

SCHEDULES

SCHEDULE 2

Section 16

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 to have effect.
- 3 Subject to the following paragraphs of this Schedule, in the provisions specified in the following table—
- (a) for “the Regulator” substitute “the Office of Rail Regulation”,
 - (b) for “he” and “him”, where they refer only to the Regulator, substitute “it”, and
 - (c) for “his”, where it refers to the Regulator, substitute “its”.

<i>Section</i>	<i>Description</i>	<i>Section</i>	<i>Description</i>
Section 4	General duties	Section 22B	Applications for directions
Section 6	Unauthorised operators	Section 22C	Amendment: supplementary
Section 7	Exemptions	Section 24	Exemption of passenger services
Section 7A	Consumer protection conditions	Section 26	Invitations to tender
Section 8	Licences	Section 43	Closures: notification &c.
Section 9	Conditions of licences	Section 46	Variation of closure conditions
Section 11	Assignment of licences	Section 46A	General determinations
Section 12	Modification by agreement	Section 46B	Notification of minor closures

Status: This is the original version (as it was originally enacted).

<i>Section</i>	<i>Description</i>	<i>Section</i>	<i>Description</i>
Section 13	Modification references	Section 55	Orders for ensuring compliance
Section 14	Reports on references	Section 56	Procedural requirements
Section 15	Modification following report	Section 57A	Penalties
Section 15A	Power to veto modification	Section 57B	Statement of policy
Section 15B	Modification by Commission	Section 57C	Procedural requirements for penalties
Section 15C	Supplementary	Section 67	Respective functions
Section 16	Modification by order	Section 68	Investigatory functions
Section 16A	Provision &c. of facilities	Section 69	General functions
Section 16B	Exemption	Section 71	Publication of information
Section 16C	Applications for directions	Section 72	Keeping of register: Regulator
Section 16D	Procedure	Section 73	Keeping of register: Authority
Section 16E	Decisions: adequate reward	Section 74	Reports: Regulator
Section 16F	Decisions: other provisions	Section 75	Reports: Authority
Section 16G	Directions	Section 76	Rail Passengers' Council
Section 16H	Code of Practice	Section 77	Rail Passengers' Committees
Section 16I	Supplementary	Section 79	Annual reports
Section 17	Access agreements: directions	Section 95	Transfer schemes: power to require information
Section 18	Access agreements: approval	Section 118	National emergency

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<i>Section</i>	<i>Description</i>	<i>Section</i>	<i>Description</i>
Section 19	Access agreements: use of installations	Section 145	Disclosure of information
Section 19A	Review of access charges	Schedule 2	Rail Passengers' Committees
Section 20	Exemption	Schedule 3	Rail Passengers' Council
Section 21	Model clauses	Schedule 4	Access agreements
Section 22	Amendment	Schedule 4A	Review of access charges
Section 22A	Directions to amend		

- 4 In section 7 (exemptions from section 6)—
 (a) in subsection (3)(b) for “it” substitute “the exemption”, and
 (b) in subsection (8) after “he” insert “or it”.
- 5 In section 8(4)(a) and (b) (licences) after “he” insert “or it”.
- 6 In section 9(3)(f) (conditions of licences) after “he” and “him” insert “or it”.
- 7 In section 15(4A) (modification following report)—
 (a) omit “he or”, and
 (b) in paragraphs (a) and (b) omit “it proposes to”.
- 8 In section 15C(3) (sections 15A and 15B: supplementary)—
 (a) after “shall” insert “each”, and
 (b) in each place, omit “his or”.
- 9 In section 20(3)(b) (exemption of railway facilities from sections 17, 18 and 22A) for “it” substitute “the exemption”.
- 10 In section 21(5) (model clauses for access contracts)—
 (a) after “any” insert “of its”, and
 (b) omit “of his”.
- 11 In section 55(5ZA)(a) (orders for securing compliance) for the second “it” substitute “the Authority”.
- 12 In section 57A(5)(a) (penalties) for the second “it” substitute “the Authority”.
- 13 In section 57B (statement of policy)—
 (a) in subsection (3) omit “or his”, and
 (b) in subsection (4)(a) omit “his or”.
- 14 In section 74 (reports)—
 (a) in subsection (1) for “after the end of the first relevant financial year and of each subsequent financial year,” substitute “after the end of each financial year,”, and
 (b) in subsection (8) omit the definition of “first relevant financial year”.

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- 15 In section 76(5A) (matters referred to the Authority by the Rail Passengers' Council) for “him” substitute “the Office of Rail Regulation”.
- 16 In section 77(4A) (matters referred to the Authority by a Rail Passengers' Committee) for “him” substitute “the Office of Rail Regulation”.
- 17 In section 151(1) (general interpretation) omit the definition of “the Regulator”.
- 18 In Part I of Schedule 6 (railway administration orders) for “the Rail Regulator” substitute “the Office of Rail Regulation”.

PART 2

OTHER ACTS

General

- 19 In the following enactments for a reference to the Rail Regulator there shall be substituted a reference to the Office of Rail Regulation—
- (a) section 13 of the Transport Act 1962 (c. 46) (Boards' powers of manufacture),
 - (b) Schedule 2 to the Parliamentary Commissioner Act 1967 (c. 13) (departments subject to jurisdiction),
 - (c) section 133 of the Fair Trading Act 1973 (c. 41) (disclosure of information),
 - (d) section 174 of the Consumer Credit Act 1974 (c. 39) (disclosure of information),
 - (e) section 10 of the Estate Agents Act 1979 (c. 38) (disclosure of information),
 - (f) section 19 of the Competition Act 1980 (c. 21) (disclosure of information),
 - (g) section 101 of the Telecommunications Act 1984 (c. 12) (disclosure of information),
 - (h) section 41A of the London Regional Transport Act 1984 (c. 32) (access contracts),
 - (i) section 74 of the Airports Act 1986 (c. 31) (disclosure of information),
 - (j) section 9E of the Company Directors Disqualification Act 1986 (c. 46) (disqualification for competition infringement),
 - (k) section 38 of the Consumer Protection Act 1987 (c. 43) (disclosure of information),
 - (l) Schedule 15 to the Water Industry Act 1991 (c. 56) (disclosure of information),
 - (m) Schedule 24 to the Water Resources Act 1991 (c. 57) (disclosure of information),
 - (n) Schedules 2 and 4 to the Deregulation and Contracting Out Act 1994 (c. 40) (sectoral regulators),
 - (o) sections 17, 21 and 22 of the Channel Tunnel Rail Link Act 1996 (c. 61) (rail legislation and regulator),
 - (p) section 54 of, Part I of Schedule 10 to and Schedule 11 to the Competition Act 1998 (c. 41) (regulators),
 - (q) sections 199, 200, 228(2) and (3) and 235 of, and paragraph 15 of Schedule 18 to, the Greater London Authority Act 1999 (c. 29),

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- (r) Schedule 7 to the Postal Services Act 2000 (c. 26) (disclosure of information),
- (s) section 105 of the Utilities Act 2000 (c. 27) (disclosure of information),
- (t) the following provisions of the Transport Act 2000 (c. 38)—
 - (i) section 206 (strategies),
 - (ii) section 216 (assumption of certain functions of Regulator),
 - (iii) paragraph 3 of Schedule 9 (disclosure of information),
 - (iv) paragraph 13 of Schedule 10 (disclosure of information),
 - (v) Part III of Schedule 17 (transfers to SRA from Regulator), and
 - (vi) Part II of Schedule 26 (transfers to SRA: tax), and
- (u) sections 136 and 168 of the Enterprise Act 2002 (c. 40) (investigations and regulated markets).

20 In addition to the amendments effected by paragraph 19, the following enactments shall be amended as specified.

House of Commons Disqualification Act 1975 (c. 24)

- 21 In Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership)—
- (a) in Part II (bodies of which all members are disqualified) at the appropriate place insert—

“The Office of Rail Regulation.”, and
 - (b) in Part III (other disqualifying offices) omit the entry relating to the Rail Regulator.

Channel Tunnel Rail Link Act 1996 (c. 61)

- 22 In sections 21 and 22 of the Channel Tunnel Rail Link Act 1996—
- (a) for “he” and “him”, where they refer to the Rail Regulator, substitute “it”, and
 - (b) for “his”, where it refers to the Rail Regulator, substitute “its”.

Greater London Authority Act 1999 (c. 29)

- 23 For section 228(1) of the Greater London Authority Act 1999 (the heading to which becomes “PPP arbiter also Member of Office of Rail Regulation: duties of staff”) substitute—
- “(1) Subsections (2) and (3) shall apply while a member of the Office of Rail Regulation holds the office of PPP arbiter.”

Financial Services and Markets Act 2000 (c. 8)

- 24 In the table in Part I of Schedule 19 to the Financial Services and Markets Act 2000 (competition information) for the entry numbered 11 substitute—

“11 The Office of Rail Regulation.	Any function of that office under a specified enactment.”
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