

*Status: Point in time view as at 24/07/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Railways and Transport Safety Act 2003, Part 1. (See end of Document for details)*

## SCHEDULES

### 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.

**Commencement Information**

**I1** Sch. 2 para. 1 in force at 5.7.2004 by S.I. 2004/827, art. 4(g)

2 Section 1 and Schedule 1 (the Rail Regulator) shall cease to have effect.

**Commencement Information**

**I2** Sch. 2 para. 2 in force at 5.7.2004 by S.I. 2004/827, art. 4(g)

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 |
| F1             | F1                     | Section 26     | Invitations to tender           |
| ...            | ...                    |                |                                 |
| Section 8      | Licences               | F1             | F1                              |
|                |                        | ...            | ...                             |
| Section 9      | Conditions of licences | F1             | F1                              |

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|             |                               |             |                                       |
|-------------|-------------------------------|-------------|---------------------------------------|
|             |                               | ...         | ...                                   |
| Section 11  | Assignment of licences        | F1          | F1                                    |
|             |                               | ...         | ...                                   |
| Section 12  | Modification by agreement     | F1          | F1                                    |
|             |                               | ...         | ...                                   |
| 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   | F1          | F1                                    |
|             |                               | ...         | ...                                   |
| Section 16G | Directions                    | Section 76  | Rail Passengers' Council              |
| Section 16H | Code of Practice              | F1          | F1                                    |
|             |                               | ...         | ...                                   |
| Section 16I | Supplementary                 | F1          | F1                                    |
|             |                               | ...         | ...                                   |

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|             |   |             |  |
|-------------|---|-------------|--|
| Section 17  | Access agreements: directions           | Section 95  | Transfer schemes: power to require information |
| Section 18  | Access agreements: approval             | Section 118 | National emergency                             |
| Section 19  | Access agreements: use of installations | Section 145 | Disclosure of information                      |
| Section 19A | Review of access charges                | F1<br>...   | F1<br>...                                      |
| Section 20  | Exemption                               | F1<br>...   | F1<br>...                                      |
| Section 21  | Model clauses                           | Schedule 4  | Access agreements                              |
| Section 22  | Amendment                               | Schedule 4A | Review of access charges                       |
| Section 22A | Directions to amend                     |             |  |

#### Textual Amendments

**F1** Sch. 2 para. 3 entries repealed (24.7.2005 for specified purposes) 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

**I3** Sch. 2 para. 3 in force at 5.7.2004 by [S.I. 2004/827, art. 4\(g\)](#)

- 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 ”.

#### Commencement Information

**I4** [Sch. 2 para. 4](#) in force at 5.7.2004 by [S.I. 2004/827, art. 4\(g\)](#)

- 5 In section 8(4)(a) and (b) (licences) after “he” insert “ or it ”.

#### Commencement Information

**I5** [Sch. 2 para. 5](#) in force at 5.7.2004 by [S.I. 2004/827, art. 4\(g\)](#)

- 6 In section 9(3)(f) (conditions of licences) after “he” and “him” insert “ or it ”.

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**Commencement Information**

**I6** Sch. 2 para. 6 in force at 5.7.2004 by S.I. 2004/827, art. 4(g)

- 7 In section 15(4A) (modification following report)—
- (a) omit “he or”, and
  - (b) in paragraphs (a) and (b) omit “it proposes to”.

**Commencement Information**

**I7** Sch. 2 para. 7 in force at 5.7.2004 by S.I. 2004/827, art. 4(g)

- 8 In section 15C(3) (sections 15A and 15B: supplementary)—
- (a) after “shall” insert “ each ”, and
  - (b) in each place, omit “his or”.

**Commencement Information**

**I8** Sch. 2 para. 8 in force at 5.7.2004 by S.I. 2004/827, art. 4(g)

- 9 In section 20(3)(b) (exemption of railway facilities from sections 17, 18 and 22A) for “it” substitute “ the exemption ”.

**Commencement Information**

**I9** Sch. 2 para. 9 in force at 5.7.2004 by S.I. 2004/827, art. 4(g)

- 10 In section 21(5) (model clauses for access contracts)—
- (a) after “any” insert “ of its ”, and
  - (b) omit “of his”.

**Commencement Information**

**I10** Sch. 2 para. 10 in force at 5.7.2004 by S.I. 2004/827, art. 4(g)

- 11 In section 55(5ZA)(a) (orders for securing compliance) for the second “it” substitute “ the Authority ”.

**Commencement Information**

**I11** Sch. 2 para. 11 in force at 5.7.2004 by S.I. 2004/827, art. 4(g)

- 12 In section 57A(5)(a) (penalties) for the second “it” substitute “ the Authority ”.

**Commencement Information**

**I12** Sch. 2 para. 12 in force at 5.7.2004 by S.I. 2004/827, art. 4(g)

- 13 In section 57B (statement of policy)—

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- (a) in subsection (3) omit “or his”, and
- (b) in subsection (4)(a) omit “his or”.

**Commencement Information**

**I13** Sch. 2 para. 13 in force at 5.7.2004 by S.I. 2004/827, art. 4(g)

- 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”.

**Commencement Information**

**I14** Sch. 2 para. 14 in force at 5.7.2004 by S.I. 2004/827, art. 4(g)

- 15 In section 76(5A) (matters referred to the Authority by the Rail Passengers' Council) for “him” substitute “ the Office of Rail Regulation ”.

**Commencement Information**

**I15** Sch. 2 para. 15 in force at 5.7.2004 by S.I. 2004/827, art. 4(g)

<sup>F2</sup>16 .....

**Textual Amendments**

**F2** Sch. 2 para. 16 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**

**I16** Sch. 2 para. 16 in force at 5.7.2004 by S.I. 2004/827, art. 4(g)

- 17 In section 151(1) (general interpretation) omit the definition of “the Regulator”.

**Commencement Information**

**I17** Sch. 2 para. 17 in force at 5.7.2004 by S.I. 2004/827, art. 4(g)

- 18 In Part I of Schedule 6 (railway administration orders) for “the Rail Regulator” substitute “ the Office of Rail Regulation ”.

**Commencement Information**

**I18** Sch. 2 para. 18 in force at 5.7.2004 by S.I. 2004/827, art. 4(g)

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