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*Changes to legislation: There are currently no known outstanding effects  
for the Railways Act 2005, Paragraph 7. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 11

#### MISCELLANEOUS AMENDMENTS OF 1993 ACT

##### *Orders for securing compliance*

- 7 (1) In subsection (9) of section 55 (interpretation of provision relating to orders for securing compliance), for “section 50 above” substitute “section 44 of the Railways Act 2005 (exclusion of liability for breach of statutory duty)”.
- (2) In subsection (10) of that section, in the definition of “final order”, after “provisional order” insert “or an order under subsection (7B)”.
- (3) In that subsection, in the definition of “relevant condition or requirement”, for paragraphs (c) and (d) substitute—  
“(c) in the case of a person under closure restrictions, any duty mentioned in subsection (11) to which he is subject;”.
- (4) For the definition of “relevant operator” in that subsection substitute—  
““relevant operator” means—  
(a) a licence holder;  
(b) a franchisee;  
(c) a franchise operator who is a party to the franchise agreement;  
(d) a person under closure restrictions.”
- (5) In subsection (11) of that section, for paragraphs (a) and (b) substitute “who is under  
—  
(a) a duty under section 22(8), 26(8), 29(8) or 37(2) of the Railways Act 2005 not to discontinue a railway passenger service or an experimental passenger service or not to discontinue the operation or use of a network or station, or part of a network or station;  
(b) a duty to comply with any requirement imposed under section 33(2)(i) of that Act (closure requirements imposed on operators); or  
(c) a duty to comply with conditions to which he has agreed under section 34(5) of that Act (conditions of minor modification determination).”
- (6) After that subsection insert—  
“(11A) In the definition of “the appropriate authority” in subsection (10) above the reference to a relevant condition or requirement in the case of a person under Scottish closure restrictions is a reference to a relevant condition or requirement which—  
(a) falls within paragraph (c) of the definition in that subsection;  
(b) is imposed or arises in the case of a closure; and

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(c) is so imposed or so arises in a Scottish case;  
and the reference to a relevant condition or requirement in the case of a person under closure restrictions that are not Scottish closure restrictions is a reference to any relevant condition or requirement in relation to which paragraphs (a) and (b) are satisfied, but not paragraph (c).

(11B) In subsection (11A), “a Scottish case”, in relation to a closure, means—

- (a) a case in which the Scottish Ministers are the national authority for the purposes of provisions of Part 4 of the Railways Act 2005 relating to the proposal for the closure;
- (b) a case in which it is the Scottish Ministers who make a determination under section 34 of that Act (minor modifications) in relation to the closure; or
- (c) a case in which the closure is a closure notice of which is given under section 37 of that Act (experimental passenger services) and the proposal relates to a Scotland-only service.”

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**Commencement Information**

- I1** Sch. 11 para. 7(1)(3)-(6) in force at 1.12.2006 by [S.I. 2006/2911](#), [art. 2](#), [Sch.](#)
- I2** Sch. 11 para. 7(2) in force at 24.7.2005 by [S.I. 2005/1909](#), [art. 2](#), [Sch.](#)

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