



# Railways and Transport Safety Act 2003

## CHAPTER 20

### RAILWAYS AND TRANSPORT SAFETY ACT 2003

#### PART 1

##### INVESTIGATION OF RAILWAY ACCIDENTS

###### *Introduction*

- 1 Meaning of “railway” and “railway property”
- 2 Meaning of railway accident” and railway incident”

###### *The Rail Accident Investigation Branch*

- 3 Establishment
- 4 General aims
- 5 Assistance to others
- 6 Annual report

###### *Investigation by Branch*

- 7 Investigations
- 8 Investigator’s powers
- 9 Regulations

###### *Investigation by industry*

- 10 Requirement to investigate

###### *Accident regulations*

- 11 Accident regulations

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- 13 Regulations
- 14 Extent

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### OFFICE OF RAIL REGULATION

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- 79 Professional staff off duty
- 80 Non-professionals
- 81 Prescribed limit

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- 82 Penalty
- 83 Specimens, &c.
- 84 Detention pending arrival of police
- 85 Arrest without warrant
- 86 Right of entry

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#### AVIATION: ALCOHOL AND DRUGS

#### *Offences*

- 92 Being unfit for duty
- 93 Prescribed limit
- 94 Aviation functions

#### *Enforcement*

- 95 Penalty
- 96 Specimens, &c.
- 97 Arrest without warrant
- 98 Right of entry

#### *General*

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- 100 Crown application
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- 115 Railways in London: information

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- 117 Interpretation: enactment
- 118 Repeals
- 119 Money
- 120 Commencement
- 121 Extent
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## SCHEDULES

### SCHEDULE 1 — Office of Rail Regulation

#### *Constitution*

- 1 (1) The Office of Rail Regulation shall consist of a...
- 2 The Secretary of State may dismiss a member of the...

#### *Staff*

- 3 (1) The Office shall appoint a Chief Executive.
- 4 (1) The Office may appoint other employees.
- 5 Service as an employee of the Office is employment in...

#### *Proceedings*

- 6 The Office may establish one or more committees (which may...
- 7 The Office may delegate a function to—
- 8 The Office shall— (a) determine arrangements for the conduct of...
- 9 (1) The Office may do anything which it thinks necessary...
- 10 The validity of any proceedings of the Office shall not...

#### *Money*

- 11 The Office may with the approval of the Secretary of...
- 12 (1) This paragraph applies where an employee of the Office...
- 13 If the Secretary of State thinks that special circumstances of...
- 14 The Office may incur expenditure in connection with advisory or...
- 15 Expenditure incurred by the Office in connection with the performance...
- 16 The Office may not borrow money.

#### *Conflict of interest*

- 17 (1) Before appointing a person as a member of the...
- 18 (1) Procedural arrangements made by the Office under paragraph 8...

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## SCHEDULE 2 — Abolition of Rail Regulator: Consequential Amendments

### Part 1 — RAILWAYS ACT 1993 (C. 43)

- 1 The Railways Act 1993 shall be amended as follows.
- 2 Section 1 and Schedule 1 (the Rail Regulator) shall cease...
- 3 Subject to the following paragraphs of this Schedule, in the...
- 4 In section 7 (exemptions from section 6)—
- 5 In section 8(4)(a) and (b) (licences) after “he” insert “...
- 6 In section 9(3)(f) (conditions of licences) after “he” and “him”...
- 7 In section 15(4A) (modification following report)— (a) omit “he or”,...
- 8 In section 15C(3) (sections 15A and 15B: supplementary)—
- 9 In section 20(3)(b) (exemption of railway facilities from sections 17,...
- 10 In section 21(5) (model clauses for access contracts)—
- 11 In section 55(5ZA)(a) (orders for securing compliance) for the second...
- 12 In section 57A(5)(a) (penalties) for the second “it” substitute “...
- 13 In section 57B (statement of policy)— (a) in subsection (3)...
- 14 In section 74 (reports)— (a) in subsection (1) for “after...
- 15 In section 76(5A) (matters referred to the Authority by the...
- 16 In section 77(4A) (matters referred to the Authority by a...
- 17 In section 151(1) (general interpretation) omit the definition of “the...
- 18 In Part I of Schedule 6 (railway administration orders) for...

### Part 2 — OTHER ACTS

#### *General*

- 19 In the following enactments for a reference to the Rail...
- 20 In addition to the amendments effected by paragraph 19, the...

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

- 21 In Schedule 1 to the House of Commons Disqualification Act...

#### *Channel Tunnel Rail Link Act 1996 (c. 61)*

- 22 In sections 21 and 22 of the Channel Tunnel Rail...

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

- 23 For section 228(1) of the Greater London Authority Act 1999...

#### *Financial Services and Markets Act 2000 (c. 8)*

- 24 In the table in Part I of Schedule 19 to...

## SCHEDULE 3 — Abolition of Rail Regulator: Savings, &c.

- 1 Section 16 shall not affect the validity of anything done...
- 2 Anything done by or in relation to the Rail Regulator...
- 3 Anything (including any legal proceedings) which at commencement is  
in...
- 4 A reference in any enactment, instrument or other document to...
- 5 (1) Section 16 is without prejudice to any personal right...
- 6 Section 16 is without prejudice to any function, property, right...
- 7 In this Schedule “commencement” means the coming into force of...

## SCHEDULE 4 — British Transport Police Authority

### Part 1 — MEMBERSHIP

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### *Appointment*

- 1 (1) The Secretary of State— (a) shall appoint the members...
- 2 (1) The Secretary of State shall so far as is...

### *Tenure*

- 3 (1) A member of the Authority shall hold and vacate...

### *Chairman and deputy chairman*

- 4 (1) The Secretary of State shall appoint a member of...
- 5 (1) The Secretary of State may appoint a member of...
- 6 The Secretary of State may not appoint as chairman or...

### *Disqualification*

- 7 (1) A person under the age of 21 shall not...
  - 8 If a member of the Authority becomes ineligible for appointment...
- Part 2 — PROCEEDINGS

### *Standards of conduct*

- 9 (1) The Authority shall make a code of practice establishing...

### *Staff*

- 10 The Authority may— (a) appoint staff; (b) delegate a function...
- 11 In particular, the Authority shall appoint— (a) a Treasurer with...

### *Committees*

- 12 The Authority may— (a) establish a committee (which may include...

### *Procedure*

- 13 The Authority shall determine its practice and procedure (subject to...
- 14 (1) The Authority shall conduct its proceedings in public.

### *Validity of proceedings*

- 15 The validity of proceedings of the Authority shall not be...
- Part 3 — MONEY AND PROPERTY

### *The British Transport Police Fund*

- 16 The Authority shall establish a fund to be known as...
- 17 The Authority shall— (a) maintain accounts of the British Transport...
- 18 All expenditure of the Authority shall be made by way...

### *Budget*

- 19 (1) The Authority shall before each financial year set a...
- 20 The Authority shall make an estimate of the likely ratio...

### *Members: remuneration, allowances, &c.*

- 21 (1) The Authority shall publish arrangements for the making of...

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*General staff: remuneration, allowances, &c.*

22 (1) The Authority may make payments to or in respect...

*Constables, &c.: remuneration, allowances, &c.*

23 (1) The Authority may make payments to or in respect...

*Pensions*

24 (1) This paragraph applies in relation to any pension scheme...

25 (1) The Authority may with the consent of the Secretary...

26 The Authority may make payments— (a) under a scheme in...

*Income*

27 The Secretary of State may make a payment to the...

28 The Authority may accept money or other property, by way...

29 The Authority may borrow money only from or with the...

30 All money received by the Authority shall be paid into...

*Property*

31 The Authority may acquire, develop or dispose of property.

*Financial year*

32 The financial year of the Authority shall be the period...

Part 4 — MISCELLANEOUS

*Status*

33 (1) The Authority shall not be regarded as the servant...

SCHEDULE 5 — British Transport Police: Consequential Amendments>

*British Transport Commission Act 1949 (c. xxix)*

1 Section 53 of the British Transport Commission Act 1949 (constables)...

*Railways Act 1993 (c. 43)*

2 Sections 132 and 133 of (and Schedule 10 to) the...

*Anti-terrorism, Crime and Security Act 2001 (c. 24)*

3 Paragraphs 6 and 25 of Schedule 7 to the Anti-terrorism,...

*General*

4 (1) In the enactments specified in sub-paragraph (2) and, in...

SCHEDULE 6 — Convention on International Carriage by Rail  
PROVISION WHICH  
MAY BE INCLUDED  
IN REGULATIONS  
MADE UNDER OR



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BY VIRTUE OF  
SECTION 103

*Introduction*

- 1 (1) In this Schedule “regulations” means regulations which are made  
—...

*General*

- 2 Regulations may— (a) make provision enabling a right or duty...

*Changes to Convention*

- 3 (1) Regulations may make provision about modification of the  
Convention...  
4 Regulations may make provision about the publication of—

*Imposition of conditions*

- 5 (1) Regulations may specify conditions which must be satisfied before...

*Sanctions*

- 6 (1) Regulations may provide a criminal or other sanction in...

*Related legal proceedings*

- 7 (1) Regulations may make provision designed to prevent double  
recovery....

*Enforcement of judgments*

- 8 (1) Regulations may make provision about the enforcement of  
judgments....

*Special drawing rights*

- 9 (1) Regulations may make provision for the conversion of special...

*Saving*

- 10 This Schedule is without prejudice to the generality of—

SCHEDULE 7 — Road Traffic: Testing for Drink and Drugs

- 1 For section 6 of the Road Traffic Act 1988 (c....  
2 In section 7(3) of that Act (provision of specimen for...  
3 In section 9(1) of that Act (protection for hospital patients)—...  
4 In section 10(1) of that Act (detention of persons affected...  
5 In section 11 of that Act (interpretation)—  
6 In section 184(1)(f) of that Act (application of sections 5...  
7 In Schedule 1 to the Road Traffic Offenders Act 1988...  
8 In Schedule 2 to that Act (prosecution and punishment of...  
9 In section 34A(1D)(a) of the Army Act 1955 (c. 18)...  
10 In section 34A(1D)(a) of the Air Force Act 1955 (c....  
11 In section 12A(1D)(a) of the Naval Discipline Act 1957 (c....  
12 In section 34(6) of the Police and Criminal Evidence Act...

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13 In section 32(8)(a) of the Armed Forces Act 2001 (c....

SCHEDULE 8 — Repeals

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