

*These notes refer to the Railways Act 2005 (c.14)
which received Royal Assent on 7 April 2005*

RAILWAYS ACT 2005

EXPLANATORY NOTES

COMMENTARY ON SCHEDULES

Schedule 1 - Transfer etc. of functions of the Strategic Rail Authority

192. This schedule deals with the transfer or abolition of the Strategic Rail Authority's functions.
193. *Paragraphs 1 to 10* transfer from the SRA to the ORR all functions relating to consumer protection conditions attached to licences and licence exemptions. As a result there is no longer a need for the distinction drawn by the 1993 Act between consumer protection and other conditions.
194. *Paragraphs 11 to 26, 29 – 33, and 35* transfer to the Secretary of State and, where appropriate, the Scottish Ministers, functions which are currently with the Strategic Rail Authority. The functions relate to railway facilities, access and franchise agreements, the operator of last resort duty, enforcement conditions, the code of practice for the protection of disabled rail users, the registers kept for the purposes of functions under the 1993 Act, the Rail Passengers' Council, the power to require information from licence holders and concessionary travel.
195. *Paragraphs 27, 28, 34 and 36* abolish functions of the SRA by removing legislative references to it. The SRA functions abolished in paragraphs 27, 28 and 34 relate to railways administration orders, the enforcement of consumer protection provisions in operating licences, and the penalty fares regime. In addition paragraph 36 removes SRA powers to provide rail services, secure the provision of substitute bus and taxi services and make railway byelaws.
196. In relation to Paragraph 32 the Rail Passengers' Council is currently the responsibility of the Strategic Rail Authority. It has powers to sponsor and to direct the body and is in receipt of its annual reports. Following the dissolution of the Strategic Rail Authority sponsorship of the Rail Passengers' Council will pass to the Secretary of State.