



Railways Act 2005

CHAPTER 14

RAILWAYS ACT 2005

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Status: Point in time view as at 01/08/2006.

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Transfer to ORR of consumer protection and other functions relating to licensing

- 1 (1) In section 7 of the 1993 Act—
- 2 Section 7A of the 1993 Act (consumer protection conditions) shall...
- 3 (1) In section 8 of the 1993 Act (licences), in...
- 4 In section 11 of the 1993 Act (assignment of licences)—...
- 5 (1) In section 12 of the 1993 Act, subsections (1A)...
- 6 In section 13 of the 1993 Act (modification references to...
- 7 In section 13A of the 1993 Act (time limits under...
- 8 In section 14 of the 1993 Act (reports on modification...
- 9 In section 15 of the 1993 Act (modification following report)—...
- 10 (1) This paragraph applies to things done under or for...

Transfers relating to the provision, improvement or development of railway facilities

- 11 (1) In sections 16A, 16C(3), 16D, 16E(2)(a), 16F(3)(a) and 16G...

Transfer of functions relating to access agreements

- 12 (1) In sections 17 to 19 of the 1993 Act...

Transfer of functions relating to franchise agreements

- 13 (1) In section 23 of the 1993 Act (passenger services...
- 14 (1) Section 24 of the 1993 Act (franchise exemptions granted...
- 15 (1) Section 26 of the 1993 Act (invitation to tender...
- 16 For sections 26A, 26B and 26C of the 1993 Act...
- 17 (1) In section 27 of the 1993 Act (transfer of...
- 18 (1) In section 28 of the 1993 Act (fares and...
- 19 In section 29 of the 1993 Act (other terms and...

Transfer of functions as operator of last resort

- 20 (1) In section 30 of the 1993 Act (operator of...

Transfer etc. of functions relating to enforcement

- 21 (1) Section 55 of the 1993 Act (orders for securing...
- 22 In section 56(2A) of the 1993 Act (procedural requirements for...
- 23 (1) Section 57A of the 1993 Act (penalties) is amended...
- 24 (1) In section 57B of the 1993 Act—
- 25 In section 57C(3) of the 1993 Act (service of penalty...
- 26 (1) This paragraph applies to things done under or for...

Abolition of functions relating to railway administration orders

- 27 (1) The following provisions of the 1993 Act (which relate...

Abolition of duty to investigate contravention of consumer protection conditions

- 28 Section 71A of the 1993 Act (duty to investigate contraventions...

Transfer of function of maintaining code of practice for protection of disabled rail users

- 29 (1) In section 71B of the 1993 Act (code of...

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Transfer of functions relating to maintenance of register

- 30 (1) In section 73 of the 1993 Act (register maintained...
31 After that section insert— Keeping of register by the Scottish...

Transfer of functions relating to the Rail Passengers' Council

- 32 (1) In section 76 of the 1993 Act (general duties...

Transfer of power to require information from licence holders

- 33 (1) In section 80 of the 1993 Act (duty to...

Abolition of functions relating to penalty fares

- 34 In section 130 of the 1993 Act—

Transfer of functions relating to concessionary travel

- 35 (1) Section 135 of the 1993 Act (concessionary travel) is...

Abolition of certain functions under the 2000 Act

- 36 The following provisions of the 2000 Act shall cease to...
Part 2 — DEFINITIONS FOR PURPOSES OF TRANSFERS TO SCOTTISH
MINISTERS
37 (1) Section 83(1) of the 1993 Act (expressions defined for...

SCHEDULE 2 — Transfer schemes

Application and commencement of scheme

- 1 (1) A scheme may set out the property, rights and...

Property, rights and liabilities that may be transferred

- 2 (1) The property, rights and liabilities that may be transferred...

Dividing and modifying transferor's property, rights and liabilities

- 3 (1) A scheme may contain provision— (a) for the creation,...

Obligation to effect transfers etc. under a scheme

- 4 (1) A scheme may contain provision for imposing on a...

Effect of scheme

- 5 (1) Where a scheme provides for the transfer of property,...

Powers and duties under statutory provisions

- 6 (1) A scheme may make provision for some or all...

Supplementary provisions of schemes

- 7 (1) A scheme may— (a) make such incidental, supplemental,
consequential...

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Modification of scheme by agreement

- 8 (1) Where the transferor and transferee under a scheme that...

Continuity of employment etc.

- 9 (1) Where in accordance with a scheme a person employed...

Compensation for third parties

- 10 (1) Where— (a) an entitlement of a third party to...

Provision of information to person making scheme

- 11 (1) A person who proposes to make a scheme (“the...

Interpretation

- 12 (1) In this Schedule— “enactment” includes an enactment comprised in...

SCHEDULE 3 — Transfer of safety functions

Railway safety purposes

- 1 (1) Subject to sub-paragraph (4), in this Schedule “railway safety...

ORR's principal railway safety functions

- 2 (1) It shall be the general duty of the Office...

Removal of corresponding functions from HSC

- 3 (1) In section 11 of the 1974 Act (which confers...

Reports and investigations

- 4 (1) The Office of Rail Regulation may authorise a person...
5 (1) This paragraph applies where, before the commencement of paragraph...
6 (1) This paragraph applies where, before the commencement of paragraph...

ORR acting as agent of government departments and other public authorities

- 7 (1) Where the Secretary of State considers that any of...

Government departments and other public authorities acting as agent of ORR

- 8 (1) Where the Office of Rail Regulation considers that any...

Restrictions on codes of practice by HSC

- 9 (1) In subsection (1) of section 16 of the 1974...

Co-operation with the HSC

- 10 (1) It shall be the duty of the Office of...

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Information powers corresponding to section 27 of the 1974 Act

11 (1) The Office of Rail Regulation may serve a notice...

Railway safety levy

12 (1) Section 43A of the 1974 Act (railway safety levy)...

Removal of requirement of consultation with HSC for railway safety regulations

13 In section 50 of the 1974 Act (consultation with HSC),...

Regulatory Reform Act 2001

14 The effect of the preceding provisions of this Schedule is...

Interpretation

15 (1) In this Schedule— “the 1974 Act” means the Health...

SCHEDULE 4 — Reviews by ORR of access charges and licence conditions

Introductory

1 Schedule 4A to the 1993 Act (review of access charges...

Conduct of access charges reviews

2 For paragraph 1 (meaning of access charges review) substitute—
Application...

Repeal of paragraph 3

3 Paragraph 3 (which provides for consideration of when the next...

Implementation notice

4 (1) In paragraph 4 (review notice), after sub-paragraph (2) insert—...

Termination notice

5 In paragraph 6(3) (service of termination notice), before paragraph (a)...

New review notice following objections

6 In paragraph 8 (new review notices and references to Competition...

Information to be provided to Competition Commission in connection with reference

7 (1) In paragraph 9 (reference to Competition Commission), after sub-
paragraph...

Noticed of proposed relevant changes following Competition Commission report

8 (1) In paragraph 12 (changes following report), after sub-
paragraph (4)...

Notice of decisions by Competition Commission

9 For the last sub-paragraph of paragraph 14 (notice of relevant...

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Information to be provided to Competition Commission with proposal for relevant changes

- 10 (1) In sub-paragraph (3) of paragraph 15 (information to be...

Commencement of Schedule

- 11 (1) Subject to sub-paragraph (2), this Schedule does not apply...

SCHEDULE 5 — Rail Passengers' Council established by s. 19(1)

Part 1 — INTRODUCTORY

- 1 In this Schedule— “accounting records” includes all books, papers and...

Part 2 — MEMBERS AND STAFF

Remuneration etc. of members

- 2 (1) The RPC must pay to every member, other than...

Staff

- 3 The RPC may employ such persons, on such terms and...
4 (1) The RPC may— (a) pay such pensions, allowances or...
5 (1) The persons to whom section 1 of the Superannuation...

Part 3 — FINANCE

Government grants

- 6 (1) The Secretary of State may make grants to the...

Direction requiring payment to the Secretary of State

- 7 (1) The Secretary of State may give a direction to...

Accounts and audit

- 8 (1) The RPC must— (a) keep proper accounts and proper...
9 (1) The statement of accounts and other accounts of the...

Part 4 — FINANCIAL FRAMEWORK AND INFORMATION

Financial framework

- 10 (1) The Secretary of State— (a) must prepare, and

Annual reports

- 11 (1) As soon as practicable after the end of each...

Information

- 12 The RPC must give the Secretary of State information, advice...

Part 5 — STATUS AND SUPPLEMENTARY POWERS

Status

- 13 (1) The RPC is not to be treated—

Supplementary powers

- 14 (1) The RPC may do anything that appears to it...

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Part 6 — PROCEDURE

Regulation of procedure

- 15 (1) Subject to this paragraph and paragraph 16, the RPC...

Admission of the public to meetings

- 16 (1) Meetings of the RPC must be open to the...
17 The RPC must give such notice— (a) of any meeting...

Local committees

- 18 (1) If the Secretary of State so directs, the RPC...

Execution of documents

- 19 (1) The application of the seal of the RPC shall...

SCHEDULE 6 — Functions retained by London Transport Users' Committee

Members of LTUC to represent users of services in London railway area

- 1 In section 247(3)(b) of the Greater London Authority Act 1999...

General duty of LTUC to keep railway matters under review

- 2 Before section 253 of that Act insert— Committee to keep...

Duty of LTUC to investigate matters

- 3 In that Act, after the section 252A inserted by paragraph...

Power of Secretary of State to exclude matters from duties of LTUC

- 4 (1) In that Act, after the section 252D inserted by...

Duty of Rail Passengers' Council to refer matters to the LTUC

- 5 In section 76 of the 1993 Act (duties of Rail...

SCHEDULE 7 — Consultations under Part 4

Introductory

- 1 A consultation under this Schedule about a proposal—

Newspaper notification

- 2 (1) The person carrying out the consultation must publish a...

Specific notification to particular persons

- 3 (1) The person carrying out the consultation must—

Interpretation of Schedule

- 4 In this Schedule “the initial assessment” means the assessment relating...

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- 5 In this Schedule “the area affected”, in relation to a...
6 (1) A newspaper is to be regarded as a national...

SCHEDULE 8 — Proposals to discontinue excluded London services

Introductory

- 1 (1) This Schedule applies, where a proposal for the discontinuance...

Notice of proposal

- 2 (1) The service operator— (a) must give notice in the...

Objections etc.

- 3 (1) Where a notice has been published under paragraph 2...

Consideration of objections and report to Mayor of London

- 4 (1) This paragraph applies where any objection is made under...

Consent of Mayor to closure

- 5 (1) After— (a) receiving— (i) the report from the London...

SCHEDULE 9 — Bye-laws by railway operators

Introductory

- 1 (1) In this Schedule— “appropriate national authority”, in relation to...

Penalties

- 2 Bye-laws may provide that a person contravening them is guilty...

Confirmation

- 3 Bye-laws do not come into force until they have been...
4 (1) A railway operator who proposes to make bye-laws must...
5 (1) The appropriate national authority may— (a) confirm (with or...

Publicity for confirmed bye-laws

- 6 If the appropriate national authority has confirmed bye-laws—

Evidence

- 7 (1) The production of a printed copy of bye-laws which...

Power to amend or vary

- 8 (1) The power to make bye-laws includes the power to...

SCHEDULE 10 — Taxation provisions relating to transfer schemes

Part 1 — TRANSFERS TO A NATIONAL AUTHORITY UNDER SECTION 1(2) SCHEMES

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Meaning of “relevant transfer” in Part 1 of Schedule

1 In this Part of this Schedule, “relevant transfer” means a...

Capital allowances: determination of disposal value of plant or machinery

2 (1) This paragraph applies to a relevant transfer of plant...

Capital allowances: determination of disposal value of fixtures

3 (1) This paragraph applies to a relevant transfer if—

Capital allowances: determination of capital value of industrial buildings etc.

4 (1) This paragraph applies for the purposes of Part 3...

Chargeable gains: assets to be treated as disposed without a gain or a loss

5 For the purposes of the 1992 Act, a relevant transfer...

Continuity in relation to transfer of intangible assets

6 (1) For the purposes of Schedule 29 to the Finance...

Neutral effect of transfer for loan relationships and derivative contracts

7 No credit or debit shall be required or allowed, in...

Leased assets

8 (1) This paragraph applies for the purposes of section 781...

Part 2 — OTHER TRANSFERS UNDER SECTION 1(2) SCHEMES

Meaning of “relevant transfer” in Part 2 of Schedule

9 In this Part of this Schedule, “relevant transfer” means a...

Computation of profits and losses in respect of transfer of trade

10 (1) This paragraph applies where a person (“the predecessor”) is...

Trading losses: change in ownership

11 (1) This paragraph applies to a relevant transfer of all...

Capital allowances: transfer of whole trade

12 (1) This paragraph applies where a person (“the predecessor”) is...

Capital allowances: transfer of part of a trade

13 (1) Where a person (“the predecessor”) is carrying on a...

Capital allowances: transfer of plant or machinery

14 (1) This paragraph applies where— (a) there is a relevant...

Capital allowances: determination of capital value of industrial buildings etc.

15 (1) This paragraph applies for the purposes of Part 3...

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Chargeable gains: assets to be treated as disposed of without a gain or a loss

16 For the purposes of the 1992 Act, a relevant transfer...

Continuity in relation to transfer of intangible assets

17 (1) For the purposes of Schedule 29 to the Finance...

Continuity in relation to loan relationships

18 (1) For the purposes of the application of Chapter 2...

Continuity in relation to derivative contracts

19 (1) For the purposes of the application of Schedule 26...

Leased assets

20 (1) This paragraph applies for the purposes of section 781...

Part 3 — TRANSFERS UNDER SECTION 12 SCHEMES

Meaning of “relevant transfer” in Part 3 of Schedule

21 In this Part of this Schedule, “relevant transfer” means a...

Capital allowances: determination of disposal value of plant or machinery

22 (1) This paragraph applies to a relevant transfer of plant...

Capital allowances: determination of disposal value of fixtures

23 (1) This paragraph applies to a relevant transfer if—

Capital allowances: determination of capital value of industrial buildings etc.

24 (1) This paragraph applies for the purposes of Part 3...

Chargeable gains: disposals not be treated as made at market value

25 (1) Section 17 of the 1992 Act (disposals and acquisitions...

Chargeable gains: degrouping charges

26 (1) This paragraph applies if a company (“the degrouped company”) —...

Chargeable gains: disposal of debts

27 (1) This paragraph applies to a relevant transfer of a...

Loan relationships

28 (1) Paragraph 11 of Schedule 9 to the Finance Act...

Part 4 — OTHER PROVISIONS CONCERNING TRANSFERS

Stamp duty

29 (1) Stamp duty is not to be chargeable—

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Stamp duty land tax

- 30 (1) No transfer in accordance with a scheme made under...

Chargeable gains: value shifting

- 31 No scheme made under section 1(2) or 12 is to...

Group relief

- 32 Neither the power of the Secretary of State to make...

Consequential amendment

- 33 In section 35(3)(d) of the 1992 Act (no gain no...
Part 5 — INTERPRETATION OF SCHEDULE
34 (1) In this Schedule— “the 1992 Act” means the Taxation...

SCHEDULE 11 — Miscellaneous amendments of 1993 Act

Introductory provision

- 1 The 1993 Act is amended as follows.

Licence conditions

- 2 In section 9(3)(f) (conditions requiring the provision of information), after...

Access agreements

- 3 In— (a) section 17(4) (access agreements: directions requiring facility owners...

Duties of provider of last resort

- 4 In paragraph (b) of section 30(3) (duty of Authority in...

Exclusion for liability for breach of statutory duty

- 5 In section 50(1) (exclusion of liability for breach of statutory...

Purposes for which franchising functions may be exercised

- 6 (1) In section 54 (purposes for which franchising functions may...

Orders for securing compliance

- 7 (1) In subsection (9) of section 55 (interpretation of provision...
8 In section 57F(1) (validity and effect of penalties), for “penalty...

Financial assistance from the Secretary of State to companies in railway administration

- 9 (1) In section 63 (financial assistance for companies in railway...

Register kept by ORR

- 10 (1) In section 72(2) (matters to be entered in register)—...

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Register kept by Secretary of State

11 (1) In section 73(2) (matters to be entered in the...

Purposes for which the Secretary of State may require information from licence holders

12 In section 80(1) (duty of licence holders to provide information...

General interpretation

13 In section 83(1) (interpretation of Part 1)—

Competent authority status for the purposes of grants and loans under EU regulations

14 (1) In subsection (1) of section 136 (competent authorities in...

Powers to make statutory instruments

15 In section 143 (powers to make statutory instruments)—

Restrictions on disclosure of information

16 (1) In subsection (2) of section 145 (purposes for which...

SCHEDULE 12 — Other minor and consequential amendments

Transport Act 1962 (c. 46)

1 (1) The Transport Act 1962 is amended as follows.

Transport Act 1968 (c. 73)

2 (1) The Transport Act 1968 is amended as follows.

Chronically Sick and Disabled Persons Act 1970 (c. 44)

3 In section 14(1) of the Chronically Sick and Disabled Persons...

Fire Precautions Act 1971 (c. 40)

4 In section 18 of the Fire Precautions Act 1971, for...

Superannuation Act 1972 (c. 11)

5 In Schedule 1 to the Superannuation Act 1972 (types of...

Level Crossings Act 1983 (c. 16)

6 (1) Section 1 of the Level Crossings Act 1983 is...

Telecommunications Act 1984 (c. 12)

7 In section 101 of the Telecommunications Act 1984 (general restrictions...

Transport Act 1985 (c. 67)

8 In section 6(1) of the Transport Act 1985 (local bus...

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Airports Act 1986 (c. 31)

- 9 In section 74 of the Airports Act 1986 (restriction on...

Water Industry Act 1991 (c. 56)

- 10 In Schedule 15 to the Water Industry Act 1991 (disclosure...

Water Resources Act 1991 (c. 57)

- 11 In Schedule 24 to the Water Resources Act 1991 (disclosure...

Deregulation and Contracting Out Act 1994 (c. 40)

- 12 (1) Section 37 of the Deregulation and Contracting Out Act...

Railway Heritage Act 1996 (c. 42)

- 13 (1) The Railway Heritage Act 1996 is amended as follows....

Greater London Authority Act 1999 (c. 29)

- 14 (1) The Greater London Authority Act 1999 is amended as...

Postal Services Act 2000 (c. 26)

- 15 In paragraph 3 of Schedule 7 to the Postal Services...

Utilities Act 2000 (c. 27)

- 16 In section 105 of the Utilities Act 2000 (general restrictions...

Transport Act 2000 (c. 38)

- 17 (1) The 2000 Act is amended as follows.

Enterprise Act 2002 (c. 40)

- 18 (1) The Enterprise Act 2002 is amended as follows.

SCHEDULE 13 — Repeals

Part 1 — REPEALED ENACTMENTS

Part 2 — SAVINGS

- 1 The repeal of the entry relating to the Strategic Rail...
2 The repeal of section 219 of the 2000 Act has...
3 The repeal of Part 3 of Schedule 17 to that...
4 The repeal of Schedule 19 to that Act does not...

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