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)

*Consultation*

16 .....

<sup>F161</sup>SCHEDULE 20

Section 219.

.....

<sup>F161</sup>SCHEDULE 21

Section 220.

TRANSFER SCHEMES BY SRA

*Transfers from Authority and its subsidiaries*

1 .....

*Transfers of franchise assets*

2 .....

*Contents of transfer scheme*

3 .....

4 .....

5 .....

6 .....

*Functions under legislation*

7 .....

*Effect of transfer scheme*

8 .....

9 .....

10 .....

11 .....

12 .....

*Transfer of employees*

13 .....

*Provision of information to Authority*

14 .....

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Transport Act 2000 is up to date with all changes known to be in force on or before 23 June 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)*

*Modification of transfer scheme*

15 .....

*Interpretation*

16 .....

SCHEDULE 22

Section 227.

RENAMING OF RAIL USERS’ CONSULTATIVE COMMITTEES

**PART I**

AMENDMENTS OF RAILWAYS ACT 1993

1 The <sup>M96</sup>Railways Act 1993 has effect subject to the following amendments.

**Commencement Information**

**I223** Sch. 22 Pt. I wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), **Sch. 2 Pt. I** (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

**Marginal Citations**

**M96** 1993 c. 43.

F162<sub>2</sub> .....

**Textual Amendments**

**F162** Sch. 22 paras. 2-7 repealed (24.7.2005 for the repeal of Sch. 22 paras. 2, 3, 7, 1.12.2006 for remaining repeals) by [Railways Act 2005 \(c. 14\), s. 60\(2\)](#), **Sch. 13 Pt. 1** (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#), [Sch. 13 para. 5](#)); [S.I. 2005/1909, art. 2](#), **Sch.**; [S.I. 2006/2911](#), **Sch.**

F162<sub>3</sub> .....

**Textual Amendments**

**F162** Sch. 22 paras. 2-7 repealed (24.7.2005 for the repeal of Sch. 22 paras. 2, 3, 7, 1.12.2006 for remaining repeals) by [Railways Act 2005 \(c. 14\), s. 60\(2\)](#), **Sch. 13 Pt. 1** (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#), [Sch. 13 para. 5](#)); [S.I. 2005/1909, art. 2](#), **Sch.**; [S.I. 2006/2911](#), **Sch.**

F162<sub>4</sub> .....



*Status: Point in time view as at 01/04/2009.*

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**Textual Amendments**

**F162** Sch. 22 paras. 2-7 repealed (24.7.2005 for the repeal of Sch. 22 paras. 2, 3, 7, 1.12.2006 for remaining repeals) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2), Sch. 13 para. 5); S.I. 2005/1909, art. 2, **Sch.**; S.I. 2006/2911, **Sch.**

**F162**<sub>5</sub> .....

**Textual Amendments**

**F162** Sch. 22 paras. 2-7 repealed (24.7.2005 for the repeal of Sch. 22 paras. 2, 3, 7, 1.12.2006 for remaining repeals) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2), Sch. 13 para. 5); S.I. 2005/1909, art. 2, **Sch.**; S.I. 2006/2911, **Sch.**

**F162**<sub>6</sub> .....

**Textual Amendments**

**F162** Sch. 22 paras. 2-7 repealed (24.7.2005 for the repeal of Sch. 22 paras. 2, 3, 7, 1.12.2006 for remaining repeals) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2), Sch. 13 para. 5); S.I. 2005/1909, art. 2, **Sch.**; S.I. 2006/2911, **Sch.**

**F162**<sub>7</sub> .....

**Textual Amendments**

**F162** Sch. 22 paras. 2-7 repealed (24.7.2005 for the repeal of Sch. 22 paras. 2, 3, 7, 1.12.2006 for remaining repeals) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2), Sch. 13 para. 5); S.I. 2005/1909, art. 2, **Sch.**; S.I. 2006/2911, **Sch.**

- 8 (1) Section 76 (general duties of Central Committee) is amended as follows.
- (2) In subsection (1), for “Central Committee” substitute “ Rail Passengers’ Council ”.
- (3) In subsection (2), for “Committee” (in each place) substitute “ Rail Passengers’ Council ”.
- (4) In subsection (3)—
- (a) for “Central Committee” substitute “ Rail Passengers’ Council ”,
  - F163**(b) .....
  - (c) for “the Committee” substitute “ the Rail Passengers’ Council ”.
- (5) In subsection (4)—
- (a) for “Central Committee” substitute “ Rail Passengers’ Council ”, and
  - (b) for “the Committee” (in both places) substitute “ the Rail Passengers’ Council ”.
- (6) In subsection (5), for—
- (a) “the Central Committee” and
  - (b) “the Committee”,
- substitute “ the Rail Passengers’ Council ”.

*Status: Point in time view as at 01/04/2009.*

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- (7) In subsection (6), for “Central Committee” (in both places) substitute “ Rail Passengers’ Council ”.
- (8) In subsection (7)—
  - (a) for “Central Committee” substitute “ Rail Passengers’ Council ”, and
  - (b) for “the Committee” (in both places) substitute “ the Rail Passengers’ Council ”.
- (9) In the sidenote, for “Central Committee” substitute “ Rail Passengers’ Council ”.
- (10) In the heading before section 76, for “*Central Committee and the consultative committees*” substitute “ *Rail Passengers’ Council* <sup>F164</sup> ... ”.

**Textual Amendments**

**F163** Sch. 22 para. 8(4)(b) repealed (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); S.I. 2005/1909, art. 2, [Sch.](#)

**F164** Words in Sch. 22 para. 8(10) repealed (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **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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**Commencement Information**

**I224** Sch. 22 Pt. I wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

F165<sup>9</sup> .....

**Textual Amendments**

**F165** Sch. 22 paras. 9-14 repealed (24.7.2005 for the repeal of Sch. 22 paras. 9-13, 1.12.2006 for remaining repeal) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); S.I. 2005/1909, art. 2, [Sch.](#); S.I. 2006/2911, [Sch.](#)

F165<sup>10</sup> .....

**Textual Amendments**

**F165** Sch. 22 paras. 9-14 repealed (24.7.2005 for the repeal of Sch. 22 paras. 9-13, 1.12.2006 for remaining repeal) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); S.I. 2005/1909, art. 2, [Sch.](#); S.I. 2006/2911, [Sch.](#)

F165<sup>11</sup> .....

**Textual Amendments**

**F165** Sch. 22 paras. 9-14 repealed (24.7.2005 for the repeal of Sch. 22 paras. 9-13, 1.12.2006 for remaining repeal) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); S.I. 2005/1909, art. 2, [Sch.](#); S.I. 2006/2911, [Sch.](#)

F165<sup>12</sup> .....

*Status: Point in time view as at 01/04/2009.*

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**Textual Amendments**

**F165** Sch. 22 paras. 9-14 repealed (24.7.2005 for the repeal of Sch. 22 paras. 9-13, 1.12.2006 for remaining repeal) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, **Sch.**; S.I. 2006/2911, **Sch.**

**F165** 13 .....

**Textual Amendments**

**F165** Sch. 22 paras. 9-14 repealed (24.7.2005 for the repeal of Sch. 22 paras. 9-13, 1.12.2006 for remaining repeal) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, **Sch.**; S.I. 2006/2911, **Sch.**

**F165** 14 .....

**Textual Amendments**

**F165** Sch. 22 paras. 9-14 repealed (24.7.2005 for the repeal of Sch. 22 paras. 9-13, 1.12.2006 for remaining repeal) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, **Sch.**; S.I. 2006/2911, **Sch.**

**PART II**

AMENDMENTS OF OTHER ENACTMENTS

*Transport Act 1962 (c.46)*

15 (1) Section 56 of the Transport Act 1962 (functions of Central Committee and consultative committees) is amended as follows.

(2) In subsection (4)—

- (a) for the words from “duty” to “consider” substitute “ duty of the Rail Passengers’ Council and each Rail Passengers’ Committee to consider ”,
- (b) for “the committee” (in each place) substitute “ the Rail Passengers’ Council or Rail Passengers’ Committee ”,

**F166**(c) .....

**F166**(d) .....

**F166**(e) .....

**F167**(3) .....

(4) In subsection (6ZA)—

**F168**(a) .....

- (b) for “that committee and the Central Committee” substitute “ that Rail Passengers’ Committee and the Rail Passengers’ Council ”.

**F169**(5) .....

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F169 (6) .....

**Textual Amendments**

- F166** Sch. 22 para. 15(2)(c)-(e) repealed (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); [S.I. 2005/1909](#), art. 2, [Sch.](#)
- F167** Sch. 22 para. 15(3) repealed (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); [S.I. 2005/1909](#), art. 2, [Sch.](#)
- F168** Sch. 22 para. 15(4)(a) repealed (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); [S.I. 2005/1909](#), art. 2, [Sch.](#)
- F169** Sch. 22 para. 15(5)(6) repealed (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); [S.I. 2005/1909](#), art. 2, [Sch.](#)

**Commencement Information**

- I225** Sch. 22 Pt. II wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57](#), art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

*Parliamentary Commissioner Act 1967 (c.13)*

- 16 In Schedule 2 to the Parliamentary Commissioner Act 1967 (which lists the bodies subject to the jurisdiction of the Parliamentary Commissioner), insert (at the appropriate places in alphabetical order)—

“Rail Passengers’ Committees.

Rail Passengers’ Council.”

**Commencement Information**

- I226** Sch. 22 Pt. II wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57](#), art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

*Transport Act 1968 (c.73)*

- 17 In section 55(1) of the Transport Act 1968 (exclusion of Waterways Board), for “the Central Committee and the consultative committees, within the meaning of that section,” substitute “ the Rail Passengers’ Council and the Rail Passengers’ Committees ”.

**Commencement Information**

- I227** Sch. 22 Pt. II wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57](#), art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

*Chronically Sick and Disabled Persons Act 1970 (c.44)*

F170 18 .....

*Status: Point in time view as at 01/04/2009.*

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**Textual Amendments**

**F170** Sch. 22 para. 18 repealed (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), [Sch. 13 Pt. 1](#) (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); S.I. 2005/1909, art. 2, [Sch.](#)

*House of Commons Disqualification Act 1975 (c.24)*

- 19 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices), insert (at the appropriate places in alphabetical order)—
- “Member of a Rail Passengers’ Committee in receipt of remuneration.
- Member of the Rail Passengers’ Council in receipt of remuneration.”

**Commencement Information**

**I228** Sch. 22 Pt. II wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57](#), art. 3(1), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

*Channel Tunnel Act 1987 (c.53)*

- 20 In section 41(1) of the Channel Tunnel Act 1987 (consultative committees), for the words from “Central” to “Users Consultative” substitute “Rail Passengers’ Council and each of the Rail Passengers’ ”.

**Commencement Information**

**I229** Sch. 22 Pt. II wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57](#), art. 3(1), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

*Greater London Authority Act 1999 (c.29)*

- 21 The Greater London Authority Act 1999 has effect subject to the following amendments.

**Commencement Information**

**I230** Sch. 22 Pt. II wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57](#), art. 3(1), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

**F171**<sup>22</sup> .....

**Textual Amendments**

**F171** Sch. 22 para. 22 repealed (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), [Sch. 13 Pt. 1](#) (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); S.I. 2005/1909, art. 2, [Sch.](#)

- 23 In section 252 (London Transport Users’ Committee as Rail Users’ Consultative Committee)—

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- F172(a) .....
- (b) in the sidenote, for “rail users’ consultative committee” substitute “ Rail Passengers’ Committee ”.

**Textual Amendments**

**F172** Sch. 22 para. 23(a) repealed (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **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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**Commencement Information**

**I231** Sch. 22 Pt. II wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57](#), art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

- 24 In paragraph 11(3) of Schedule 18 (minutes of London Transport Users’ Committee meetings), for “Central Rail Users’ Consultative Committee” substitute “ Rail Passengers’ Council ”.

**Commencement Information**

**I232** Sch. 22 Pt. II wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57](#), art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

SCHEDULE 23

Section 229.

FINANCES AND PROCEDURES OF RAIL USERS’ CONSULTATIVE COMMITTEES

*Introductory*

- F173<sub>1</sub> .....

**Textual Amendments**

**F173** Sch. 23 paras. 1-9 repealed (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); S.I. 2005/1909, art. 2, Sch.

*Remuneration of members*

- F173<sub>2</sub> .....

**Textual Amendments**

**F173** Sch. 23 paras. 1-9 repealed (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); S.I. 2005/1909, art. 2, Sch.

- F173<sub>3</sub> .....

*Status: Point in time view as at 01/04/2009.*

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**Textual Amendments**

**F173** Sch. 23 paras. 1-9 repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

*Financial duties*

**F173**<sup>4</sup> .....

**Textual Amendments**

**F173** Sch. 23 paras. 1-9 repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

**F173**<sup>5</sup> .....

**Textual Amendments**

**F173** Sch. 23 paras. 1-9 repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

*Procedures*

**F173**<sup>6</sup> .....

**Textual Amendments**

**F173** Sch. 23 paras. 1-9 repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

**F173**<sup>7</sup> .....

**Textual Amendments**

**F173** Sch. 23 paras. 1-9 repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

*Sub-committees and committees*

**F173**<sup>8</sup> .....

**Textual Amendments**

**F173** Sch. 23 paras. 1-9 repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

**F173**<sup>9</sup> .....

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#### Textual Amendments

**F173** Sch. 23 paras. 1-9 repealed (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); S.I. 2005/1909, art. 2, [Sch.](#)

#### *Public records*

- 10 In the First Schedule to the <sup>M97</sup>Public Records Act 1958 (definition of public records), in Part II of the Table at the end of paragraph 3, insert (at the appropriate place in alphabetical order)—

“Rail Passengers’ Committees.

Rail Passengers’ Council.”

#### Commencement Information

**I233** Sch. 23 para. 10 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57](#), art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

#### Marginal Citations

**M97** [1958 c. 51](#).

## SCHEDULE 24

Section 231.

### REVIEW OF ACCESS CHARGES BY REGULATOR

The Schedule to be inserted after Schedule 4 to the <sup>M98</sup>Railways Act 1993 is as follows—

#### “SCHEDULE 4A

### REVIEW OF ACCESS CHARGES BY REGULATOR

#### *Introductory*

- 1 (1) For the purposes of this Schedule an access charges review is a review by the Regulator of the terms of an access agreement, or of the terms of an access agreement and the conditions of any linked licence, as to—
- (a) the amounts payable under the access agreement by one of the parties to the other; and
  - (b) the times at which, and manner in which, those amounts are payable.
- (2) In this Schedule “linked licence”, in relation to an access agreement, means a licence of which the holder is—
- (a) the facility owner, or installation owner, who is a party to the access agreement; or
  - (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.



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### *Main provisions*

- 2 (1) The procedure for the implementation of an access charges review shall be as provided for by paragraphs 4 to 16 of this Schedule.
- (2) And any procedure relating to the implementation of an access charges review for which the access agreement or any linked licence makes provision shall not apply.
- 3 An access charges review may include a consideration of—
  - (a) the time at which the next access charges review in relation to the access agreement may be undertaken; and
  - (b) circumstances in which an access charges review in relation to the access agreement may be undertaken before that time.

### *Review notice*

- 4 (1) The implementation of an access charges review shall be initiated by the Regulator giving notice (a “review notice”)—
  - (a) stating his conclusions on the access charges review and the reasons why he reached those conclusions;
  - (b) specifying the relevant changes which he proposes to make for or in connection with giving effect to those conclusions;
  - (c) stating, in relation to each of the proposed relevant changes, the date on which he proposes that it should come into operation; and
  - (d) 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—
  - (a) amendments of the access agreement;
  - (b) modifications of the conditions of any linked licence; or
  - (c) 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.
- (3) The review notice shall be given—
  - (a) by publishing it in such manner as the Regulator 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—
  - (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 the Regulator 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

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- (b) in relation to an installation access contract, has the meaning given by section 19(10) of this Act.

*Notice of agreement*

- 5 (1) If no objections are duly made by a person within paragraph 4(4)(a) or (b) above (or any that are so made are withdrawn), the Regulator shall give notice (a “notice of agreement”) stating that fact.
- (2) The notice of agreement shall be given—
- (a) by publishing it in such manner as the Regulator 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 beneficiary.

*Termination notice*

- 6 (1) After a copy of a notice of agreement is served on the beneficiary, he may give notice (a “termination notice”) terminating the access agreement.
- (2) The termination notice shall specify the date on which the access agreement is to terminate.
- (3) The termination notice shall be given by serving a copy on—
- (a) the facility owner or installation owner;
  - (b) any other person who has an estate or interest in, or right over, the railway facility or network installation and who received a copy of the review notice; and
  - (c) the Regulator.
- (4) The date specified by the termination notice as that on which the access agreement is to terminate shall be neither—
- (a) less than six months, nor
  - (b) more than one year,
- after the copy of the termination notice is served on the facility owner or installation owner.
- (5) The termination notice may not be given after the end of the period of 28 days beginning with the day on which the copy of the notice of agreement is served on the beneficiary.

*Review implementation notice*

- 7 (1) After a copy of a notice of agreement is served on the beneficiary and the time within which a termination notice may be given by him has expired—
- (a) if he has not given a termination notice (or has withdrawn any notice which he has given), the Regulator shall (unless he acts under paragraph 8(2) below) give a review implementation notice; or
  - (b) if he has given (and not withdrawn) a termination notice, the Regulator may give such a notice.
- (2) A review implementation notice is a notice stating that the Regulator’s conclusions on the access charges review are to be implemented as proposed in the review notice.

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- (3) The review implementation notice shall—
  - (a) specify the relevant changes which the Regulator is making; and
  - (b) state, in relation to each of the relevant changes, the date on which it comes into operation.
- (4) The review implementation notice shall be given—
  - (a) by publishing it in such manner as the Regulator considers appropriate for the purpose of bringing it to the attention of persons likely to be affected by the relevant changes; and
  - (b) by serving a copy on the persons on whom a copy of the review notice was served, the Authority and the Health and Safety Executive.

*New review notice or Competition Commission reference*

- 8 (1) This paragraph applies if—
  - (a) objections are duly made by a person within paragraph 4(4)(a) or (b) above (and not withdrawn); or
  - (b) although no objections are duly made by a person within paragraph 4(4)(a) or (b) above (or any that are so made are withdrawn), relevant objections are duly made (and not withdrawn) in relation to a similar review notice relating to another access agreement.
- (2) The Regulator may—
  - (a) give a new review notice under paragraph 4 above; or
  - (b) make a reference to the Competition Commission under paragraph 9 below.
- (3) For the purposes of sub-paragraph (1) above—
  - (a) “relevant objections”, in relation to another access agreement, means objections by a person who is within paragraph 4(4)(a) or (b) above in relation to that other access agreement; and
  - (b) one review notice is similar to another if they make provision which, in the opinion of the Regulator, is to broadly the same effect.
- (4) Before acting under sub-paragraph (1) above, the Regulator shall consider the objections referred to in that sub-paragraph.
- (5) If the Regulator gives a new review notice under paragraph 4 above by virtue of sub-paragraph (2)(a) above, the references in that paragraph and paragraph 7(2) above to his conclusions on the access charges review shall be read in relation to the new notice as references to those conclusions as modified since the previous review notice (in particular as the result of any objections or representations made in relation to it).

*Reference to Competition Commission*

- 9 (1) A reference to the Competition Commission under this paragraph shall be so framed as to require them to investigate and report on the questions specified in sub-paragraph (2) below.
- (2) Those questions are—
  - (a) whether the matters considered on the access charges review which are specified in the reference operate, or may be expected to operate, against the public interest; and

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- (b) if so, whether the effects adverse to the public interest which those matters have or may be expected to have could be remedied or prevented by the making of relevant changes.
- (3) The Regulator may, at any time, by notice given to the Competition Commission vary a reference under this paragraph—
- (a) by adding to the matters specified in the reference; or
  - (b) by excluding from the reference some or all of the matters so specified.
- (4) On receipt of such a notice the Competition Commission shall give effect to the variation.
- (5) The Regulator may specify in a reference under this paragraph, or a variation of such a reference, for the purpose of assisting the Competition Commission in carrying out the investigation on the reference—
- (a) any effects adverse to the public interest which, in his opinion, the matters specified in the reference or variation have or may be expected to have; and
  - (b) any relevant changes by which, in his opinion, those effects could be remedied or prevented.
- (6) As soon as practicable after making a reference under this paragraph, or a variation of such a reference, the Regulator—
- (a) shall serve a copy of the reference or variation on the persons on whom a copy of the review notice was served; and
  - (b) shall publish particulars of the reference or variation in such manner as he considers appropriate for the purpose of bringing the reference or variation to the attention of persons likely to be affected by it.
- (7) For the purpose of assisting the Competition Commission in carrying out an investigation on a reference under this paragraph, the Regulator shall give to the Competition Commission any information in his possession which relates to matters falling within the scope of the investigation and—
- (a) is requested by the Competition Commission for that purpose; or
  - (b) is information which, in his opinion, it would be appropriate for that purpose to give to the Competition Commission without any such request;
- and any other assistance which the Competition Commission may require, and which it is within his power to give, in relation to any such matters.
- (8) For the purpose of carrying out such an investigation, the Competition Commission shall take account of any information given to them for that purpose under sub-paragraph (7) above.
- (9) In determining for the purposes of this paragraph whether any particular matter operates, or may be expected to operate, against the public interest, the Competition Commission shall have regard to the matters as respects which duties are imposed on the Regulator by section 4 of this Act.
- 10 (1) The provisions mentioned in sub-paragraph (2) below are to apply in relation to references under paragraph 9 above as if—
- (a) the functions of the Competition Commission in relation to those references were functions under the 1973 Act;
  - (b) the expression “merger reference” included a reference under that paragraph; and

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- (c) in section 70 of the 1973 Act references to the Secretary of State were references to the Regulator and the reference to three months were a reference to six months.
- (2) The provisions are—
- (a) sections 70 (time limit for report on merger), 85 (attendance of witnesses and production of documents) and 93B (false or misleading information) of the 1973 Act;
  - (b) Part II of Schedule 7 to the <sup>M99</sup>Competition Act 1998 (performance of the Competition Commission’s general functions); and
  - (c) section 24 of the 1980 Act (modification of provisions about performance of such functions).

*Report on reference*

- 11 (1) In making a report on a reference under paragraph 9 above, the Competition Commission shall include in the report—
- (a) definite conclusions on the questions comprised in the reference; and
  - (b) such an account of their reasons for those conclusions as in their opinion is expedient for facilitating a proper understanding of those questions and of their conclusions.
- (2) Where they conclude that any of the matters specified in the reference operate, or may be expected to operate, against the public interest, they shall specify in the report the effects adverse to the public interest which those matters have or may be expected to have.
- (3) Where they conclude that any adverse effects so specified could be remedied or prevented by the making of relevant changes, they shall in the report—
- (a) specify the relevant changes by which those effects could be remedied or prevented; and
  - (b) state, in relation to each of the relevant changes, the date on which it should come into operation.
- (4) A date stated in the report as that on which a relevant change should come into operation may be a date before the report is made, provided that it is not before the earliest date specified in the review notice for the coming into operation of a relevant change proposed in it.
- (5) Section 82 of the 1973 Act (general provisions as to reports) shall apply in relation to reports of the Competition Commission on references under paragraph 9 above as it applies to reports of the Competition Commission under that Act.
- (6) A report of the Competition Commission on a reference under paragraph 9 above shall be made to the Regulator.
- (7) The Regulator shall, on receiving such a report, send a copy of it to the Secretary of State and the Authority.
- (8) Not less than 14 days after that copy is received by the Secretary of State, the Regulator shall send a copy to each of the persons on whom a copy of the review notice was served.

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- (9) Not less than 24 hours after complying with sub-paragraph (8) above, the Regulator shall publish the report in such manner as he considers appropriate for bringing the report to the attention of persons likely to be affected by it.
- (10) If it appears to the Secretary of State that the publication of any matter in the report would be against the public interest or the commercial interests of any person, he may, before the end of the period of 14 days after he receives his copy of the report, direct the Regulator to exclude that matter from—
- (a) every copy of the report sent under sub-paragraph (8) above, and
  - (b) the version of the report published under sub-paragraph (9) above.

*Changes following report*

- 12 (1) Where a report of the Competition Commission on a reference under paragraph 9 above—
- (a) includes conclusions to the effect that any of the matters specified in the reference operate, or may be expected to operate, against the public interest,
  - (b) specifies effects adverse to the public interest which those matters have or may be expected to have,
  - (c) includes conclusions to the effect that those effects could be remedied or prevented by the making of relevant changes, and
  - (d) specifies relevant changes by which those effects could be remedied or prevented,
- the Regulator shall, subject to the following provisions of this paragraph and paragraph 13 below, make such relevant changes as appear to him requisite for the purpose of remedying or preventing the adverse effects specified in the report.
- (2) Before making relevant changes under this paragraph, the Regulator shall have regard to the relevant changes specified in the report.
- (3) Before making relevant changes under this paragraph, the Regulator shall give notice—
- (a) stating that he proposes to make the relevant changes and setting out their effect,
  - (b) stating the reasons why he proposes to make the relevant changes,
  - (c) stating, in relation to each of the proposed relevant changes, the date on which he proposes that it should come into operation, and
  - (d) specifying the period (not being less than 28 days from the date of publication of the notice) within which representations or objections with respect to the proposed relevant changes may be made,
- and shall consider any representations or objections which are duly made and not withdrawn.
- (4) A notice under sub-paragraph (3) above shall be given—
- (a) by publishing the notice in such manner as the Regulator considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by the making of the relevant changes; and
  - (b) by serving a copy of the notice on the persons on whom a copy of the review notice was served.

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- (5) Where (after considering any representations or objections which are duly made and not withdrawn) the Regulator proposes to make relevant changes under this paragraph, he shall give notice to the Competition Commission—
  - (a) setting out the relevant changes he proposes to make;
  - (b) stating the reasons why he proposes to make the relevant changes; and
  - (c) stating, in relation to each of the proposed relevant changes, the date on which he proposes that it should come into operation.
- (6) The Regulator shall include with the notice under sub-paragraph (5) above a copy of any representations and objections which have been considered.
- (7) A date stated in a notice under sub-paragraph (3) or (5) above as that on which a relevant change should come into operation may be a date before the notice is given, provided that it is not before the earliest date specified in the review notice for the coming into operation of a relevant change proposed in it.
- (8) If the period within which a direction may be given by the Competition Commission under paragraph 13 below expires without such a direction being given, the Regulator shall make the relevant changes set out in the notice under sub-paragraph (5) above.
- (9) If a direction is given by the Competition Commission under paragraph 13(1)(b) below, the Regulator shall make such of those relevant changes as are not specified in the direction.
- (10) As soon as practicable after making relevant changes under this paragraph, the Regulator shall send a copy of the relevant changes to the Authority and the Health and Safety Executive.

*Competition Commission's power to veto changes*

- 13 (1) The Competition Commission may, within the period of four weeks beginning with the day on which they are given notice under paragraph 12(5) above, give a direction to the Regulator—
  - (a) not to make the relevant changes set out in the notice; or
  - (b) not to make such of those relevant changes as are specified in the direction.
- (2) The Secretary of State may, if an application is made to him by the Competition Commission within that period of four weeks, extend the period within which a direction may be given under this paragraph to one of six weeks beginning with the day on which the Competition Commission are given notice under paragraph 12(5) above.
- (3) The Competition Commission may give a direction under this paragraph only if the relevant changes to which it relates do not appear to them requisite for the purpose of remedying or preventing the adverse effects specified in their report on the reference under paragraph 9 above.
- (4) If the Competition Commission give a direction under this paragraph, they shall give notice—
  - (a) setting out the relevant changes contained in the notice given under paragraph 12(5) above;
  - (b) setting out the direction; and
  - (c) stating the reasons why they are giving the direction.
- (5) A notice under sub-paragraph (4) above shall be given—

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- (a) by publishing the notice in such manner as the Competition Commission consider appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by the direction; and
- (b) by serving a copy of the notice on the persons on whom a copy of the review notice was served.

*Making of changes by Competition Commission*

- 14 (1) If the Competition Commission give a direction under paragraph 13 above, they shall themselves make such relevant changes as appear to them requisite for the purpose of remedying or preventing—
- (a) the adverse effects specified in their report on the reference under paragraph 9 above; or
  - (b) such of those adverse effects as would not be remedied or prevented by the relevant changes made by the Regulator under paragraph 12(9) above.
- (2) In exercising the function conferred by sub-paragraph (1) above, the Competition Commission shall have regard to the matters as respects which duties are imposed on the Regulator by section 4 of this Act.
- (3) Before making relevant changes under this paragraph, the Competition Commission shall give notice—
- (a) stating that they propose to make the relevant changes and setting out their effect,
  - (b) stating the reasons why they propose to make the relevant changes,
  - (c) stating, in relation to each of the proposed relevant changes, the date on which they propose that it should come into operation, and
  - (d) specifying the period (not being less than 28 days from the date of publication of the notice) within which representations or objections may be made,
- and shall consider any representations or objections which are duly made and not withdrawn.
- (4) A date stated in a notice under sub-paragraph (3) above as that on which a relevant change should come into operation may be a date before the notice is given, provided that it is not before the earliest date specified in the review notice for the coming into operation of a relevant change proposed in it.
- (5) A notice under sub-paragraph (3) above shall be given—
- (a) by publishing the notice in such manner as the Competition Commission consider appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by the making of the relevant changes; and
  - (b) by serving a copy of the notice on the persons on whom a copy of the review notice was served.
- (5) As soon as practicable after making any relevant changes under this paragraph, the Competition Commission shall send a copy of those relevant changes to the Regulator, the Authority and the Health and Safety Executive.



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*Paragraphs 13 and 14: supplementary*

- 15 (1) The provisions mentioned in sub-paragraph (2) below are to apply in relation to the exercise by the Competition Commission of their functions under paragraphs 13 and 14 above as if—
- (a) in section 82(1) and (2) of the 1973 Act references to a report of the Competition Commission under that Act were references to a notice under paragraph 13(4) or 14(3) above;
  - (b) in section 85 of that Act references to an investigation on a reference made to the Competition Commission were references to an investigation by the Competition Commission for the purposes of the exercise of their functions under those paragraphs; and
  - (c) in section 93B of that Act references to the functions of the Competition Commission under that Act were references to their functions under those paragraphs.
- (2) The provisions are—
- (a) sections 82(1) and (2) (general provisions as to reports), 85 (attendance of witnesses and production of documents) and 93B (false or misleading information) of the 1973 Act;
  - (b) Part II of Schedule 7 to the <sup>M100</sup>Competition Act 1998 (performance of the Competition Commission’s general functions); and
  - (c) section 24 of the 1980 Act (modification of provisions about performance of such functions).
- (3) For the purpose of assisting the Competition Commission in exercising their functions under paragraphs 13 and 14 above, the Regulator shall give to the Competition Commission any information in his possession which relates to matters relevant to the exercise of those functions and—
- (a) is requested by the Competition Commission for that purpose; or
  - (b) is information which, in his opinion, it would be appropriate for that purpose to give to the Competition Commission without any such request;
- and any other assistance which the Competition Commission may require, and which it is within his power to give, in relation to any such matters.
- (4) For the purpose of exercising those functions, the Competition Commission shall take account of any information given to them for that purpose under sub-paragraph (3) above.

*Termination notice in response to proposals after reference*

- 16 (1) Where a notice is served on the beneficiary under paragraph 12(3) or 14(3) above, he may give notice (a “post-reference termination notice”) terminating the access agreement.
- (2) The post-reference termination notice shall specify the date on which the access agreement is to terminate.
- (3) The post-reference termination notice shall be given by serving a copy on—
- (a) the facility owner or installation owner;
  - (b) any other person who has an estate or interest in, or right over, the railway facility or network installation and who received a copy of the review notice; and

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- (c) the Regulator.
- (4) The date specified by the post-reference termination notice as that on which the access agreement is to terminate shall be neither—
- (a) less than six months, nor
  - (b) more than one year,
- after the copy of the post-reference termination notice is served on the facility owner or installation owner.
- (5) The post-reference termination notice may not be given after the end of the period of 28 days beginning with the day on which the copy of the notice under paragraph 12(3) or 14(3) above is served on the beneficiary.”

**Marginal Citations**

**M98** 1993 c. 43.

**M99** 1998 c. 41.

**M100** 1998 c. 41.

SCHEDULE 25

Section 240.

TRANSFER OF BR’S PROPERTY ETC. TO SECRETARY OF STATE

*Transfer schemes*

- 1 (1) The Secretary of State may make one or more schemes for the transfer to him of any property, rights and liabilities of the Board, other than the property, rights and liabilities relating to the transport police transferred under Schedule 18.
- (2) In this Schedule “transfer scheme” means a scheme under this paragraph.

**Commencement Information**

**I234** Sch. 25 para. 1 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57](#), [art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

*Contents of transfer scheme*

- 2 (1) The property, rights and liabilities which may be transferred by a transfer scheme include property, rights and liabilities that would not otherwise be capable of being transferred or assigned.
- (2) The transfers authorised by sub-paragraph (1) include transfers which are to take effect as if there were no such contravention, liability or interference with any interest or right as there would otherwise be by reason of any provision having effect (whether under any enactment or agreement or otherwise) in relation to the terms on which the transferor is entitled to the property or right, or subject to the liability, in question.

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#### Commencement Information

**I235** Sch. 25 para. 2 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

- 3 A transfer scheme may define the property, rights and liabilities to be transferred to the Secretary of State by specifying them or describing them or by referring to all (or all except anything specified or described) of the property, rights and liabilities comprised in a specified part of the undertaking of the Board (or partly in one way and partly in the other).

#### Commencement Information

**I236** Sch. 25 para. 3 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

- 4 A transfer scheme may contain provision—
- (a) for the creation, in relation to property which the scheme transfers, of an interest in or right over the property in favour of the Board,
  - (b) for the creation in favour of the Secretary of State of an interest in or right over, property retained by the Board,
  - (c) for the creation of rights and liabilities as between the Secretary of State and the Board, or
  - (d) for any rights or liabilities specified or described in the scheme to be, or to be to any extent, enforceable by or against the Secretary of State.

#### Commencement Information

**I237** Sch. 25 para. 4 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

- 5 A transfer scheme may make such supplementary, incidental and consequential provision as the Secretary of State considers appropriate.

#### Commencement Information

**I238** Sch. 25 para. 5 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

#### *Functions under legislation*

- 6 (1) A transfer scheme may provide that any functions of the Board under a statutory provision shall be transferred to the Secretary of State.
- (2) Sub-paragraph (1) applies in relation to any function under a statutory provision if and to the extent that the statutory provision—
- (a) relates to any property which is to be transferred by the scheme, or
  - (b) authorises the carrying out of works designed to be used in connection with any such property or the acquisition of land for the purpose of carrying out any such works.

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- (3) In this paragraph “statutory provision” means a provision whether of a general or of a special nature contained in, or in any document made or issued under, any Act (whether of a general or a special nature) other than the <sup>M101</sup>Railways Act 1993 or this Part.

**Commencement Information**

**I239** Sch. 25 para. 6 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

**Marginal Citations**

**M101** 1993 c. 43.

*Effect of transfer scheme*

- 7 On the date appointed by a transfer scheme, the property, rights and liabilities which are the subject of the scheme shall, by virtue of this paragraph, be transferred in accordance with the provisions of the scheme.

**Commencement Information**

**I240** Sch. 25 para. 7 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

- 8 Nothing in this Act affects the validity of anything done by or in relation to the Board in connection with anything transferred by a transfer scheme.

**Commencement Information**

**I241** Sch. 25 para. 8 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

- 9 There may be continued by or in relation to the Secretary of State anything (including legal proceedings) relating to anything transferred by a transfer scheme which is in the process of being done by or in relation to the Board immediately before it is transferred.

**Commencement Information**

**I242** Sch. 25 para. 9 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

- 10 Anything done by the Board for the purpose of or in connection with anything transferred by a transfer scheme which is in effect immediately before it is transferred shall be treated as if done by the Secretary of State.

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#### Commencement Information

**I243** Sch. 25 para. 10 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

- 11 The Secretary of State shall be substituted for the Board in documents and legal proceedings relating to anything transferred by a transfer scheme.

#### Commencement Information

**I244** Sch. 25 para. 11 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

### *Transfer of employees*

- 12 Where a person employed by the Board becomes employed in the civil service of the state by virtue of a transfer scheme—
- (a) for the purposes of Part XI of the <sup>M102</sup>Employment Rights Act 1996, he shall not be regarded as having been dismissed by virtue of the transfer, and
  - (b) for the purposes of that Act, his period of employment with the Board counts as a period of employment in the civil service of the state and the change of employment does not break the continuity of the period of employment.

#### Commencement Information

**I245** Sch. 25 para. 12 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

#### Marginal Citations

**M102** 1996 c. 18.

### *<sup>F174</sup>Duties in relation to foreign property*

#### Textual Amendments

**F174** Sch. 25 para. 12A and cross-heading inserted (24.7.2005) by [Railways Act 2005 \(c. 14\), s. 60\(2\)](#), [Sch. 12 para. 17\(8\)](#); [S.I. 2005/1909, art. 2, Sch.](#)

- 12A (1) Where there is a transfer in accordance with a transfer scheme of—
- (a) foreign property, or
  - (b) a foreign right or liability,
- the Board and the Secretary of State must take all requisite steps to secure that the vesting of the foreign property, right or liability in the Secretary of State by this Act is effective under the relevant foreign law.
- (2) Until the vesting of the foreign property, right or liability in the Secretary of State in accordance with the transfer scheme is effective under the relevant foreign law, the Board must—

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- (a) hold the property or right for the benefit of the Secretary of State; or
  - (b) discharge the liability on behalf of the Secretary of State.
- (3) Nothing in sub-paragraph (1) or (2) prejudices the effect under the law of a part of the United Kingdom of the vesting of any foreign property, right or liability in the Secretary of State in accordance with a transfer scheme.
- (4) References in this paragraph to foreign property, or to a foreign right or liability, are references to any property, right or liability as respects which an issue arising in any proceedings would be determined (in accordance with the rules of private international law) by reference to the law of a country or territory outside the United Kingdom.
- (5) An obligation imposed under this paragraph in relation to property, rights or liabilities shall be enforceable as if contained in a contract between the Board and the Secretary of State.]

*Modification of transfer scheme*

- 13 (1) If at any time after a transfer scheme has come into force the Secretary of State considers it appropriate to do so, he may by order provide that the scheme shall for all purposes be deemed to have come into force with such modifications, other than modifications relating to the transfer of rights and liabilities under a contract of employment, as may be specified in the order.
- (2) An order under sub-paragraph (1) may make, with effect from the coming into force of the scheme, such provision as could have been made by the scheme, and in connection with giving effect to that provision from that time may contain such supplemental, consequential and transitional provision as the Secretary of State considers appropriate.
- (3) An order under sub-paragraph (1) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Commencement Information**

**I246** Sch. 25 para. 13 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

*Provision of information to Secretary of State*

- 14 The Board shall provide the Secretary of State with all such information and other assistance as he may reasonably require for the purposes of or in connection with the exercise of any of the powers conferred on him by this Part of this Schedule.

**Commencement Information**

**I247** Sch. 25 para. 14 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

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### Consultation

- 15 Before making a transfer scheme, or an order modifying such a scheme, the Secretary of State shall consult the Board <sup>F175</sup> ... .

#### Textual Amendments

**F175** Words in Sch. 25 para. 15 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

## SCHEDULE 26

Section 250.

### TRANSFERS: TAX

#### PART I

##### INTERPRETATION

- 1 (1) In this Schedule—
- “the 1988 Act” means the <sup>M103</sup>Income and Corporation Taxes Act 1988, <sup>F176</sup> ...
- “the 1992 Act” means the <sup>M104</sup>Taxation of Chargeable Gains Act 1992,
- [<sup>F177</sup>“the Capital Allowances Act” means the Capital Allowances Act 2001 and includes, where the context admits, enactments which under the 1988 Act are to be treated as contained in the Capital Allowances Act 2001,]
- “fixture” has the same meaning as in [<sup>F178</sup>Chapter 14 of Part 2 of the Capital Allowances Act],
- “franchise company” means any body corporate which is, or is to be, the franchisee or the franchise operator under a franchise agreement, and
- “qualifying transfer” means a transfer which is a relevant transfer for the purposes of any of Parts II to VI of this Schedule.
- (2) So far as it relates to corporation tax, this Schedule is to be construed as one with the Corporation Tax Acts.
- (3) So far as it relates to capital allowances, this Schedule is to be construed as one with [<sup>F179</sup>the Capital Allowances Act].

#### Textual Amendments

**F176** Sch. 26 para. 1(1): Definition of “the 1990 Act” repealed (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, ss. 578, 580, Sch. 2 para. 109(1)(a), Sch. 4

**F177** Sch. 26 para. 1(1): Definition of “the Capital Allowances Act” substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, Sch. 2 para. 109(1)(b)

**F178** Sch. 26 para. 1(1): Words in the definition of “fixture” substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, Sch. 2 para. 109(1)(c)

**F179** Words in Sch. 26 para. 1(3) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, Sch. 2 para. 109(2)

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### Marginal Citations

**M103** 1988 c. 1.

**M104** 1992 c. 12.

## PART II

### TRANSFERS TO SRA FROM FRANCHISING DIRECTOR, SECRETARY OF STATE AND [F180OFFICE OF RAIL REGULATION]

### Textual Amendments

**F180** Words in *Sch. 26 Pt. II* substituted (5.7.2004) by *Railways and Transport Safety Act 2003 (c. 20)*, *Sch. 2 para. 19(t)(vi)*; S.I. 2004/827, art. 4(g)

### *Interpretation*

- 2 In this Part of this Schedule—
- “relevant transfer” means a transfer of property, rights or liabilities by virtue of—
- (a) section 215,
  - (b) a scheme under paragraph 1 of Schedule 15, or
  - (c) a scheme under paragraph 31 of Schedule 17,
- “transferee”, in relation to a relevant transfer, means the Authority, and
- “transferor”, in relation to a relevant transfer, means the person from whom the property, rights or liabilities are transferred.

### *Chargeable gains: no gain no loss*

- 3 For the purposes of the 1992 Act a disposal by virtue of provision made under paragraph 34(a) of Schedule 17 is to be taken to be for a consideration such that no gain or loss accrues to the person making the disposal.

### *Chargeable gains: disposal of debts*

- 4 (1) Sub-paragraph (2) applies if in the case of a relevant transfer—
- (a) a debt owed to the transferor is transferred to the transferee, and
  - (b) the transferor would, apart from this paragraph, be the original creditor in relation to that debt for the purposes of section 251 of the 1992 Act (disposal of debts).
- (2) The 1992 Act is to have effect as if the transferee (and not the transferor) were the original creditor for those purposes.

### *Capital allowances for plant and machinery*

- 5 (1) This paragraph applies in relation to property if—
- (a) the property is plant or machinery to which a relevant transfer relates,



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- (b) the property would have been treated for the purposes of [F181the Capital Allowances Act] (had the transferor incurred expenditure qualifying for allowances under [F181Part 2 of that Act]on the provision of the property) as disposed of by the transferor to the transferee on the transfer taking effect, and
  - (c) the relevant order or scheme contains provision for the transferee to be taken for the purposes of [F182that Act] to have incurred capital expenditure of an amount specified in or determined in accordance with the order or scheme on the provision of the property.
- (2) For the purposes of [F183the Capital Allowances Act]—
  - (a) the transferee is to be taken to have incurred capital expenditure of that amount on the provision of the property for the purposes for which it is used by the transferee on and after the taking effect of the transfer,
  - (b) the property is to be taken as belonging to the transferee in consequence of the transferee having incurred that expenditure, and
  - (c) in the case of a fixture, the expenditure which falls to be treated as incurred by the transferee is to be taken for the purposes of [F184sections 181(1) and 182(1) of that Act] to be incurred by the giving of a consideration consisting in a capital sum of that amount.
- (3) In sub-paragraph (1)(c) “the relevant order or scheme” means—
  - (a) in the case of a transfer by virtue of section 215, an order made by the Secretary of State by statutory instrument, or
  - (b) in the case of a transfer by virtue of a scheme under paragraph 1 of Schedule 15 or paragraph 31 of Schedule 17, the scheme concerned.
- (4) A provision mentioned in sub-paragraph (1)(c) for the determination of an amount may include provision—
  - (a) for a determination to be made by the Secretary of State in a manner described in the order or scheme,
  - (b) for a determination to be made by reference to factors so described or to the opinion of a person so described, and
  - (c) for a determination to be capable of being modified (on one or more occasions) in a manner and in circumstances so described.
- (5) The Treasury’s consent is required for the making or modification of a determination under a provision mentioned in sub-paragraph (1)(c).
- (6) The transferee’s consent is also required for such a modification after the relevant transfer takes effect.
- (7) If there is a determination or a modification of a determination under a provision mentioned in sub-paragraph (1)(c) all necessary adjustments—
  - (a) must be made by making assessments or by repayment or discharge of tax, and
  - (b) must be made despite any limitation on the time within which assessments may be made.

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#### Textual Amendments

- F181** Words in Sch. 26 para. 5(1)(b) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(3)**
- F182** Words in Sch. 26 para. 5(1)(c) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(4)**
- F183** Words in Sch. 26 para. 5(2) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(5)(a)**
- F184** Words in Sch. 26 para. 5(2)(c) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(5)(b)**

#### *Capital allowances for plant and machinery: connected persons*

- 6 For the purposes of [<sup>F185</sup>Part 2 of the Capital Allowances Act] references in that Part to a transaction (however described) between connected persons within the meaning of section 839 of the 1988 Act are not to include references to a relevant transfer.

#### Textual Amendments

- F185** Words in Sch. 26 para. 6 substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(6)**

#### *Loan relationships*

- 7 (1) Sub-paragraph (2) applies if as a result of a relevant transfer the transferee replaces, or (if the transferor had been a company) would have replaced, the transferor as a party to a loan relationship.
- (2) [<sup>F186</sup>Part 5 of the Corporation Tax Act 2009] is to have effect in relation to the time when the relevant transfer takes effect and any later time as if—
- (a) the transferee had been a party to the loan relationship at the time the transferor became, or (if the transferor had been a company) would have become, a party to the loan relationship and at all times since that time, and
  - (b) the loan relationship to which the transferee is a party after the time the transfer takes effect is the same loan relationship as that to which, by virtue of paragraph (a), it is treated as having been a party before that time.
- (3) For the purposes of sub-paragraph (2) the transferor (and accordingly the transferee) is to be taken to have accounted for the loan relationship in accordance with [<sup>F187</sup>a basis of accounting] corresponding to that in accordance with which the transferee accounts for the loan relationship in the accounting period in which the transfer takes effect.
- (4) Expressions used in this paragraph and in [<sup>F188</sup>Part 5 of the Corporation Tax Act 2009] have the same meanings in this paragraph as in [<sup>F188</sup>that Part].

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### Textual Amendments

- F186** Words in Sch. 26 para. 7(2) substituted (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), **Sch. 1 para. 473(2)(a)** (with [Sch. 2 Pts. 1, 2](#))
- F187** Words in Sch. 26 para. 7(3) substituted (with effect in accordance with s. 52(3) of the amending Act) by [Finance Act 2004 \(c. 12\)](#), **Sch. 10 para. 46**
- F188** Words in Sch. 26 para. 7(4) substituted (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), **Sch. 1 para. 473(2)(b)** (with [Sch. 2 Pts. 1, 2](#))

## PART III

### TRANSFERS FROM BR TO SRA

#### *Interpretation*

- 8 In this Part of this Schedule—
- “relevant transfer” means a transfer of property, rights or liabilities by virtue of—
- (a) paragraph 11 of Schedule 18, or
  - (b) a scheme under paragraph 1 of Schedule 19,
- “transferee”, in relation to a relevant transfer, means the Authority, and
- “transferor”, in relation to a relevant transfer, means the Board.

#### *Chargeable gains: general*

- 9 For the purposes of the 1992 Act a disposal—
- (a) constituted by a relevant transfer, or
  - (b) by virtue of provision made under paragraph 4 of Schedule 19,
- is to be taken (in relation to the person to whom the disposal is made as well as the person making the disposal) to be for a consideration such that no gain or loss accrues to the person making the disposal.

#### *Chargeable gains: restriction of losses*

- 10 (1) If there has been a disposal of an asset—
- (a) constituted by a relevant transfer, or
  - (b) by virtue of provision made under paragraph 4 of Schedule 19,
- subsection (8) of section 41 of the 1992 Act (which applies that section to cases where assets have been acquired without gain or loss) is to have effect as if the asset had been disposed of and acquired in circumstances mentioned in that subsection.
- (2) This paragraph is not to prejudice paragraph 9.

#### *Chargeable gains: groups*

- 11 (1) Sub-paragraph (2) applies if a company (“the degrouped company”)—
- (a) acquired an asset from another company at any time when both were members of the same group of companies (“the old group”), and
  - (b) ceases by virtue of a relevant transfer to be a member of the old group.

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- (2) Section 179 of the 1992 Act (company ceasing to be member of group) is not to treat the degrouped company as having by virtue of the transfer sold and immediately reacquired the asset.
- (3) If sub-paragraph (2) applies to an asset, that section is to have effect on and after the first subsequent occasion on which the degrouped company ceases to be a member of a group of companies (“the new group”), otherwise than by virtue of a qualifying transfer, as if the degrouped company and the company from which it acquired the asset had been members of the new group at the time of acquisition.
- (4) If, disregarding any preparatory transactions, a company would be regarded for the purposes of section 179 of the 1992 Act (and, accordingly, of this paragraph) as ceasing to be a member of a group of companies by virtue of a qualifying transfer, it is to be regarded for those purposes as so doing by virtue of the qualifying transfer and not by virtue of any preparatory transactions.
- (5) In this paragraph “preparatory transaction” means anything done under or by virtue of this Part of this Act for the purpose of initiating, advancing or facilitating the qualifying transfer in question.
- (6) Expressions used in this paragraph and in section 179 of the 1992 Act have the same meanings in this paragraph as in that section.

*Chargeable gains: disposal of debts*

- 12 (1) Sub-paragraph (2) applies if in the case of a relevant transfer—
  - (a) a debt owed to the transferor is transferred to the transferee, and
  - (b) the transferor would, apart from this paragraph, be the original creditor in relation to that debt for the purposes of section 251 of the 1992 Act (disposal of debts).
- (2) The 1992 Act is to have effect as if the transferee (and not the transferor) were the original creditor for those purposes.

*Continuity in relation to capital allowances etc. where trade transferred*

- 13<sup>[F189]</sup> (1) Sub-paragraphs (2) to (4) apply if—
  - (a) the transferor ceased to carry on a trade by virtue of a relevant transfer taking effect, and
  - (b) on the taking effect of that transfer, the transferee began to carry on the trade.

This sub-paragraph is to be read with sub-paragraph (8).]

- (2) Subject to sub-paragraphs (3) and (4), in a case falling within sub-paragraph (1)—
  - (a) there are to be made to or on the transferee in accordance with [F190the Capital Allowances Act] all such allowances and charges as would, if the transferor had continued to carry on the trade, have fallen to be made to or on the transferor, and
  - (b) the amount of any such allowance or charge is to be computed as if—
    - (i) the transferee had been carrying on the trade since the transferor began to do so, and
    - (ii) everything done to or by the transferor had been done to or by the transferee (but so that the relevant transfer itself, so far as it relates

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to any assets in use for the purpose of the trade, shall not be treated as giving rise to any such allowance or charge).

- (3) For the purposes of the Corporation Tax Acts, only such amounts (if any) as may be specified in or determined in accordance with an order made by the Secretary of State by statutory instrument are to be allocated to the transferee in respect of expenditure by reference to which capital allowances may be made by virtue of sub-paragraph (2) in relation to anything to which the transfer relates.
- (4) Sub-paragraph (2) is to affect the amounts falling to be taken into account in relation to the transferor as expenditure by reference to which capital allowances may be made only so far as necessary to give effect to a reduction of any such amount by a sum equal to so much of that amount as is allocated to the transferee as mentioned in sub-paragraph (3).
- (5) An order under sub-paragraph (3) may include provision—
  - (a) for a determination to be made by the Secretary of State in a manner described in the order,
  - (b) for a determination to be made by reference to factors so described or to the opinion of a person so described, and
  - (c) for a determination to be capable of being modified (on one or more occasions) in a manner and in circumstances so described.
- (6) The Treasury's consent is required for the making or modification of a determination of any such amount as is mentioned in sub-paragraph (3).
- (7) The transferee's consent is also required for such a modification after the relevant transfer takes effect.
- (8) In determining whether sub-paragraph (1) has effect in relation to a relevant transfer in a case where—
  - (a) the transferor continues to carry on any trade or part of a trade after the transfer takes effect, or
  - (b) the transferee was carrying on any trade before the transfer takes effect,the trade or part of a trade which is continued, or was being carried on, shall for the purposes of that sub-paragraph be treated in relation to any trade or part of a trade which is transferred by virtue of the transfer as a separate trade and shall accordingly be disregarded.
- (9) If there is a determination or a modification of a determination for any purposes of this paragraph, all necessary adjustments—
  - (a) must be made by making assessments or by repayment or discharge of tax, and
  - (b) must be made despite any limitation on the time within which assessments may be made.

#### Textual Amendments

**F189** Sch. 26 para. 13(1) substituted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), **Sch. 1 para. 473(3)** (with Sch. 2 Pts. 1, 2)

**F190** Words in Sch. 26 para. 13(1)(2)(a) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(7)**

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*Capital allowances for plant and machinery*

- 14 (1) This paragraph applies in relation to property if—
- (a) the property is plant or machinery to which a relevant transfer relates,
  - (b) paragraph 13 does not apply in relation to the transfer of the property to the transferee,
  - (c) the property would be treated for the purposes of [F191the Capital Allowances Act] as disposed of by the transferor to the transferee on the transfer taking effect, and
  - (d) the scheme concerned contains provision for the disposal value of the property to be taken for the purposes of [F192that Act] to be of an amount specified in or determined in accordance with the scheme.
- (2) For the purposes of [F193the Capital Allowances Act]—
- (a) the provision mentioned in sub-paragraph (1)(d) is to have effect (instead of [F194section 61(2) to (4), 72(3) to (5), 171, 196 or 423 of that Act]) for determining an amount as the disposal value of the property or the price at which a fixture is to be treated as sold,
  - (b) the transferee is to be taken to have incurred capital expenditure of that amount on the provision of the property for the purposes for which it is used by the transferee on and after the taking effect of the transfer,
  - (c) the property is to be taken as belonging to the transferee in consequence of the transferee having incurred that expenditure, and
  - (d) in the case of a fixture, the expenditure which falls to be treated as incurred by the transferee is to be taken for the purposes of [F195sections 181(1) and 182(1) of that Act] to be incurred by the giving of a consideration consisting in a capital sum of that amount.
- (3) A provision mentioned in sub-paragraph (1)(d) for the determination of an amount may include provision—
- (a) for a determination to be made by the Secretary of State in a manner described in the scheme,
  - (b) for a determination to be made by reference to factors so described or to the opinion of a person so described, and
  - (c) for a determination to be capable of being modified (on one or more occasions) in a manner and in circumstances so described.
- (4) The Treasury’s consent is required for the making or modification of a determination under a provision mentioned in sub-paragraph (1)(d).
- (5) The transferee’s consent is also required for such a modification after the relevant transfer takes effect.
- (6) If there is a determination or a modification of a determination under a provision mentioned in sub-paragraph (1)(d) all necessary adjustments—
- (a) must be made by making assessments or by repayment or discharge of tax, and
  - (b) must be made despite any limitation on the time within which assessments may be made.

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#### Textual Amendments

- F191** Words in Sch. 26 para. 14(1)(c) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, Sch. 2 para. 109(8)
- F192** Words in Sch. 26 para. 14(1)(d) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, Sch. 2 para. 109(9)
- F193** Words in Sch. 26 para. 14(2) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, Sch. 2 para. 109(10)(a)
- F194** Words in Sch. 26 para. 14(2)(a) substituted (22.3.2001, with effect as mentioned by 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, Sch. 2 para. 109(10)(b)
- F195** Words in Sch. 26 para. 14(2)(d) substituted (22.3.2001, with effect as mentioned by 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, Sch. 2 para. 109(10)(c)

#### *Capital allowances for plant and machinery: connected persons*

- 15 For the purposes of [F196Part 2 of the Capital Allowances Act]references in that Part to a transaction (however described) between connected persons within the meaning of section 839 of the 1988 Act are not to include references to a relevant transfer.

#### Textual Amendments

- F196** Words in Sch. 26 para. 15 substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, Sch. 2 para. 109(11)

#### *Leased assets*

- 16 (1) Sub-paragraphs (2) and (3) apply for the purposes of section 781 of the 1988 Act (assets leased to traders and others) if the interest of the lessor or the lessee under a lease, or any other interest in an asset, is transferred to a person under a relevant transfer.
- (2) The transfer is to be treated as made without any capital sum having been obtained in respect of the interest by the transferor; and this is so despite section 783(4) of that Act.
- (3) If the interest is an interest under a lease, payments made by the transferor under the lease before the transfer takes effect are to be treated as if they had been made under that lease by the transferee.
- (4) Sub-paragraph (5) applies for the purposes of section 781 of the 1988 Act if a lease, or any other interest in an asset, is granted by virtue of provision made under paragraph 4 of Schedule 19.
- (5) The grant is to be treated as made without any capital sum having been obtained in respect of the lease, or interest, by the grantor; and this is so despite section 783(4) of that Act.
- (6) No charge is to arise under section 781(1) of the 1988 Act by virtue of section 783(2) of that Act in a case where the capital sum mentioned in section 781(1)(b)(i) or (ii) of that Act is or forms part of the consideration obtained (or treated by section 783(4)

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of that Act as obtained) by the transferor on a disposal by virtue of a relevant transfer of securities of a subsidiary of the transferor.

- (7) Expressions used in this paragraph and in sections 781 to 785 of the 1988 Act have the same meanings in this paragraph as in those sections.

#### *Loan relationships*

- 17 (1) Sub-paragraph (2) applies if, as a result of a relevant transfer, the transferee replaces the transferor as a party to a loan relationship.
- (2) [<sup>F197</sup>Part 5 of the Corporation Tax Act 2009] is to have effect in relation to the time when the relevant transfer takes effect and any later time as if—
- (a) the transferee had been a party to the loan relationship at the time the transferor became a party to the loan relationship and at all times since that time, and
  - (b) the loan relationship to which the transferee is a party after the time the transfer takes effect is the same loan relationship as that to which, by virtue of paragraph (a), it is treated as having been a party before that time.
- (3) Expressions used in this paragraph and in [<sup>F198</sup>Part 5 of the Corporation Tax Act 2009] have the same meanings in this paragraph as in [<sup>F198</sup>that Part].

#### **Textual Amendments**

**F197** Words in Sch. 26 para. 17(2) substituted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 473(4)(a) (with Sch. 2 Pts. 1, 2)

**F198** Words in Sch. 26 para. 17(3) substituted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 473(4)(b) (with Sch. 2 Pts. 1, 2)

#### *Charge to tax under Case I of Schedule D*

- 18 (1) This paragraph applies for the purpose of computing the profits or losses of the transferor and the transferee under Case I of Schedule D in respect of any trade or part of a trade transferred by a relevant transfer in relation to the time when the transfer takes effect and any later time.
- (2) The trade or part of a trade transferred is to be treated as having been, at the time of its commencement and at all times since that time, a separate trade carried on by the transferee.
- (3) The trade carried on by the transferee after the time the transfer takes effect is to be treated as the same trade as that which, by virtue of sub-paragraph (2), it is treated as having carried on before that time.
- (4) This paragraph is subject to paragraphs 13 and 17.



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## PART IV

### TRANSFERS TO SECRETARY OF STATE FROM SRA AND BR

#### *Interpretation*

- 19 In this Part of this Schedule—
- “relevant transfer” means a transfer of property, rights or liabilities by virtue of—
- (a) a scheme under paragraph 1 of Schedule 21 under which the property, rights or liabilities are transferred to the Secretary of State, or
  - (b) a scheme under paragraph 1 of Schedule 25,
- “transferee”, in relation to a relevant transfer, means the Secretary of State, and
- “transferor”, in relation to a relevant transfer, means the person from whom the property, rights or liabilities are transferred.

#### *Chargeable gains: groups*

- 20 (1) Sub-paragraph (2) applies if a company (“the degrouped company”)—
- (a) acquired an asset from another company at any time when both were members of the same group of companies (“the old group”), and
  - (b) ceases by virtue of a relevant transfer to be a member of the old group.
- (2) Section 179 of the 1992 Act (company ceasing to be member of group) is not to treat the degrouped company as having by virtue of the transfer sold and immediately reacquired the asset.
- (3) If, disregarding any preparatory transactions, a company would be regarded for the purposes of section 179 of the 1992 Act (and, accordingly, of this paragraph) as ceasing to be a member of a group of companies by virtue of a relevant transfer, it is to be regarded for those purposes as so doing by virtue of the relevant transfer and not by virtue of any preparatory transactions.
- (4) In this paragraph “preparatory transaction” means anything done under or by virtue of this Part of this Act for the purpose of initiating, advancing or facilitating the relevant transfer in question.
- (5) Expressions used in this paragraph and in section 179 of the 1992 Act have the same meanings in this paragraph as in that section.

#### *Capital allowances: actual consideration to be the disposal value*

- 21 (1) Sub-paragraphs (2) to (4) apply for the purposes of [F199Part 3 of the Capital Allowances Act], and the other provisions of that Act which are relevant to that Part, if there is a disposal by virtue of a relevant transfer of the relevant interest in—
- (a) an industrial building or structure, or
  - (b) a qualifying hotel or a commercial building or structure.
- (2) The disposal is to be treated as a sale of that relevant interest.
- (3) The sale moneys in respect of that sale are to be taken—

*Status: Point in time view as at 01/04/2009.*

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- (a) if a capital sum is received by the transferor or a person connected with the transferor by way of consideration or compensation in respect of the disposal, to be an amount equal to that capital sum, or
  - (b) if no such capital sum is received, to be nil.
- (4) [F200Sections 567 to 570 of that Act (sales treated as being for alternative amount)] (sales between connected persons or without change of control) are not to have effect in relation to that sale.
- (5) Sub-paragraph (6) applies for determining, in the case of [F201plant or machinery] which is treated for the purposes of [F202the Capital Allowances Act] as disposed of by virtue of a relevant transfer, the amount which (in consequence of that disposal) is to be brought into account as the disposal value of that [F201plant or machinery] for the purposes of [F203section 60 of that Act (meaning of “disposal value” and “disposal event”)] (balancing adjustments).
- (6) The amount is, subject to [F204section 62 of that Act (general limit on amount of disposal value)] to be taken—
- (a) if a capital sum is received by the transferor or a person connected with the transferor by way of consideration or compensation in respect of the disposal, to be an amount equal to that capital sum, or
  - (b) if no such capital sum is received, to be nil.
- (7) Sub-paragraph (8) applies if, in consequence of a disposal by virtue of a relevant transfer, [F205a person is treated by section 188 of the Capital Allowances Act as ceasing to own a fixture]at any time.
- (8) The amount which, in consequence of that disposal, is to be brought into account as the disposal value of the fixture for the purposes of [F206section 60 of the Capital Allowances Act is, subject to section 62 of that Act], to be taken—
- (a) if a capital sum is received by the transferor or a person connected with the transferor by way of consideration or compensation in respect of the disposal, to be an amount equal to that portion of that capital sum which falls (or, if the person to whom the disposal is made were entitled to an allowance, would fall) to be treated for the purposes of [F207Part 2 of that Act]as expenditure incurred by that person on the provision of the fixture, or
  - (b) if no such capital sum is received, to be nil.
- (9) Sub-paragraphs (3), (6) and (8) have effect despite any other provision of [F208the Capital Allowances Act].

#### Textual Amendments

- F199** Words in Sch. 26 para. 21(1) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, Sch. 2 para. 109(12)
- F200** Words in Sch. 26 para. 21(4) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, Sch. 2 para. 109(13)
- F201** Words in Sch. 26 para. 21(5) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, Sch. 2 para. 109(14)(a)
- F202** Words in Sch. 26 para. 21(5) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, Sch. 2 para. 109(14)(b)

*Status: Point in time view as at 01/04/2009.*

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- F203** Words in Sch. 26 para. 21(5) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(14)(c)**
- F204** Words in Sch. 26 para. 21(6) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(15)**
- F205** Words in Sch. 26 para. 21(7) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(16)**
- F206** Words in Sch. 26 para. 21(8) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(17)(a)**
- F207** Words in Sch. 26 para. 21(8)(a) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(17)(b)**
- F208** Words in Sch. 26 para. 21(9) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(18)**

#### *Leased assets*

- 22 (1) Sub-paragraphs (2) and (3) apply for the purposes of section 781 of the 1988 Act (assets leased to traders and others) if the interest of the lessor or the lessee under a lease, or any other interest in an asset, is transferred to a person under a relevant transfer.
- (2) The transfer is to be treated as made without any capital sum having been obtained in respect of the interest by the transferor; and this is so despite section 783(4) of that Act.
- (3) If the interest is an interest under a lease, payments made by the transferor under the lease before the transfer takes effect are to be treated as if they had been made under that lease by the transferee.
- (4) Sub-paragraph (5) applies for the purposes of section 781 of the 1988 Act if a lease, or any other interest in an asset, is granted by the transferor by virtue of provision made under paragraph 5 of Schedule 21 or paragraph 4 of Schedule 25.
- (5) The grant is to be treated as made without any capital sum having been obtained in respect of the lease, or interest, by the transferor; and this is so despite section 783(4) of that Act.
- (6) No charge is to arise under section 781(1) of the 1988 Act by virtue of section 783(2) of that Act in a case where the capital sum mentioned in section 781(1)(b)(i) or (ii) of that Act is or forms part of the consideration obtained (or treated by section 783(4) of that Act as obtained) by the transferor on a disposal by virtue of a relevant transfer of securities of a subsidiary of the transferor.
- (7) Expressions used in this paragraph and in sections 781 to 785 of the 1988 Act have the same meanings in this paragraph as in those sections.

### **PART V**

#### **TRANSFERS FROM SRA TO FRANCHISE COMPANY**

#### *Interpretation*

- 23 In this Part of this Schedule—

*Status: Point in time view as at 01/04/2009.*

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“relevant transfer” means a transfer of property, rights or liabilities by virtue of a scheme under paragraph 1 of Schedule 21 under which the property, rights or liabilities are transferred to a franchise company,

“transferee”, in relation to a relevant transfer, means the franchise company to whom the property, rights or liabilities are transferred, and

“transferor”, in relation to a relevant transfer, means the person from whom the property, rights or liabilities are transferred.

*Chargeable gains: disposals not to be treated as made at market value*

- 24 (1) Section 17 of the 1992 Act (disposals and acquisitions treated as made at market value) is not to have effect in relation to—
- (a) a disposal constituted by a relevant transfer or a disposal by virtue of provision made under paragraph 5 of Schedule 21, or
  - (b) the acquisition made by the person to whom the disposal is made.
- (2) But sub-paragraph (1) does not apply—
- (a) if the person making the disposal is connected with the person making the acquisition, or
  - (b) in the case of a disposal by virtue of provision made under paragraph 5 of Schedule 21, if the disposal is made by or to a person other than the transferor or the transferee.
- (3) If sub-paragraph (1) applies to the disposal of an asset, the disposal is to be taken (in relation to the person making the acquisition as well as the person making the disposal) to be—
- (a) in a case where consideration in money or money’s worth is given by the person making the acquisition or on his behalf in respect of the vesting of the asset in him, for a consideration equal to the amount or value of that consideration, or
  - (b) in a case where no such consideration is given, for a consideration of nil.

*Chargeable gains: groups*

- 25 (1) Sub-paragraph (2) applies if a company (“the degrouped company”)—
- (a) acquired an asset from another company at any time when both were members of the same group of companies (“the old group”), and
  - (b) ceases by virtue of a relevant transfer to be a member of the old group.
- (2) Section 179 of the 1992 Act (company ceasing to be member of group) is not to treat the degrouped company as having by virtue of the transfer sold and immediately reacquired the asset.
- (3) If sub-paragraph (2) applies to an asset, that section is to have effect on and after the first subsequent occasion on which the degrouped company ceases to be a member of a group of companies (“the new group”), otherwise than by virtue of a qualifying transfer, as if the degrouped company and the company from which it acquired the asset had been members of the new group at the time of acquisition.
- (4) If, disregarding any preparatory transactions, a company would be regarded for the purposes of section 179 of the 1992 Act (and, accordingly, of this paragraph) as ceasing to be a member of a group of companies by virtue of a qualifying transfer, it

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is to be regarded for those purposes as so doing by virtue of the qualifying transfer and not by virtue of any preparatory transactions.

- (5) In this paragraph “preparatory transaction” means anything done under or by virtue of this Part of this Act for the purpose of initiating, advancing or facilitating the qualifying transfer in question.
- (6) Expressions used in this paragraph and in section 179 of the 1992 Act have the same meanings in this paragraph as in that section.

*Chargeable gains: disposal of debts*

- 26 (1) Sub-paragraph (2) applies if in the case of a relevant transfer—
  - (a) a debt owed to the transferor is transferred to the transferee, and
  - (b) the transferor would, apart from this paragraph, be the original creditor in relation to that debt for the purposes of section 251 of the 1992 Act (disposal of debts).
- (2) The 1992 Act is to have effect as if the transferee (and not the transferor) were the original creditor for those purposes.

*Capital allowances: actual consideration to be the disposal value*

- 27 (1) Sub-paragraphs (2) to (4) apply for the purposes of [F209Part 3 of the Capital Allowances Act], and the other provisions of that Act which are relevant to that Part, if there is a disposal by virtue of a relevant transfer of the relevant interest in—
  - (a) an industrial building or structure, or
  - (b) a qualifying hotel or a commercial building or structure.
- (2) The disposal is to be treated as a sale of that relevant interest.
- (3) The sale moneys in respect of that sale are to be taken—
  - (a) if a capital sum is received by the transferor or a person connected with the transferor by way of consideration or compensation in respect of the disposal, to be an amount equal to that capital sum, or
  - (b) if no such capital sum is received, to be nil.
- (4) [F210Sections 567 to 570 of that Act (sales treated as being for alternative amount)] are not to have effect in relation to that sale.
- (5) Sub-paragraph (6) applies for determining, in the case of [F211plant or machinery]which is treated for the purposes of [F212the Capital Allowances Act]as disposed of by virtue of a relevant transfer, the amount which (in consequence of that disposal) is to be brought into account as the disposal value of that [F211plant or machinery]for the purposes of [F213section 60 of that Act (meaning of “disposal value” and “disposal event”)].
- (6) The amount is, subject to [F214section 62 of that Act (general limit on amount of disposal value)] to be taken—
  - (a) if a capital sum is received by the transferor or a person connected with the transferor by way of consideration or compensation in respect of the disposal, to be an amount equal to that capital sum, or
  - (b) if no such capital sum is received, to be nil.

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- (7) Sub-paragraph (8) applies if, in consequence of a disposal by virtue of a relevant transfer, [<sup>F215</sup>a person is treated by section 188 of the Capital Allowances Act as ceasing to own a fixture] at any time.
- (8) The amount which, in consequence of that disposal, is to be brought into account as the disposal value of the fixture for the purposes of [<sup>F216</sup>section 60 of the Capital Allowances Act is, subject to section 62 of that Act], to be taken—
- (a) if a capital sum is received by the transferor or a person connected with the transferor by way of consideration or compensation in respect of the disposal, to be an amount equal to that portion of that capital sum which falls (or, if the person to whom the disposal is made were entitled to an allowance, would fall) to be treated for the purposes of [<sup>F217</sup>Part 2 of that Act] as expenditure incurred by that person on the provision of the fixture, or
  - (b) if no such capital sum is received, to be nil.
- (9) Sub-paragraphs (3), (6) and (8) have effect despite any other provision of [<sup>F218</sup>the Capital Allowances Act].

#### Textual Amendments

- F209** Words in Sch. 26 para. 27(1) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(19)**
- F210** Words in Sch. 26 para. 27(4) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(20)**
- F211** Words in Sch. 26 para. 27(5) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(21)(a)**
- F212** Words in Sch. 26 para. 27(5) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(21)(b)**
- F213** Words in Sch. 26 para. 27(5) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(21)(c)**
- F214** Words in Sch. 26 para. 27(6) substituted (23.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(22)**
- F215** Words in Sch. 26 para. 27(7) substituted (23.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(23)**
- F216** Words in Sch. 26 para. 27(8) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(24)(a)**
- F217** Words in Sch. 26 para. 27(8)(a) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(24)(b)**
- F218** Words in Sch. 26 para. 27(9) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(25)**

#### *Leased assets*

- 28 (1) Sub-paragraphs (2) and (3) apply for the purposes of section 781 of the 1988 Act (assets leased to traders and others) if the interest of the lessor or the lessee under a lease, or any other interest in an asset, is transferred to a person under a relevant transfer.
- (2) The transfer is to be treated as made without any capital sum having been obtained in respect of the interest by the transferor; and this is so despite section 783(4) of that Act.

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- (3) If the interest is an interest under a lease, payments made by the transferor under the lease before the transfer takes effect are to be treated as if they had been made under that lease by the transferee.
- (4) Sub-paragraph (5) applies for the purposes of section 781 of the 1988 Act if a lease, or any other interest in an asset, is granted by the transferor by virtue of provision made under paragraph 5 of Schedule 21.
- (5) The grant is to be treated as made without any capital sum having been obtained in respect of the lease, or interest, by the transferor; and this is so despite section 783(4) of that Act.
- (6) No charge is to arise under section 781(1) of the 1988 Act by virtue of section 783(2) of that Act in a case where the capital sum mentioned in section 781(1)(b)(i) or (ii) of that Act is or forms part of the consideration obtained (or treated by section 783(4) of that Act as obtained) by the transferor on a disposal by virtue of a relevant transfer of securities of a subsidiary of the transferor.
- (7) Expressions used in this paragraph and in sections 781 to 785 of the 1988 Act have the same meanings in this paragraph as in those sections.

#### *Loan relationships*

- 29 (1) Sub-paragraph (2) applies if, as a result of a relevant transfer, the transferee replaces the transferor as a party to a loan relationship.
- (2) [<sup>F219</sup>Part 5 of the Corporation Tax Act 2009] is to have effect in relation to the time when the relevant transfer takes effect and any later time as if—
  - (a) the transferee had been a party to the loan relationship at the time the transferor became a party to the loan relationship and at all times since that time, and
  - (b) the loan relationship to which the transferee is a party after the time the transfer takes effect is the same loan relationship as that to which, by virtue of paragraph (a), it is treated as having been a party before that time.
- (3) Expressions used in this paragraph and in [<sup>F220</sup>Part 5 of the Corporation Tax Act 2009] have the same meanings in this paragraph as in [<sup>F220</sup>that Part].

#### **Textual Amendments**

**F219** Words in Sch. 26 para. 29(2) substituted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 473(5)(a) (with Sch. 2 Pts. 1, 2)

**F220** Words in Sch. 26 para. 29(3) substituted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 473(5)(b) (with Sch. 2 Pts. 1, 2)

## **PART VI**

### TRANSFERS OF FRANCHISE ASSETS

#### *Interpretation*

- 30 In this Part of this Schedule—

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Transport Act 2000 is up to date with all changes known to be in force on or before 23 June 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)*

“relevant transfer” means a transfer of property, rights or liabilities by virtue of a scheme under paragraph 2 of Schedule 21 under which the property, rights or liabilities are transferred from a person which is, or has been, a franchise company,

“transferee”, in relation to a relevant transfer, means the person to whom the property, rights or liabilities are transferred, and

“transferor”, in relation to a relevant transfer, means the person from whom the property, rights or liabilities are transferred.

*Chargeable gains: disposals not to be treated as made at market value*

- 31 (1) Section 17 of the 1992 Act (disposals and acquisitions treated as made at market value) is not to have effect in relation to—
- (a) a disposal constituted by a relevant transfer or a disposal by virtue of provision made under paragraph 5 of Schedule 21, or
  - (b) the acquisition made by the person to whom the disposal is made.
- (2) But sub-paragraph (1) does not apply—
- (a) if the person making the disposal is connected with the person making the acquisition, or
  - (b) in the case of a disposal by virtue of provision made under paragraph 5 of Schedule 21, if the disposal is made by or to a person other than the transferor or the transferee.
- (3) If sub-paragraph (1) applies to the disposal of an asset, the disposal is to be taken (in relation to the person making the acquisition as well as the person making the disposal) to be—
- (a) in a case where consideration in money or money’s worth is given by the person making the acquisition or on his behalf in respect of the vesting of the asset in him, for a consideration equal to the amount or value of that consideration, or
  - (b) in a case where no such consideration is given, for a consideration of nil.

*Chargeable gains: groups*

- 32 (1) Sub-paragraph (2) applies if a company (“the degrouped company”)—
- (a) acquired an asset from another company at any time when both were members of the same group of companies (“the old group”), and
  - (b) ceases by virtue of a relevant transfer to be a member of the old group.
- (2) Section 179 of the 1992 Act (company ceasing to be member of group) is not to treat the degrouped company as having by virtue of the transfer sold and immediately reacquired the asset.
- (3) If sub-paragraph (2) applies to an asset, that section is to have effect on and after the first subsequent occasion on which the degrouped company ceases to be a member of a group of companies (“the new group”), otherwise than by virtue of a qualifying transfer, as if the degrouped company and the company from which it acquired the asset had been members of the new group at the time of acquisition.
- (4) If, disregarding any preparatory transactions, a company would be regarded for the purposes of section 179 of the 1992 Act (and, accordingly, of this paragraph) as ceasing to be a member of a group of companies by virtue of a qualifying transfer, it



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is to be regarded for those purposes as so doing by virtue of the qualifying transfer and not by virtue of any preparatory transactions.

- (5) In this paragraph “preparatory transaction” means anything done under or by virtue of this Part of this Act for the purpose of initiating, advancing or facilitating the qualifying transfer in question.
- (6) Expressions used in this paragraph and in section 179 of the 1992 Act have the same meanings in this paragraph as in that section.

*Chargeable gains: disposal of debts*

- 33 (1) Sub-paragraph (2) applies if in the case of a relevant transfer—
  - (a) a debt owed to the transferor is transferred to the transferee, and
  - (b) the transferor would, apart from this paragraph, be the original creditor in relation to that debt for the purposes of section 251 of the 1992 Act (disposal of debts).
- (2) The 1992 Act is to have effect as if the transferee (and not the transferor) were the original creditor for those purposes.

*Capital allowances: actual consideration to be the disposal value*

- 34 (1) Sub-paragraphs (2) to (5) apply for the purposes of [F221Part 3 of the Capital Allowances Act], and the other provisions of that Act which are relevant to that Part, if there is a disposal by virtue of a relevant transfer of the relevant interest in—
  - (a) an industrial building or structure, or
  - (b) a qualifying hotel or a commercial building or structure.
- (2) The disposal is to be treated as a sale of that relevant interest.
- (3) The sale moneys in respect of that sale are to be taken—
  - (a) if a capital sum is received by the transferor or a person connected with the transferor by way of consideration or compensation in respect of the disposal, to be an amount equal to that capital sum, or
  - (b) if no such capital sum is received, to be nil.
- (4) The sale moneys in respect of that sale are to be taken, as respects the transferee only, to include in addition an amount equal to any capital sum received by a person other than the transferor or a person connected with the transferor by way of consideration or compensation in respect of the acquisition of the relevant interest by the transferee.
- (5) [F222Sections 567 to 570 of that Act (sales treated as being for alternative amount)] are not to have effect in relation to that sale.
- (6) Sub-paragraph (7) applies for determining, in the case of [F223plant or machinery] which is treated for the purposes of [F224the Capital Allowances Act] as disposed of by virtue of a relevant transfer, the amount which (in consequence of that disposal) is to be brought into account as the disposal value of that [F223plant or machinery] for the purposes of [F225sections 60 of that Act (meaning of “disposal value” and “disposal event”)].
- (7) The amount is, subject to [F226section 62 of that Act (general limit on amount of disposal value)] to be taken—

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Transport Act 2000 is up to date with all changes known to be in force on or before 23 June 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)*

- (a) if a capital sum is received by the transferor or a person connected with the transferor by way of consideration or compensation in respect of the disposal, to be an amount equal to that capital sum, or
  - (b) if no such capital sum is received, to be nil.
- (8) Sub-paragraph (9) applies if, in consequence of a disposal by virtue of a relevant transfer, [<sup>F227</sup>a person is treated by section 188 of the Capital Allowances Act as ceasing to own a fixture] at any time.
- (9) The amount which, in consequence of that disposal, is to be brought into account as the disposal value of the fixture for the purposes of [<sup>F228</sup>section 60 of the Capital Allowances Act is, subject to section 62 of that Act], to be taken—
- (a) if a capital sum is received by the transferor or a person connected with the transferor by way of consideration or compensation in respect of the disposal, to be an amount equal to that portion of that capital sum which falls (or, if the person to whom the disposal is made were entitled to an allowance, would fall) to be treated for the purposes of [<sup>F229</sup>Part 2 of that Act] as expenditure incurred by that person on the provision of the fixture, or
  - (b) if no such capital sum is received, to be nil.
- (10) Sub-paragraphs (3), (4), (7) and (9) have effect despite any other provision of [<sup>F230</sup>the Capital Allowances Act].

#### Textual Amendments

- F221** Words in Sch. 26 para. 34(1) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(26)**
- F222** Words in Sch. 26 para. 34(5) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(27)**
- F223** Words in Sch. 26 para. 34(6) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(28)(a)**
- F224** Words in Sch. 26 para. 34(6) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(28)(b)**
- F225** Words in Sch. 26 para. 34(6) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(28)(c)**
- F226** Words in Sch. 26 para. 34(7) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(29)**
- F227** Words in Sch. 26 para. 34(8) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(30)**
- F228** Words in Sch. 26 para. 34(9) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(31)(a)**
- F229** Words in Sch. 26 para. 34(9)(a) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(31)(b)**
- F230** Words in Sch. 26 para. 34(10) substituted (22.3.2001, with effect as mentioned in 2001 c. 2, s. 579(1)) by 2001 c. 2, s. 578, **Sch. 2 para. 109(32)**

#### Loan relationships

- 35 (1) [<sup>F231</sup>Section 444 of the Corporation Tax Act 2009] is not to have effect in a case where, as a result of a relevant transfer, the transferee replaces the transferor as a party to a loan relationship.

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- (2) Expressions used in this paragraph and in [<sup>F232</sup>Part 5 of the Corporation Tax Act 2009] have the same meanings in this paragraph as in [<sup>F232</sup>that Part].

**Textual Amendments**

- F231** Words in Sch. 26 para. 35(1) substituted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 473(6)(a) (with Sch. 2 Pts. 1, 2)
- F232** Words in Sch. 26 para. 35(2) substituted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 473(6)(b) (with Sch. 2 Pts. 1, 2)

**PART VII**

OTHER PROVISIONS CONCERNING TRANSFERS

*Chargeable gains: value shifting*

- 36 Nothing in this Part of this Act and nothing done under it is to be regarded as a scheme or arrangement for the purposes of section 30 of the 1992 Act (tax-free benefits).

*Chargeable gains: consequential amendment*

- <sup>F233</sup>37 .....

**Textual Amendments**

- F233** Sch. 26 para. 37 omitted (with effect in accordance with Sch. 2 para. 71 of the amending Act) by virtue of Finance Act 2008 (c. 9), Sch. 2 para. 70(e)(ii)

*Group relief*

- 38 The existence of the powers of the Secretary of State or the Authority under this Part of this Act is not to be regarded (and nothing else in that Part is to be regarded) as—
- (a) constituting arrangements falling within section 410(1) or (2) of the 1988 Act (arrangements for transfer of company to another group or consortium), or
  - (b) constituting option arrangements for the purposes of paragraph 5B of Schedule 18 to the 1988 Act.

*Modifications of transfer schemes*

- 39 (1) Sub-paragraph (2) applies if—
- (a) the effect of a scheme under paragraph 1 of Schedule 15, paragraph 31 of Schedule 17, paragraph 1 of Schedule 19 or paragraph 1 of Schedule 25 is modified by an order made by the Secretary of State, or
  - (b) the effect of a scheme under paragraph 1 of Schedule 21 under which the property, rights or liabilities are transferred to the Secretary of State or a

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franchise company is modified by an agreement made under paragraph 15 of that Schedule.

- (2) The Corporation Tax Acts (including this Schedule) are to have effect as if—
- (a) the scheme had been made as modified, and
  - (b) anything done by or in relation to the preceding holder had (so far as relating to the property, rights or liabilities affected by the modification) been done by or in relation to the subsequent holder.
- (3) For the purposes of sub-paragraph (2) the preceding holder is the person who without the modification—
- (a) became (under the scheme concerned) entitled or subject to the property, rights or liabilities affected by the modification, or
  - (b) remained (despite the scheme concerned) entitled or subject to the property, rights or liabilities affected by the modification,
- as the case may be.
- (4) For the purposes of sub-paragraph (2) the subsequent holder is the person who (in consequence of the modification) becomes, or resumes being, entitled or subject to the property, rights or liabilities affected by the modification.

*Stamp duty and stamp duty reserve tax*

- 40 (1) Stamp duty is not to be chargeable on—
- (a) a scheme under paragraph 1 of Schedule 15, paragraph 31 of Schedule 17 or paragraph 1 of Schedule 19, 21 or 25, or
  - (b) an instrument or agreement which is certified to the Commissioners of Inland Revenue by the Secretary of State as made in pursuance of such a scheme.
- (2) No such scheme, and no instrument or agreement which is certified as mentioned in sub-paragraph (1)(b), is to be taken to be duly stamped unless—
- (a) it has, in accordance with section 12 of the <sup>M105</sup>Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with that duty or that it is duly stamped, or
  - (b) it is stamped with the duty to which it would be liable, apart from this paragraph.
- (3) Section 12 of the <sup>M106</sup>Finance Act 1895 is not to operate to require—
- (a) the delivery to the Inland Revenue of a copy of this Act, or
  - (b) the payment of stamp duty under that section on any copy of this Act,
- and is not to apply in relation to an instrument on which, by virtue of sub-paragraph (1), stamp duty is not chargeable.
- (4) An agreement to transfer chargeable securities, as defined in section 99 of the <sup>M107</sup>Finance Act 1986, to a person specified in sub-paragraph (2)(a) to (c) of paragraph 1 of Schedule 21 is not to give rise to a charge to stamp duty reserve tax if the agreement is made for the purposes of, or for purposes connected with, a scheme under that paragraph.

**Marginal Citations**

**M105** 1891 c. 39.

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**M106** 1895 c. 16.

**M107** 1986 c. 41.

### <sup>F234</sup>Stamp duty land tax

#### Textual Amendments

**F234** Sch. 26 para. 40A and cross-heading inserted (1.12.2003) by the [Stamp Duty Land Tax \(Consequential Amendment of Enactments\) Regulations 2003 \(S.I. 2003/2867\)](#), reg. 1, **Sch. para. 32**

- 40A. (1) For the purposes of stamp duty land tax, a land transaction which is effected by, or in pursuance of a scheme under paragraph 1 of Schedule 15, paragraph 31 of Schedule 17 or paragraph 1 of Schedule 19, 21 or 25 is exempt from charge.
- (2) Relief under this paragraph must be claimed in a land transaction return or an amendment of such a return.
- (3) In this paragraph—  
“land transaction” has the meaning given by section 43(1) of the Finance Act 2003;  
“land transaction return” has the meaning given by section 76(1) of that Act.]

## SCHEDULE 27

Section 252.

### MINOR AND CONSEQUENTIAL AMENDMENTS ABOUT RAILWAYS

#### *Transport Act 1962 (c.46)*

- 1 (1) Section 43 of the Transport Act 1962 (charges and facilities) is amended as follows.
- (2) In subsections (1) and (2), for “Boards” substitute “ British Waterways Board or the Strategic Rail Authority ”.
- (3) In subsection (3), for “Boards” substitute “ British Waterways Board and the Strategic Rail Authority ”.
- <sup>F235</sup>(4) .....
- <sup>F235</sup>(5) .....
- <sup>F235</sup>(6) .....

#### Textual Amendments

**F235** Sch. 27 para. 1(4)-(6) repealed (1.12.2006) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

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**Commencement Information**

**I248** Sch. 27 para. 1 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

*Transport Act 1968 (c.73)*

F236<sub>2</sub> .....

**Textual Amendments**

**F236** Sch. 27 paras. 2-5 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

F236<sub>3</sub> .....

**Textual Amendments**

**F236** Sch. 27 paras. 2-5 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

F236<sub>4</sub> .....

**Textual Amendments**

**F236** Sch. 27 paras. 2-5 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

F236<sub>5</sub> .....

**Textual Amendments**

**F236** Sch. 27 paras. 2-5 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

*British Railways Act 1969 (c.xliii)*

6 In section 22 of the British Railways Act 1969 (misuse of telephones at level crossings)—

- (a) for “Board” substitute “ a successor of the Board ”, and
- (b) insert at the end “ ; and in this section “successor of the Board” has the same meaning as “successor of the British Railways Board” has in the <sup>M108</sup>Railways Act 1993 (Consequential Modifications) (No.2) Order 1999. ”

**Commencement Information**

**I249** Sch. 27 para. 6 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

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#### Marginal Citations

M108 S.I. 1999/1998.

#### *House of Commons Disqualification Act 1975 (c.24)*

- 7 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices), insert (at the appropriate place in alphabetical order)—

“Member of the London Transport Users’ Committee in receipt of remuneration.”

#### Commencement Information

I250 Sch. 27 para. 7 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

#### *British Railways Act 1977 (c.xvii)*

- 8 (1) Section 13 of the British Railways Act 1977 (fines and penalties) is amended as follows.
- (2) In subsection (1), for “the Board, to any railway of the Board” substitute “ a successor of the Board, to any railway of a successor of the Board ”.
- (3) After that subsection insert—

“(1A) In subsection (1) of this section “successor of the Board” has the same meaning as “successor of the British Railways Board” has in the <sup>M109</sup>Railways Act 1993 (Consequential Modifications) (No.2) Order 1999.”

#### Commencement Information

I251 Sch. 27 para. 8 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

#### Marginal Citations

M109 S.I. 1999/1998.

#### *Transport Act 1980 (c.34)*

- 9 Part III of the Transport Act 1980 (railway pensions) has effect subject to the following amendments.

#### Commencement Information

I252 Sch. 27 para. 9 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 10 In section 52A(13) (provisions for final discharge of Secretary of State not to affect liability of Board in respect of relevant pension obligations), for “Board” substitute “ Authority ”.

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**Commencement Information**

**I253** Sch. 27 para. 10 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 11 In section 52B(10) (provisions for substitution order not to affect liability of Board in respect of relevant pension obligations), for “Board” substitute “ Authority ”.

**Commencement Information**

**I254** Sch. 27 para. 11 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 12 (1) Section 53 (meaning of “relevant pension obligations”) is amended as follows.
- (2) In subsection (1)—
- (a) for “Board which were owed” substitute “ Authority which were owed by the Board ”, and
- (b) for “Board arising after the operative date” (in both places) substitute “ Authority which arose as an obligation of the Board after the operative date or was never an obligation of the Board ”.
- (3) In subsection (4), for “Board” (in each place) substitute “ Authority ”.

**Commencement Information**

**I255** Sch. 27 para. 12 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 13 In section 60(1) (interpretation), before the definition of “the Board” insert—
- ““the Authority” means the Strategic Rail Authority;”.

**Commencement Information**

**I256** Sch. 27 para. 13 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

*Transport Act 1985 (c.67)*

F237 14 .....

**Textual Amendments**

**F237** Sch. 27 para. 14 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.



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*Channel Tunnel Act 1987 (c.53)*

- 15 In paragraph 5 of Schedule 6 to the Channel Tunnel Act 1987 (application of offence provisions), for “the Railways Board” substitute “a successor of the British Railways Board within the meaning of the <sup>M110</sup>Railways Act 1993 (Consequential Modifications) (No.2) Order 1999”.

**Commencement Information**

**I257** Sch. 27 para. 15 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

**Marginal Citations**

**M110** S.I. 1999/1998.

*Heathrow Express Railway Act 1991 (c.vii)*

- 16 In section 41(1) of the Heathrow Express Railway Act 1991 (provisions which do not apply to services and facilities provided on Heathrow Express lines or at Heathrow Express stations), after “1968” insert “ and sections 76 and 77 of the <sup>M111</sup>Railways Act 1993 ”.

**Marginal Citations**

**M111** 1993 c. 43.

*Railways Act 1993 (c.43)*

- 17 The Railways Act 1993 has effect subject to the following amendments.

**Commencement Information**

**I258** Sch. 27 para. 17 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 18 In section 7 (licence exemptions), omit subsection (10) (limit on grant of licence exemption by Secretary of State).

**Commencement Information**

**I259** Sch. 27 para. 18 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 19 In section 9 (licence conditions), after subsection (3) insert—

“(3A) Conditions included in a licence by virtue of subsection (1)(a) above may include provision about any matter which is dealt with (whether in the same or a different manner) by an access agreement.”

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**Commencement Information**

**I260** Sch. 27 para. 19 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 20 (1) Section 13 (modification references to Competition Commission) is amended as follows.
- (2) In subsection (8)(c)(i), for “Director” substitute “ Regulator ”.
- (3) In subsection (8A)(a)—
- (a) for “and 85” substitute “ , 85 ”, and
  - (b) after “documents)” insert “ and 93B (false or misleading information) ”.

**Commencement Information**

**I261** Sch. 27 para. 20 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 21 In section 17 (directions requiring facility owners to enter into contracts for use of their railway facilities), after subsection (7) insert—
- “(7A) Any reference in this section to obtaining permission to use a railway facility includes, where the facility is track, permission to connect other track to it.”

**Commencement Information**

**I262** Sch. 27 para. 21 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 22 In section 18(9) (access contracts requiring approval of Regulator), after paragraph (a) insert—
- “(aa) subsection (7A),”.

**Commencement Information**

**I263** Sch. 27 para. 22 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 23 (1) Section 20 (exemption of railway facilities from sections 17 and 18) is amended as follows.
- (2) In subsections (1), (3) and (13), after “above” insert “ and section 22A below ”.
- (3) In subsection (2), omit the words following paragraph (b).
- (4) In the sidenote, for “and 18” substitute “ , 18 and 22A ”.

**Commencement Information**

**I264** Sch. 27 para. 23 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

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24 (1) Section 27 (transfer of franchise assets and shares) is amended as follows.

(2) In subsection (8), for “transfer scheme” substitute “ a scheme under Schedule 21 to the Transport Act 2000 ”.

F238(3) . . . . .

**Textual Amendments**

**F238** Sch. 27 para. 24(3) repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

F239<sup>25</sup> . . . . .

**Textual Amendments**

**F239** Sch. 27 paras. 25-29 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

F239<sup>26</sup> . . . . .

**Textual Amendments**

**F239** Sch. 27 paras. 25-29 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

F239<sup>27</sup> . . . . .

**Textual Amendments**

**F239** Sch. 27 paras. 25-29 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

F239<sup>28</sup> . . . . .

**Textual Amendments**

**F239** Sch. 27 paras. 25-29 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

F239<sup>29</sup> . . . . .

**Textual Amendments**

**F239** Sch. 27 paras. 25-29 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

30 (1) Section 55 (orders for securing compliance) is amended as follows.

F240(2) . . . . .

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- (3) In subsections (2) and (4), for “subsection (5)” substitute “ subsections (5) to (5B) ”.
- (4) In subsection (5)(a), for “or, as the case may be, section 5 above” substitute “ above or, as the case may be, section 207 of the Transport Act 2000 ”.
- (5) Omit subsection (12).

#### Textual Amendments

**F240** Sch. 27 para. 30(2) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

#### Commencement Information

**I265** Sch. 27 para. 30 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 31 In the sidenote for section 56 insert at the end “ for section 55 orders ”.

#### Commencement Information

**I266** Sch. 27 para. 31 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 32 (1) In section 57 (validity and effect of orders) is amended as follows.
- (2) In subsection (2), omit paragraph (b).
  - (3) After that subsection insert—
    - “(2A) If such an application is made in relation to a provision of an order requiring the payment of a sum in the event of a contravention and the sum would be payable before the time when the application is determined, it need not be paid until that time.
    - (2B) Where such an application is so made the court, if satisfied as mentioned in subsection (2) above, may (instead of quashing the order or the provision of the order) make provision under either or both of paragraphs (a) and (b) of subsection (2C) below.
    - (2C) The provision referred to in subsection (2B) above is—
      - (a) provision substituting for the sum, or provision for determining a sum, specified in the order such lesser sum, or such other provision for determining a sum, as the court considers appropriate in all the circumstances of the case; and
      - (b) provision substituting for the date by which the sum is to be paid specified in or determined in accordance with the order such later date as the court considers appropriate in all the circumstances of the case.
    - (2D) Where the court substitutes a lesser sum, or different provision for determining a sum, it may require the payment of interest on the new sum at such rate, and from such date, as it determines; and where it specifies as the date by which the sum is to be paid a date before the determination of

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the application it may require the payment of interest on the sum from that date at such rate as it determines.”

(4) In subsection (9), for “section 58” substitute “ sections 57F and 58 ”.

(5) In the sidenote, after “of” insert “ section 55 ”.

**Commencement Information**

**I267** Sch. 27 para. 32 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

33 (1) Section 58 (power to require information) is amended as follows.

(2) In subsection (1)—

(a) for the words from “may be” to “requirement, the” substitute “may have contravened or be contravening—

(a) a relevant condition or requirement, or

(b) a final or provisional order made by the appropriate authority,

the ”, and

(b) after “55” insert “ or 57A ”.

(3) In the sidenote insert at the end “ for purposes of sections 55 and 57A ”.

**Commencement Information**

**I268** Sch. 27 para. 33 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

34 In section 60(5)(c) (effect of petition for railway administration order), after “55” insert “ or 57A ”.

**Commencement Information**

**I269** Sch. 27 para. 34 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

F241 35 .....

**Textual Amendments**

**F241** Sch. 27 para. 35 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

36 (1) Section 72(2) (matters to be entered in register maintained by Regulator) is amended as follows.

(2) In paragraph (a) (provisions about licences), after sub-paragraph (viii) (inserted by Schedule 17) insert—

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Transport Act 2000 is up to date with all changes known to be in force on or before 23 June 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)*

“(ix) every penalty imposed by the Regulator under section 57A above;

(x) every statement of policy published by the Regulator under that section;”.

(3) In paragraph (b) (provisions about access agreements), after sub-paragraph (v) insert—

“(va) every direction under section 22A above;

(vb) every notice given by or to the Regulator or the Competition Commission under Schedule 4A to this Act;”.

#### Commencement Information

**I270** Sch. 27 para. 36 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

37 (1) Section 73(2) (matters to be entered in register by Authority) is amended as follows.

(2) In paragraph (d) (amendments of franchise agreements), insert at the end “ 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. ”

(3) After paragraph (e) insert—

“(f) every penalty imposed by the Authority under section 57A above;

(g) every statement of policy published by the Authority under that section;”.

#### Commencement Information

**I271** Sch. 27 para. 37 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

38 In section 80 (furnishing of information to Authority)—

(a) in subsection (1), for the words from the beginning to the end of paragraph (c) substitute “ Licence holders ” and insert at the end “ or the Transport Act 2000 ”, and

(b) omit subsection (6).

#### Commencement Information

**I272** Sch. 27 para. 38 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

39 (1) Section 83 (interpretation) is amended as follows.

(2) For the definition of “appropriate officer” in subsection (1) substitute—

““appropriate authority” has the meaning given by section 55(10) above;”.

<sup>F242</sup>(3) .....

(4) After the definition of “station services” in that subsection insert—

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Transport Act 2000 is up to date with all changes known to be in force on or before 23 June 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)*

““through ticket” means—

- (a) a ticket which is valid for a journey which involves use of the services of more than one passenger service operator; or
- (b) a combination of two or more tickets issued at the same time which are between them valid for such a journey;

and “through ticketing” shall be construed accordingly;”.

F243(5) . . . . .

**Textual Amendments**

**F242** Sch. 27 para. 39(3) repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

**F243** Sch. 27 para. 39(5) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

**Commencement Information**

**I273** Sch. 27 para. 39 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 40 (1) Section 135 (concessionary travel) is amended as follows.
- (2) In subsection (6)(a), for “(5)” substitute “ (4) ”.
- (3) In subsection (9), for “subsections (4) and (5) above are” substitute “ subsection (4) above is ”.

**Commencement Information**

**I274** Sch. 27 para. 40 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 41 (1) Section 145 (restrictions on disclosure of information) is amended as follows.

F244(2) . . . . .

- (3) After subsection (5) insert—
  - “(5A) Subsection (1) above does not prevent the transfer of records in accordance with section 3(4) of the <sup>M112</sup>Public Records Act 1958.”

**Textual Amendments**

**F244** Sch. 27 para. 41(2) repealed (8.6.2005) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1444, art. 2(1), Sch. 1

**Commencement Information**

**I275** Sch. 27 para. 41 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

*Status: Point in time view as at 01/04/2009.*

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### Marginal Citations

M112 1958 c. 51.

- 42 (1) Section 150(1) (Crown application) is amended as follows.
- (2) In paragraph (a), for “22” substitute “ 22C ”.
- (3) In paragraph (b), for “55 to 58, except sections 55(8) and 58(4) and (5);” substitute “ 55(1) to (7) and (9) to (11), sections 56 and 57 and section 58(1) to (3), (6) and (7); ”.

### Commencement Information

I276 Sch. 27 para. 42 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

F245 43 . . . . .

### Textual Amendments

F245 Sch. 27 para. 43 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

- 44 (1) Section 154(3) (extent) is amended as follows.
- (2) For paragraph (a) substitute—  
 “(a) section 36(1), (4) and (5);”.
- (3) For paragraph (c) substitute—  
 “(c) sections 124 and 129(3);”.

### Commencement Information

I277 Sch. 27 para. 44 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

F246 45 . . . . .

### Textual Amendments

F246 Sch. 27 para. 45 repealed (5.7.2004) by Railways and Transport Safety Act 2003 (c. 20), Sch. 8; S.I. 2004/827, art. 4(i)

F247 46 . . . . .

### Textual Amendments

F247 Sch. 27 para. 46 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

F248 47 . . . . .



*Status: Point in time view as at 01/04/2009.*

**Changes to legislation:** Transport Act 2000 is up to date with all changes known to be in force on or before 23 June 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)

### Textual Amendments

**F248** Sch. 27 para. 47 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

- 48 In paragraph 2 of Schedule 6 (effect of administration order), after “55” insert “or 57A”.

### Commencement Information

**I278** Sch. 27 para. 48 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

- 49 (1) Schedule 11 (pensions) is amended as follows.
- (2) In paragraph 1(1) (interpretation), in paragraph (a) of the definition of “eligible persons”—
- (a) after “of the Board,” insert—
- “(ia) the Authority or any subsidiary of the Authority,”
- and
- (b) for “franchise company” substitute “body corporate which is, or is to be, the franchisee or the franchise operator under a franchise agreement”.
- (3) In paragraphs 3(4) and 4(5), for “after consultation with” substitute “with the consent of”.
- (4) In paragraph 10(15), for “Board” (in both places) substitute “Authority”.
- (5) In paragraph 11(10), in the definition of “relevant employer” insert at the end—
- “(d) the Authority; or
- (e) a wholly owned subsidiary of the Authority.”

### Commencement Information

**I279** Sch. 27 para. 49 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

### *Finance Act 1994 (c.9)*

- 50 (1) Schedule 24 to the Finance Act 1994 is amended as follows.
- (2) In paragraph 15(11) (trading losses), after paragraph (b) insert—
- “(ba) a wholly owned subsidiary of the Strategic Rail Authority;”.
- (3) In paragraph 19(5) (leased assets: special cases), after paragraph (b) insert—
- “(ba) the Strategic Rail Authority,
- (bb) a wholly owned subsidiary of the Strategic Rail Authority;”.

### *Railway Heritage Act 1996 (c.42)*

- 51 The Railway Heritage Act 1996 has effect subject to the following amendments.

*Status: Point in time view as at 01/04/2009.*

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**Commencement Information**

**I280** Sch. 27 para. 51 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

52 In section 2 (establishment of committee), for “Board” (in each place) substitute “Authority”.

**Commencement Information**

**I281** Sch. 27 para. 52 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

53 In section 4(6)(b) (notice of proposed disposal), for “Part II of the Railways Act 1993” substitute “the Transport Act 2000”.

**Commencement Information**

**I282** Sch. 27 para. 53 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

*Channel Tunnel Rail Link Act 1996 (c.61)*

54 The Channel Tunnel Rail Link Act 1996 has effect subject to the following amendments.

**Commencement Information**

**I283** Sch. 27 para. 54 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

F249 55 .....

**Textual Amendments**

**F249** Sch. 27 para. 55 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

56 (1) Paragraph 7 of Schedule 9 (application of offence provisions) is amended as follows.

(2) In sub-paragraphs (2) and (3), for “the British Railways Board” substitute “a successor of the British Railways Board”.

(3) At the end insert—

“(4) In this paragraph “successor of the British Railways Board” has the same meaning as in the <sup>M113</sup>Railways Act 1993 (Consequential Modifications) (No.2) Order 1999.”

*Status: Point in time view as at 01/04/2009.*

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**Commencement Information**

**I284** Sch. 27 para. 56 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

**Marginal Citations**

**M113** S.I. 1999/1998.

*Greater London Authority Act 1999 (c.29)*

57 The Greater London Authority Act 1999 has effect subject to the following amendments.

**Commencement Information**

**I285** Sch. 27 para. 57 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

**F250** 58 .....

**Textual Amendments**

**F250** Sch. 27 para. 58 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

59 In section 209(1) (amendments about the Croydon Tramlink), for “(9)” substitute “(10)”.

**Commencement Information**

**I286** Sch. 27 para. 59 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

**F251** 60 .....

**Textual Amendments**

**F251** Sch. 27 para. 60 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

**F252** 61 .....

**Textual Amendments**

**F252** Sch. 27 para. 61 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

62 (1) Schedule 18 (London Transport Users’ Committee) is amended as follows.

*Status: Point in time view as at 01/04/2009.*

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- (2) In paragraph 1, after “chairman” insert “ and other members ” and, in the heading preceding that paragraph, after “*Chairman*” insert “ *and other members* ”.
- (3) In paragraph 2, for “above,” substitute “ above as chairman, ”.
- (4) In paragraph 3, after “chairman” insert “ or another member ”.
- F253 (5) .....
- F253 (6) .....
- (7) Omit paragraph 17.

**Textual Amendments**

**F253** Sch. 27 para. 62(5)(6) repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

**Commencement Information**

**I287** Sch. 27 para. 62 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

*Railways Act 1993 (Consequential Modifications) (No.2) Order 1999 (S.I.1999/1998)*

- 63 In article 3(1) of the <sup>M114</sup>Railways Act 1993 (Consequential Modifications) (No.2) Order 1999 (amendment of British Transport Commission Act 1949), for “include” substitute “ have effect as ”.

**Commencement Information**

**I288** Sch. 27 para. 63 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

**Marginal Citations**

**M114** S.I. 1999/1998.

SCHEDULE 28

Section 253.

TRANSITIONALS AND SAVINGS ABOUT RAILWAYS

*First appointments to Authority*

- F254<sup>1</sup> .....

**Textual Amendments**

**F254** Sch. 28 para. 1 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

*Status: Point in time view as at 01/04/2009.*

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### *Consumer protection conditions*

- 2 (1) The Secretary of State may make in relation to a licence or licence exemption granted before the coming into force of Part I of Schedule 17 a scheme making such provision as appears to him to be appropriate in consequence of the amendments made by that Part of that Schedule.
- (2) The scheme may include modifications of—
  - (a) the licence or licence exemption, and
  - (b) any agreements or other arrangements or other documents relating to the person (or any of the persons) to whom it was granted,(in particular so that references to the Regulator have effect as references to the Authority).
- (3) The scheme may include provision for things done by the Regulator before the time when the scheme comes into force to be treated after that time as if done by the Authority.
- (4) Before making a scheme under this paragraph the Secretary of State must consult—
  - (a) the Authority,
  - (b) the Regulator,
  - (c) the person or persons to whom the licence or licence exemption was granted, and
  - (d) any such other persons as the Secretary of State considers appropriate.
- (5) The amendments made by Part I of Schedule 17 apply in relation to any licence or licence exemption granted before the coming into force of that Part of that Schedule only from the coming into force of a scheme made under this paragraph in relation to the licence or licence exemption.

### *Franchising*

- 3 (1) Any services which, immediately before the coming into force of section 212, are being provided under a franchise agreement shall be treated as having been designated under subsection (1) of section 23 of the <sup>M115</sup>Railways Act 1993 (as amended by subsection (1) of section 212) on the coming into force of section 212.
- (2) The designation treated as made by sub-paragraph (1) may be varied or revoked as provided by subsection (2A) of section 23 (as inserted by subsection (2) of section 212) but is not required to be published by subsection (2B) of section 23 (as so inserted).

#### **Marginal Citations**

M115 1993 c. 43.

F255<sup>4</sup>

#### **Textual Amendments**

F255 Sch. 28 para. 4 repealed (16.10.2005) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(1), Sch. 1

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*Bye-laws*

- 5 (1) The repeal of section 67 of the <sup>M116</sup>Transport Act 1962 does not affect that section, or any provision of that section, as applied by any other enactment.
- (2) Any bye-laws made (or having effect as if made) under—
- (a) section 67 of the <sup>M117</sup>Transport Act 1962, or
  - (b) section 129 of the <sup>M118</sup>Railways Act 1993,
- which are in force immediately before the coming into force of the repeals of those sections shall continue in force<sup>F256</sup> ... .

**Textual Amendments**

**F256** Words in Sch. 28 para. 5(2) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **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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**Marginal Citations**

**M116** 1962 c. 46.  
**M117** 1962 c. 46.  
**M118** 1993 c. 43.

*Penalties*

<sup>F257</sup>6 .....

**Textual Amendments**

**F257** Sch. 28 para. 6 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

- 7 (1) The fact that no order has been made under section 57A(3) of the <sup>M119</sup>Railways Act 1993 <sup>F258</sup>... does not affect the validity of any determination of the amount of a penalty under section 57A.
- (2) The fact that no order has been made under section 55(7B) of the <sup>M120</sup>Railways Act 1993 <sup>F259</sup>... does not affect the validity of any determination of the amount of any sum payable in accordance with a final or provisional order.

**Textual Amendments**

**F258** Words in Sch. 28 para. 7(1) repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

**F259** Words in Sch. 28 para. 7(2) repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

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**Marginal Citations**

**M119** 1993 c. 43.  
**M120** 1993 c. 43.

<sup>F260</sup>8 .....

*Status: Point in time view as at 01/04/2009.*

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**Textual Amendments**

**F260** Sch. 28 para. 8 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

*Compliance orders*

**F261**<sub>g</sub> .....

**Textual Amendments**

**F261** Sch. 28 para. 9 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

*Section 56 of the Transport Act 1962*

- 10 Where provision is made for subsections (4) to (6) of section 56 of the <sup>M121</sup>Transport Act 1962 (functions of Rail Passengers' Council and [<sup>F262</sup>London Transport Users' Committee]) to apply in relation to any services or any facilities connected with any services—
- (a) [<sup>F263</sup>section 76] of the <sup>M122</sup>Railways Act 1993 shall not apply in relation to them unless the services are being provided under a franchise agreement, but
  - (b) [<sup>F264</sup>that subsection] shall not apply in relation to them if the services are being so provided.

**Textual Amendments**

**F262** Words in Sch. 28 para. 10 substituted (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 17(9)(a)**; S.I. 2005/1909, art. 2, Sch.  
**F263** Words in Sch. 28 para. 10(a) substituted (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 17(9)(b)**; S.I. 2005/1909, art. 2, Sch.  
**F264** Words in Sch. 28 para. 10(b) substituted (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 17(9)(c)**; S.I. 2005/1909, art. 2, Sch.

**Marginal Citations**

**M121** 1962 c. 46.  
**M122** 1993 c. 43.

*Review of access charges*

**F265**<sub>1</sub> .....

**Textual Amendments**

**F265** Sch. 28 paras. 11-16 repealed (26.6.2005 for the repeal of Sch. 28 para. 15, 24.7.2005 for the repeal of Sch. 28 para. 14, 1.12.2006 except for the repeal of Sch. 28 para. 11, 29.1.2007 in so far as not already

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in force) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1444, art. 2(2), Sch. 2; S.I. 2005/1909, art. 2, Sch.; S.I. 2006/2911, art. 2, Sch.; S.I. 2007/62, art. 2(e)

*Closures*

F265 12 .....

**Textual Amendments**

**F265** Sch. 28 paras. 11-16 repealed (26.6.2005 for the repeal of Sch. 28 para. 15, 24.7.2005 for the repeal of Sch. 28 para. 14, 1.12.2006 except for the repeal of Sch. 28 para. 11, 29.1.2007 in so far as not already in force) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1444, art. 2(2), Sch. 2; S.I. 2005/1909, art. 2, Sch.; S.I. 2006/2911, art. 2, Sch.; S.I. 2007/62, art. 2(e)

F265 13 .....

**Textual Amendments**

**F265** Sch. 28 paras. 11-16 repealed (26.6.2005 for the repeal of Sch. 28 para. 15, 24.7.2005 for the repeal of Sch. 28 para. 14, 1.12.2006 except for the repeal of Sch. 28 para. 11, 29.1.2007 in so far as not already in force) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1444, art. 2(2), Sch. 2; S.I. 2005/1909, art. 2, Sch.; S.I. 2006/2911, art. 2, Sch.; S.I. 2007/62, art. 2(e)

*Register*

F265 14 .....

**Textual Amendments**

**F265** Sch. 28 paras. 11-16 repealed (26.6.2005 for the repeal of Sch. 28 para. 15, 24.7.2005 for the repeal of Sch. 28 para. 14, 1.12.2006 except for the repeal of Sch. 28 para. 11, 29.1.2007 in so far as not already in force) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1444, art. 2(2), Sch. 2; S.I. 2005/1909, art. 2, Sch.; S.I. 2006/2911, art. 2, Sch.; S.I. 2007/62, art. 2(e)

*Code for protection of disabled rail users*

F265 15 .....

**Textual Amendments**

**F265** Sch. 28 paras. 11-16 repealed (26.6.2005 for the repeal of Sch. 28 para. 15, 24.7.2005 for the repeal of Sch. 28 para. 14, 1.12.2006 except for the repeal of Sch. 28 para. 11, 29.1.2007 in so far as not already in force) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1444, art. 2(2), Sch. 2; S.I. 2005/1909, art. 2, Sch.; S.I. 2006/2911, art. 2, Sch.; S.I. 2007/62, art. 2(e)

*Penalty fares*

F265 16 .....



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### Supplementary

- 17 (1) Nothing in this Schedule limits section 276.
- (2) Nothing in this Schedule limits the operation of sections 16 and 17 of the <sup>M123</sup>Interpretation Act 1978 (effect of repeals).

### Marginal Citations

**M123** 1978 c. 30.

## SCHEDULE 29

Section 260.

### DRIVER TRAINING AND DRIVING INSTRUCTORS: MINOR AND CONSEQUENTIAL AMENDMENTS

### Introductory

- 1 The <sup>M124</sup>Road Traffic Act 1988 has effect subject to the following amendments.

### Marginal Citations

**M124** 1988 c. 52.

### Consequential amendments about driver training

PROSPECTIVE

- 2 In section 89(6) (vehicles which may be driven by virtue of licence authorised by passing of test), for “For” substitute “ Subject to regulations under section 99ZA of this Act, for ”.

PROSPECTIVE

- 3 In section 97(1) (grant of licences), for “the following provisions of this section and section 92 of this Act” substitute “ subsection (2) below, section 92 of this Act and regulations under section 99ZA of this Act ”.

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PROSPECTIVE

- 4 In section 98(2) (effect of full licence), after “below” insert “ and to regulations under section 99ZA of this Act ”.

PROSPECTIVE

- 5 (1) Section 164 (power of constables to require production of evidence) is amended as follows.
- (2) For subsection (4A) substitute—
- “(4A) If regulations make provision for the evidencing of the successful completion of driver training courses or of a person’s being within the exemption specified in subsection (2), or any exemption provided by virtue of subsection (3), of section 99ZA of this Act, a person driving on a road a motor vehicle which he—
- (a) is not authorised so to drive without having successfully completed such a course, or
- (b) would not be authorised so to drive apart from the exemption,
- may be required by a constable to produce prescribed evidence of the successful completion by him of such a course or of his being within the exemption.”
- (3) In subsection (6), for “his certificate of completion of a training course for motor cyclists” substitute “ prescribed evidence of the successful completion by him of a driver training course or of his being within an exemption ”.
- (4) In subsection (8A), for “a certificate of completion of a training course for motor cyclists” substitute “ prescribed evidence of the successful completion of a driver training course or of being within an exemption ”.
- (5) In subsection (11), for the words from “ “counterpart,” to “completion”” substitute “ “counterpart” and “provisional licence” ”.
- 6 In section 194 (index of expressions) insert at the appropriate place—

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“Driver training course	Section 99ZA”.
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*Tests of continued ability and fitness to give driving instruction*

- 7 In section 125(5) (continuing registration conditional on undergoing tests of continued ability and fitness to give instruction), for the words from “undergo” to the end substitute “ submit himself for such test of continued ability and fitness to give instruction in the driving of motor cars (which may consist of practical and other means of assessment) as may be prescribed by regulations. ”
- 8 In section 125B(6)(b) (similar provision in relation to disabled instructors), after “cars” insert “ (which may consist of practical and other means of assessment) ”.
- 9 (1) Section 132 (regulations about examinations and tests) is amended as follows.

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- (2) In subsection (1), for “such instruction” substitute “ instruction in the driving of motor cars (or appropriate motor cars) ”.
- (3) In subsection (2)—
- (a) in paragraph (a) (obligation to provide vehicle)—
    - (i) for “to any” substitute “ for any ”,
    - (ii) for “such a test of continued ability and fitness” substitute “ any part of such a test of continued ability and fitness which consists of practical assessment ”, and
    - (iii) for “the test” substitute “ the practical test or assessment ”,
  - (b) in paragraph (b) (fees)—
    - (i) after “examination” insert “ , or required to submit himself for such a test, ”, and
    - (ii) after “that part” insert “ or such tests, ”, and
  - (c) in paragraph (c) (particulars), after “examination” insert “ , or is required to submit himself for such a test ”.

*Disabled instructors: emergency control assessments*

- 10 In section 133A (assessments of disabled person’s ability to control a motor car in an emergency), after subsection (4) insert—

“(4A) Regulations may require a person who applies to undergo an emergency control assessment (or a part of such an assessment), or is required to submit himself for such an assessment, to pay a fee to the Secretary of State.”

*Review by magistrates’ court of examinations of instructors*

- 11 (1) Section 133 (review of examinations) is amended as follows.
- (2) In subsection (1) (application to magistrates’ court)—
- (a) for “submitted himself for any part of an examination of ability to give instruction in the driving of motor cars” substitute “ undergone a relevant examination, or a part of such an examination ”, and
  - (b) for “that part of the examination was properly conducted in accordance with regulations” substitute “ the examination or part was properly conducted ”.
- (3) In subsection (2) (order for repayment of fees etc.)—
- (a) for “that part of the examination was not so” substitute “ the examination or part was not properly ”, and
  - (b) for “that part” substitute “ the examination or part ”.
- (4) After subsection (3) insert—
- “(4) In this section “a relevant examination” means—
- (a) an examination of ability to give instruction in the driving of motor cars,
  - (b) a test of continued ability and fitness to give instruction in the driving of motor cars (or appropriate motor cars), or
  - (c) an emergency control assessment.”

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*Respondent in appeals about instructors*

- 12 In section 131 (appeals against decisions of registrar), insert at the end—  
 “(4G) On an appeal under this section the respondent is the Registrar.”

SCHEDULE 30

Section 262.

DETENTION OF VEHICLES USED WITHOUT OPERATOR’S LICENCE

**Commencement Information**

**I289** Sch. 30 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

The Schedule to be inserted after Schedule 1 to the <sup>M125</sup>Goods Vehicles (Licensing of Operators) Act 1995 is as follows—

“SCHEDULE 1A

DETENTION OF VEHICLES USED WITHOUT OPERATOR’S LICENCE

*Interpretation*

- 1 (1) In this Schedule—  
 “authorised person” means—  
 (a) an examiner appointed by the Secretary of State under section 66A of the <sup>M126</sup>Road Traffic Act 1988, or  
 (b) a person acting under the direction of such an examiner;  
 “contents”, in relation to a goods vehicle, means any goods carried by that vehicle;  
 “immobilisation device” means any device or appliance which is an immobilisation device for the purposes of section 104 of the <sup>M127</sup>Road Traffic Regulation Act 1984.
- (2) Regulations may, for the purposes of regulations made by virtue of this Schedule, make provision as to the meaning of “owner” as regards a goods vehicle.
- (3) Regulations made by virtue of sub-paragraph (2) may, in particular, provide that the owner of a motor vehicle at a particular time shall be taken to be—  
 (a) any person in whose name it is then registered by virtue of the <sup>M128</sup>Vehicle Excise and Registration Act 1994, or  
 (b) any person in whose operator’s licence it is then specified.

*Detention of property*

- 2 (1) Regulations may provide that where an authorised person has reason to believe that a goods vehicle is being, or has been, used on a road in contravention of section 2, he may detain the vehicle and its contents.

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- (2) Regulations made by virtue of sub-paragraph (1) may not authorise a person other than a constable in uniform to stop a vehicle on any road.
- 3 Regulations may make provision with respect to property detained by virtue of paragraph 2.

#### *Immobilisation and removal*

- 4 (1) Regulations may provide that an authorised person may, before a goods vehicle is removed by virtue of paragraph 6—
- (a) fix an immobilisation device to the vehicle in the place where the vehicle has been detained, or
  - (b) move the vehicle, or require it to be moved, to a more convenient place and fix an immobilisation device to the vehicle in that other place.
- (2) Regulations may also provide—
- (a) that, on any occasion when an immobilisation device is fixed to a vehicle, the person fixing the device shall also fix to the vehicle a notice indicating that the device has been fixed to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion and giving such other information as may be prescribed,
  - (b) that a vehicle to which an immobilisation device has been fixed may only be released from the device by or under the direction of an authorised person, and
  - (c) that an immobilisation notice shall not be removed or interfered with except by or on the authority of an authorised person.
- 5 (1) Regulations may provide that a person who, without being authorised to do so in accordance with paragraph 4(2)(b), removes or attempts to remove an immobilisation device fixed to a goods vehicle under regulations made by virtue of paragraph 4(1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) Regulations may provide that a person who removes or interferes with an immobilisation notice in contravention of regulations made by virtue of paragraph 4(2)(c) is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- 6 (1) Regulations may make provision for an authorised person to direct that any property detained by virtue of paragraph 2 be removed and delivered into the custody of a person specified in the direction.
- (2) Regulations may provide that a person may be specified in a direction only if—
- (a) he is a person identified in accordance with prescribed rules, and
  - (b) he has made arrangements with the Secretary of State and agreed to accept delivery of the property in accordance with those arrangements;
- and the arrangements may include the payment of a sum to a person into whose custody any property is delivered.
- (3) Regulations may also provide that, where an authorised person has given a direction by virtue of sub-paragraph (1) in respect of a goods vehicle, he may allow the driver of the vehicle to deliver its contents to their destination or some other suitable place before delivering the vehicle into the custody of the person specified in the direction.

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- 7 (1) Regulations may make provision for informing persons who may be entitled to the property that it has been detained.
- (2) Provision made by virtue of sub-paragraph (1) may, in particular, include provision requiring—
- (a) the publication by an authorised person of such notices as may be prescribed, and
  - (b) the giving of notice by an authorised person to such persons as may be prescribed.

*Return or disposal of vehicle*

- 8 Regulations may make provision for a goods vehicle detained by virtue of paragraph 2 to be returned to the owner.
- 9 (1) Regulations shall make provision enabling the owner of a goods vehicle detained by virtue of paragraph 2 to apply to the traffic commissioner for the area in which the vehicle was detained for the return of the vehicle.
- (2) Regulations may, in particular—
- (a) require notice of an application to be given to the traffic commissioner within such period as may be determined in accordance with the regulations, and
  - (b) require notice of an application to be made in such form as may be prescribed.
- (3) Regulations shall make provision as to the grounds upon which the owner may apply for the return of the vehicle.
- (4) Those grounds may include the following grounds—
- (a) that at the time the vehicle was detained the person using the vehicle held an operator's licence (whether or not authorising the use of the vehicle),
  - (b) that at the time the vehicle was detained the vehicle was not being, and had not been, used in contravention of section 2, or
  - (c) that, although at the time the vehicle was detained it was being, or had been, used in contravention of section 2, the owner did not know that it was being, or had been, so used.
- 10 (1) Regulations shall make provision—
- (a) enabling the traffic commissioner to hold a hearing before determining an application by virtue of paragraph 9,
  - (b) requiring him to hold a hearing if requested by a person who claims to be the owner,
  - (c) as to the time within which the hearing must be held, and
  - (d) subject to such provision as may be made by the regulations, for the hearing to be held in public.
- (2) Regulations shall also provide that, if no hearing is held, the traffic commissioner must determine the application within a prescribed time after receiving notice of the application.
- (3) Regulations shall provide that—
- (a) if the traffic commissioner determines that one of the grounds prescribed by virtue of paragraph 9(3) is made out, he must order the person specified in a direction by virtue of paragraph 6(1) to return the goods vehicle to the owner;

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- (b) if the traffic commissioner determines that none of those grounds is made out, the vehicle may be sold or destroyed by the person specified, in such manner as may be prescribed.
- 11 (1) Regulations shall provide for an appeal to the Transport Tribunal against the determination of the traffic commissioner.
- (2) Regulations—
- (a) may prescribe the period within which an appeal must be made, and
  - (b) may make provision for notice of the appeal to be given to the Transport Tribunal, the traffic commissioner and such other persons as may be prescribed.
- 12 Regulations may provide that, if no application is made to the traffic commissioner in accordance with regulations made by virtue of paragraph 9, any goods vehicle detained by virtue of paragraph 2 may be sold or destroyed in such manner as may be prescribed.

*Return or disposal of contents of vehicle*

- 13 (1) Regulations may provide that the person specified in a direction by virtue of paragraph 6(1) may retain custody of the contents of a goods vehicle until—
- (a) the contents are returned, in accordance with the regulations, to a person who establishes that he is entitled to them, or
  - (b) the contents are sold or destroyed by the person specified in such manner as may be prescribed.
- (2) Regulations may also make provision as to—
- (a) the period within which a person who claims to be entitled to the contents may make a claim for their return,
  - (b) the requirements to be satisfied by a person who claims to be entitled to the contents (including requirements as to his entitlement), and
  - (c) the manner in which entitlement to such contents is to be determined where there is more than one claim to them.
- (3) The person specified in a direction by virtue of paragraph 6(1) may not sell or destroy the contents unless—
- (a) such steps as may be required by regulations made by virtue of paragraph 7(1) have been taken and no person has, before the expiry of the period referred to in sub-paragraph (2)(a), established an entitlement to the contents, or
  - (b) the condition of the contents requires them to be disposed of without delay.

*Custody of property*

- 14 Regulations shall provide that, subject to the powers of a person specified in a direction by virtue of paragraph 6(1) to sell or destroy any property by virtue of this Schedule, it shall be the duty of that person while any property is in his custody to take such steps as are necessary for the safe custody of that property.

*Proceeds of sale*

- 15 (1) Regulations shall provide for the proceeds of sale of any property sold under regulations made by virtue of paragraph 10(3)(b), 12 or 13(1)(b)—
- (a) to be applied towards meeting expenses incurred by any authorised person in exercising his functions by virtue of this Schedule, and

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- (b) in so far as they are not so applied, to be applied in such other manner as may be prescribed.
- (2) Regulations may in particular provide for a sum determined in accordance with the regulations to be paid to a person if—
- (a) he claims after the sale of property under regulations made by virtue of paragraph 10(3)(b), 12 or 13(1)(b) to be or to have been its owner,
  - (b) the claim is made within a prescribed time of the sale, and
  - (c) any other prescribed conditions are fulfilled.

#### *Disputes*

- 16 (1) Regulations may make provision about the proceedings to be followed where a dispute occurs as a result of regulations made by virtue of paragraph 13 or 15.
- (2) Provision made by virtue of sub-paragraph (1) may in particular provide—
- (a) for an application to be made to a magistrates’ court or (in the case of an application made in Scotland) the sheriff;
  - (b) for a court or the sheriff to order a sum to be paid by the Secretary of State.
- (3) Any application made to the sheriff in accordance with regulations made by virtue of sub-paragraph (2)(a) shall be made by way of summary application.

#### *Obstruction of authorised person*

- 17 Regulations may provide that a person who intentionally obstructs an authorised person in the exercise of his powers under regulations made by virtue of paragraph 2 or 6 is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### *Offences as to securing possession of property*

- 18 (1) Regulations may provide that where—
- (a) a person makes a declaration with a view to securing the return of a goods vehicle under regulations made by virtue of paragraph 10,
  - (b) the declaration is that the vehicle was not being, or had not been, used in contravention of section 2, and
  - (c) the declaration is to the person’s knowledge either false or in any material respect misleading,
- he is guilty of an offence.
- (2) Regulations may provide that a person guilty of such an offence is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, and
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.”

#### **Marginal Citations**

**M125** 1995 c. 23.

**M126** 1988 c. 52.

**M127** 1984 c. 27.



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M128 1994 c. 22.

## SCHEDULE 31

Section 274.

### REPEALS AND REVOCATIONS

#### PART I

##### AIR TRAFFIC

###### Commencement Information

**I290** Sch. 31 Pt. I partly in force; Sch. 31 Pt. I not in force at Royal Assent see s. 275(1)(2); Sch. 31 Pt. I in force for specified purposes (E.) at 26.10.2001 by [S.I. 2001/3342](#), [art. 2](#), [Sch.](#)

###### (1) Air navigation services

Chapter	Short title	Extent of repeal
1982 c. 16.	Civil Aviation Act 1982.	Section 72.

###### (2) Charges

Chapter	Short title	Extent of repeal
1982 c. 16.	Civil Aviation Act 1982.	Sections 73 and 74.  In Schedule 4, in paragraph 1(5) the definition of “record”.  In Schedule 13, in Part II the entry relating to section 73.
1983 c. 11.	Civil Aviation (Eurocontrol) Act 1983.	Section 3(2).
1989 c. 9.	Civil Aviation (Air Navigation Charges) Act 1989.	The whole Act.

The repeal of section 3(2) of the Civil Aviation (Eurocontrol) Act 1983 does not affect the operation of the words in it from “and that subsection” onwards in relation to any time before the coming into force of the repeal.

###### (3) Hostilities etc

Chapter	Short title	Extent of repeal
1982 c. 16.	Civil Aviation Act 1982.	In section 6, in subsections (1) and (2), the words from “and in so far” to the end.

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Sections 62 and 63.

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**(4) Land**

Chapter	Short title	Extent of repeal
1982 c. 16.	Civil Aviation Act 1982.	<p>In section 43(1) the word “or” after paragraph (a).</p> <p>In section 44, in subsection (6) the word “and” after paragraph (a) and in subsection (12) the word “and” after paragraph (b).</p> <p>In section 46(10) the word “and” after paragraph (c).</p> <p>In section 55(7), in paragraph (a) the word “and” after sub-paragraph (i).</p> <p>In Schedule 7, in paragraph 5(2) the word “and” after paragraph (a).</p>

**(5) Miscellaneous**

Chapter	Short title	Extent of repeal
1982 c. 16.	Civil Aviation Act 1982.	In section 21(2)(a) the words “, 63(3) or 72(2)”.

**PART II**

LOCAL TRANSPORT

**Commencement Information**

**I291** Sch. 31 Pt. II partly in force; Sch. 31 Pt. II not in force at Royal Assent see. S. 275(1)(2); Sch. 31 Pt. II in force (1.4.2001 for specified purposes) by [S.I. 2000/3229, art. 2, Sch. Pt. III](#); Sch. 31 Pt. II in force for specified purposes (E.) (1.2.2001) by [S.I. 2001/57, art. 3\(2\), Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 31 Pt. II in force for specified purposes (26.10.2001) by [S.I. 2001/3342, art. 2, Sch.](#); Sch. 31 Pt. II in force (E.) for specified purposes at 1.5.2002 by [S.I. 2002/1014, art. 2, Sch. Pt. 1](#) (with transitional provisions in [art. 3](#)); Sch. 31 Pt. II in force (W.) at 14.8.2002 by [S.I. 2002/2024, art. 2\(b\)](#)

Reference	Short title or title	Extent of repeal or revocation
1965 c. 25.	Finance Act 1965.	Section 92.
1968 c. 73.	Transport Act 1968.	Section 9A(1) and (2). Section 9B.

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		Section 33.
1974 c. 30.	Finance Act 1974.	Section 54.
1979 c. 8.	Excise Duties (Surcharges or Rebates) Act 1979.	In Schedule 1, paragraph 2.
1980 c. 43.	Magistrates' Courts Act 1980.	In Schedule 7, paragraph 53.
1981 c. 35.	Finance Act 1981.	In section 4(2)(b), the words "section 92(2) of the Finance Act 1965 and".
1983 c. 10.	Transport Act 1983.	In section 2— in subsection (3), the words "in a plan prepared by them under section 3 below" and the words "under section 4 below", and in subsection (4), the words between "functions" and "shall". Sections 3 to 5. Section 6(1), (2), (5) and (6). In section 10— in subsection (1), paragraphs (b) and (c) and, in the words following those paragraphs, the words "to (c)", and subsection (3).
1985 c. 51.	Local Government Act 1985.	In Schedule 12, in paragraph 5, sub-paragraphs (3) and (4) and, in sub-paragraph (5), the words from "except that" to the end.
1985 c. 67.	Transport Act 1985.	In section 7(4), the word "or" at the end of paragraph (a). Section 58(3). In section 63— in subsection (1), paragraph (b) and the word "and" before it, and in subsection (3), the words "(1)(b) or" and the words "(1)(a) or", in paragraph (a), the words "as a local education authority or (as the case may be)" and, in paragraph (b),

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		the words “social services or (as the case may be)”.
		In section 64—
		in subsection (1), the words following paragraph (b), and
		in subsection (2), the words “under section 63(1)(a) or (as the case may be)”.
		Section 89(3).
		In section 94(4), paragraph (a) and in paragraph (b) the words “after that time,”.
		Section 102.
		In section 104(2), the word “or” at the end of paragraph (a).
		In section 108(1), the words “Wales or”.
		Section 109.
		Section 110.
		Section 111.
		Section 112(2).
		In Schedule 3, paragraph 31.
S.I. 1986/1385.	Transport Act 1985 (Extension of Eligibility for Travel Concessions) Order 1986.	In article 1, the definitions of “mental handicap” and “severe mental handicap”.
		Article 3.
S.I. 1989/2293.	Transport Act 1985 (Extension of Eligibility for Travel Concessions) (Amendment) Order 1989.	Article 4.
1996 c. ix.	London Local Authorities Act 1996.	Part II.
1999 c. 29.	Greater London Authority Act 1999.	In Schedule 16—
		in paragraph 2(1), the words “(persons who have attained pensionable age or whose ability to walk is seriously impaired)”, and
		paragraph 7.

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2000 c. 38.	Transport Act 2000.	In section 146(1), in the definition of “eligible service”, paragraph (a) and in paragraph (b) the words “after that time,”. Section 158. In Schedule 11, paragraphs 1 and 22.
2000 c. vii.	London Local Authorities Act 2000.	Section 48. Schedule 2.

### PART III

#### ROAD USER CHARGING AND WORKPLACE PARKING LEVY

##### Commencement Information

**I292** Sch. 31 Pt. III partly in force; Sch. 31 Pt. III not in force at Royal Assent see s. 275(1)(2); Sch. 31 Pt. III in force for specified purposes (E.) (1.2.2001) by [S.I. 2001/57](#), [art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#))

Chapter	Short title	Extent of repeal
1999 c. 29.	Greater London Authority Act 1999.	In Schedule 23—  paragraph 4(3)(e), in paragraph 25(1), paragraph (c) and the word “or” before it, and  in paragraph 38, the words “, exercisable in the same manner, and subject to the same conditions and limitations,”.  In Schedule 24—  in paragraph 1(1), in the definition of “licence”, the words “by the occupier of those premises” and the definition of “occupier”, paragraph 7(3)(e), and  in paragraph 39, the words “, exercisable in the same manner, and subject to

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the same conditions and  
 limitations.”.

## PART IV

### RAILWAYS

#### Commencement Information

- I293** Sch. 31 not in force at Royal Assent see. S. 275(1)(2); Sch. 31 Pt. IV in force (15.1.2001 for specified purposes) by [S.I. 2000/3376, art. 2](#); Sch. 31 Pt. IV in force at 1.2.2001 for specified purposes by [S.I. 2001/57, art. 3\(1\), Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))
- I294** Sch. 31 Pt. IV in force at 15.10.2005 for specified purposes by [S.I. 2005/2862, art. 3](#)

Reference	Short title or title	Extent of repeal or revocation
12, 13 & 14 Geo.6 c. xxix.	British Transport Commission Act 1949.	In section 53(1), in its application to Scotland, in the definition of “the Boards”, the words “the British Railways Board”.
10 & 11 Eliz.2 c. 46.	Transport Act 1962.	In section 1, in subsection (1), the words “the British Railways Board (in this Act referred to as the “Railways Board”);” and subsection (3). Sections 3 to 4A. In section 12(1), the words “, other than the Railways Board.”. In section 13, subsection (1A) and subsections (9) to (12). In section 14(4), the words “, except the Railways Board.”. In section 18(6), the words “the Railways Board and”. In section 19(6), the words “the Railways Board and”. Section 21A. Section 22. In section 27, in subsections (2) and (7), the words “(other than the Railways Board)” and, in subsection (8), the

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		words “(other than the Railways Board)” and the words “or section 3 of the Transport Act 1982”.
		In section 31, subsection (2) and, in subsection (6), the words “the Railways Board,”.
		Section 32(6).
		In section 52(2), the words “, as those subsections apply to the Boards”.
		In section 54(1), the words “the Railways Board or” (in both places) and the words “, as the case may be,”.
		In section 65, in subsection (1), in the definition of “the appropriate Board”, paragraph (b) and, in subsection (4), paragraph (b) and the words “the Railways Board or”.
		Section 67.
		In the First Schedule, in paragraph 3, the words from “Railways” to “other”.
		In the Sixth Schedule, paragraph 1(5).
		In the Seventh Schedule, paragraphs 23 and 24.
10 & 11 Eliz.2 c. xlii.	British Transport Commission Act 1962.	Section 43(1).
1964 c. 40.	Harbours Act 1964.	In section 30(1)(b), the words “, the British Railways Board or”.
		In section 36(a), the words “, the British Railways Board or”.
		In section 57(1), in the definition of “the Boards”, the words “the British Railways Board and”.
1966 c. 28.	Docks and Harbours Act 1966.	Section 47.

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1967 c. 13.	Parliamentary Commissioner Act 1967.	<p>In Schedule 2, the entries relating to—</p> <p>the Central Rail Users’ Consultative Committee,</p> <p>the Director of Passenger Rail Franchising,</p> <p>the Rail Users’ Consultative Committee for Eastern England, the Rail Users’ Consultative Committee for North Eastern England,</p> <p>the Rail Users’ Consultative Committee for North Western England,</p> <p>the Rail Users’ Consultative Committee for Scotland,</p> <p>the Rail Users’ Consultative Committee for Southern England,</p> <p>the Rail Users’ Consultative Committee for the Midlands,</p> <p>the Rail Users’ Consultative Committee for Wales, and</p> <p>the Rail Users’ Consultative Committee for Western England.</p>
1968 c. 73.	Transport Act 1968.	<p>Section 38.</p> <p>Section 42.</p> <p>In section 44(1)(b)(iv), the words “the Railways Board or”.</p> <p>In section 49(4), the words “the Railways Board and”, the word “each”, paragraph (a), in paragraph (b), the words “in the case of the Waterways Board”, the words “will be so connected by rail or so situated in relation to a railway line or, as the case may be,” and the words “the rail services of the Railways Board can be directly used or, as the case may be,”.</p>



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		In section 50(1), the words “3(3)(e), 9(2)(c) or”, the words “Railways Board, and”, the word “each” and the words from “; and the said” to the end.
		In section 56(2B), the definition of “the Franchising Director”.
		In section 135(1)(b), the words “the Railways Board or”.
		In section 137(8), the words “the Railways Board,”.
		In section 159(1), in the definition of “the Boards”, the words “the British Railways Board,”.
1969 c. 48.	Post Office Act 1969.	In section 20(1)(c), the words “the British Railways Board and” and the word “other”.
1972 c. 15.	Transport (Grants) Act 1972.	The whole Act.
1974 c. 48.	Railways Act 1974.	The whole Act.
1975 c. 24.	House of Commons Disqualification Act 1975.	In Schedule 1—  in Part II, the entry relating to the British Railways Board, and  in Part III, the entries relating to the Chairman of the Central Rail Users’ Consultative Committee appointed under section 3 of the Railways Act 1993, the Chairman in receipt of remuneration of the London Transport Users’ Committee, the Chairman of a rail users’ consultative committee appointed under section 2 of that Act and the Director of Passenger Rail Franchising.
1975 c. 25.	Northern Ireland Assembly Disqualification Act 1975.	In Schedule 1, in Part II, the entry relating to the British Railways Board.
1978 c. 55.	Transport Act 1978.	Section 15(6) and (7).

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		In section 21, the words “the British Railways Board and”.
		In section 24(2), the definition of “BR”.
1980 c. 34.	Transport Act 1980.	In Schedule 6, paragraph 10.
1981 c. 56.	Transport Act 1981.	In Schedule 3, in paragraph 31(4), the words “the British Railways Board,”.
		In Schedule 4, paragraph 1(3).
1982 c. 6.	Transport (Finance) Act 1982.	The whole Act.
1983 c. 44.	National Audit Act 1983.	In Part I of Schedule 4, the entry relating to the British Railways Board.
1985 c. 67.	Transport Act 1985.	Sections 118 to 124.
		In Schedule 7, paragraph 6.
1987 c. 53.	Channel Tunnel Act 1987.	Section 22.
		Section 39.
		Section 40.
		In section 41—
		in subsection (1), the words from “as it applies” to the end,
		in subsection (2), the words “or the Railways Board or any subsidiary of theirs”, and
		subsection (4).
		Section 42.
		In Schedule 6, in paragraph 6, the words “or the Railways Board”.
1991 c. 63.	British Railways Board (Finance) Act 1991.	The whole Act.
1991 c. vii.	Heathrow Express Railway Act 1991.	In section 41(2), the words “or the Board” and the words “and the Board”.
1992 c. 42.	Transport and Works Act 1992.	Section 20(3)(a).
1993 c. 43.	Railways Act 1993.	In section 1—
		in subsection (1),
		paragraph (b) and the word

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“and” before it and the words  
“, or (as the case may be) the  
Franchising Director,”,

in subsection (2), the words  
“or the Franchising Director”,  
the words “to either of those  
offices” and the words “(or  
for appointment to the other  
of them)”,

in subsections (3) and (4),  
the words “or the Franchising  
Director”,

subsection (5),

in subsection (6), the  
words “and the Franchising  
Director”, and

in the sidenote, the words  
“and the Director of  
Passenger Rail Franchising”.

In section 4, in subsection (2)  
the words “the Secretary of  
State or, as the case may be,”  
and, in subsection (9), the  
definition of “through ticket”.

Section 5.

Section 7(10).

Section 8(10).

Section 11(3).

In section 13(7), the words  
“the Secretary of State and”.

In section 15(1), the words  
following paragraph (d).

Section 17(11).

In section 18, in  
subsection (1), the word “or”  
at the end of paragraph (a)  
and subsection (11).

In section 19, in  
subsection (3), the word “or”  
at the end of paragraph (a)  
and subsection (13).

In section 20, in  
subsection (2), the words  
following paragraph (b) and  
subsections (9) and (12).

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Section 22(6).

Section 25(3) to (9).

Section 27(14) and (15).

In section 29— in subsection (1), paragraph (b) and the preceding “or”, and subsections (6) and (7).

Section 32.

Section 33.

In section 34—

in subsection (1), the words “as eligible for provision under a franchise agreement”,

in subsection (12), the words “as eligible for provision under franchise agreements”,

in subsection (14), the words “, or is empowered to secure the operation of any additional railway assets,”, in paragraph (a)(ii), the words “of the” and “in question”, in paragraph (b)(ii), the words “of the” and “in question” and paragraph (c) and the word “but” before it,

in subsection (16), the words “pursuant to his power under that section”, and

subsection (23).

In section 35(1), the words “as eligible for provision under a franchise agreement”.

In section 37—

in subsection (9), in the definition of “minor closure”, the words “, in the opinion of the Regulator,”,

in subsection (10), the words “or 44(2)”, and

subsection (11).

Section 38(9).

In section 39—

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in subsection (10), in the definition of “minor closure” the words “, in the opinion of the Regulator,” (in both places) and the word “or” at the end of paragraph (a), in subsection (11), the words “or 44(2)” and the words “in pursuance of his power under section 30 above”, and

subsection (12).

Section 40(9).

In section 41—

in subsection (9), in the definition of “minor closure”, the words “, in the opinion of the Regulator,” (in both places),

in subsection (10), the words “or 44(2)” and the words “in pursuance of his power under section 30 above”, and

subsection (11).

Section 42(8).

In section 43, subsection (11) and, in subsection (12), the words following paragraph (d).

Section 44.

In section 46, in subsection (1), the words from “, other than” to the end and subsection (3).

Section 50(1)(b).

Sections 51 to 53.

In section 54(3), in the definition of “franchising functions”, in paragraph (a), the words “, 52 and 53(3)”.

In section 55—

subsection (5)(b) and (c),

in subsection (5A), the words “in relation to a licence

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holder or person under closure restrictions”,

in subsection (10), in paragraph (a) of the definition of “the appropriate officer”, the words “or a person under closure restrictions,” and subsection (12).

In section 57(2), paragraph (b) and the word “or” before it.

In section 68(1), paragraph (b) and the word “or” before it.

Section 70.

Section 72(2)(c).

Section 73(2)(c) and (8).

In section 74(2), paragraph (b) and paragraph (d) and the word “and” before it.

In section 75(4), the definition of “first relevant financial year” and the word “and” before it.

In section 76(9), the words from “and in this” to the end.

In section 77, in subsection (8), the words “, after consultation with the Regulator,” and, in subsection (11), the words from “and in this” to the end.

Section 78(1) to (4), (6) and (7).

In section 79(4), the definition of “committee”.

Section 80(6).

In section 83(1)—  
the definitions of “the Central Committee” and “consultative committee”,  
and

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in the definition of “closure consent”, the words “or 44”.

Sections 84 to 116.

In section 118—

in subsection (5), the words “given to him” and the words “relating to him”,

in subsection (11), the words “or II”, and

subsection (12).

Sections 126 to 129.

In section 133(1), the words “continue to”.

In section 135—

subsection (5),

in subsection (6), the words from “and subsections (2) and (3)” to the end,

in subsection (8), paragraph (b) and the word “and” before it,

in subsection (9)(b), the words “or in agreements or other arrangements under section 51 or 52 above”, and subsections (10) and (11).

Section 137.

Section 139.

Section 141.

In section 144(1), the words from “and, without” to “member of the subsidiary;” and the words “33 or”.

Section 150, in subsection (1), paragraphs (d) and (n) and subsection (4).

In section 151(1), the definitions of “the Franchising Director” and “transfer scheme”.

Section 152(2).

In Schedule 1—

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the words “or the Franchising Director” (in each place),

the words “and the Franchising Director” (in each place, including the heading),

paragraph 1(4),

in paragraph 2(1), the word “each” and the words “, or (as the case may be) the Franchising Director,”,

in the heading before paragraph 3, the words “, *the Franchising Director*” and the word “*their*”,

in paragraph 4, the word “each”,

in paragraph 5, the words “or, as the case may be, the Franchising Director” (in both places),

in paragraph 6, the word “each” and the words “, the Franchising Director” (in both places),

paragraph 7(a), and

paragraph 8(a).

In Schedule 2—

paragraph 1,

in paragraph 2, the words “, with the approval of the Treasury,”,

paragraph 3,

in paragraph 7(1), the words “, with the approval of the Regulator”,

in paragraph 8(1), the word “, 3”, and

paragraphs 9 and 10.

In Schedule 3—

paragraph 1,



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in paragraph 2, the words  
“, with the approval of the  
Treasury,”,

paragraph 3,

in paragraph 7(1), the words  
“, with the approval of the  
Regulator”,

in paragraph 8(1), the word “,  
3”, and

paragraph 9.

In Schedule 4, paragraph 7.

In Schedule 7, in paragraph  
2(7), the words “on him”  
and, in paragraph 7, sub-  
paragraph (3) and, in sub-  
paragraph (4), the words  
“(except those specified in  
sub-paragraph (3) above)”.

Schedule 8.

Schedule 9.

In Schedule 11—

in paragraph 1(4), the words  
“or II”,

in paragraph 10(6)(b), the  
words “of the Board” (in both  
places), and

in paragraph 11(10), in  
the definition of “relevant  
employer”, the word “or” at  
the end of paragraph (b) and,  
in paragraph (c), the words  
“, other than a company  
which is wholly owned by the  
Franchising Director”.

In Schedule 12, paragraphs 5,  
6(2) to (5), (6)(a) and (7) and  
32.

Schedule 13.

S.I. 1994/1432.

Railway Pensions (Protection  
and Designation of Schemes)  
Order 1994.

In article 9(2), the words “,  
except to the extent specified  
in paragraph (3),” and the  
word “relevant” (in both  
places).

Article 13.

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		Article 14.
S.I. 1994/1649.	Railways Act 1993 (Consequential Modifications) (No.2) Order 1994.	The whole order.
1996 c. 18.	Employment Rights Act 1996.	In Schedule 1, paragraph 60(2).
F266	F266	F266
...	...	...
1998 c. 41.	Competition Act 1998.	In Schedule 10, paragraph 15(7)(a).
1999 c. 29.	Greater London Authority Act 1999.	Section 175(4).
		In section 199(1), the words “, notwithstanding anything in subsection (10) of that section” and the words “, notwithstanding anything in subsection (9) of that section”.
		Section 235(6).
		In section 240(8), the definition of “the Franchising Director”.
		In Schedule 18, paragraph 17.
		In Schedule 19, paragraphs 1, 3, 4 and 5(5) and (6).
S.I. 1999/277.	Parliamentary Commissioner Order 1999.	In Article 2, the entries relating to—  the Central Rail Users’ Consultative Committee,  the Rail Users’ Consultative Committee for Eastern England,  the Rail Users’ Consultative Committee for North Eastern England,  the Rail Users’ Consultative Committee for North Western England,  the Rail Users’ Consultative Committee for Scotland,

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		the Rail Users' Consultative Committee for Southern England,
		the Rail Users' Consultative Committee for the Midlands,
		the Rail Users' Consultative Committee for Wales, and
		the Rail Users' Consultative Committee for Western England.
S.I. 1999/1750.	Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999.	In Schedule 2, in the entry relating to the Railways Act 1993, paragraphs (b) and (c).
2000 c. 36.	Freedom of Information Act 2000.	In Schedule 1, in Part VI, the entry relating to the British Railways Board.

#### Textual Amendments

**F266** Sch. 31 entry repealed (21.11.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(2), Sch. 2

## PART V

### MISCELLANEOUS

#### Commencement Information

**I295** Sch. 31 Pt. V partly in force; Sch. 31 Pt. V not in force at Royal Assent see s. 275; Sch. 31 Pt. V in force for certain purposes at 1.4.2002 by S.I. 2002/658, art. 2(2), **Sch. Pt. 2** (with transitional provision in art. 3) (as substituted by S.I. 2002/846, art. 2)

### (1) Driver training and driving instructors

Chapter	Short title	Extent of repeal
1988 c. 52.	Road Traffic Act 1988.	Section 89(2A) and (5A). In section 97— in subsection (3), paragraph (e) and the word “and” before it, and subsections (3A) and (3B). In section 98(3), paragraph (c) and the word “or” before it.

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1989 c. 22.	Road Traffic (Driver Licensing and Information Systems) Act 1989.	<p>In section 108(1), the definitions of “approved training course for motor cyclists” and “prescribed certificate of completion”.</p> <p>In section 130—</p> <p>in subsection (3), the words “under this section”, and</p> <p>in subsection (5), the words “granted under this section”.</p> <p>Section 131(5).</p> <p>Schedule 3.</p> <p>Section 6.</p> <p>In Schedule 3—</p> <p>in paragraph 11(c), subparagraph (ii) and the word “and” before it,</p> <p>in paragraph 15, subparagraph (g) and the word “and” before it, and</p> <p>in paragraph 18, subparagraphs (b) and (d).</p>
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## (2) Other provisions

Chapter	Short title	Extent of repeal
1984 c. 27.	Road Traffic Regulation Act 1984.	<p>In section 26(1), the words “during periods between the hours of eight in the morning and half-past five in the afternoon when children are so on their way”.</p> <p>In section 28—</p> <p>in subsection (1), the words “between the hours of eight in the morning and half-past five in the afternoon”, and</p> <p>in subsection (5), paragraph (c) and the word “and” before it.</p>
1985 c. 67.	Transport Act 1985.	In Schedule 7, paragraph 21(10).

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1991 c. 22.	New Roads and Street Works Act 1991.	In section 74(4), the words “if he does so”.
1993 c. 43.	Railways Act 1993.	Section 140.

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**Status:**

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**Changes to legislation:**

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