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*Changes to legislation: There are currently no known outstanding effects for the Railways Act 2005, Paragraph 11. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 3 **E+W+S**

#### TRANSFER OF SAFETY FUNCTIONS

##### *Information powers corresponding to section 27 of the 1974 Act*

- 11 (1) The [F1Office of Rail and Road] may serve a notice under this paragraph on any person for the purpose of obtaining information which that Office needs for the carrying out of its safety functions.
- (2) A notice under this paragraph is one requiring the person on whom it is served—
- (a) to provide the [F1Office of Rail and Road] with information about such matters as may be specified in the notice; and
  - (b) to do so in the form and manner so specified.
- (3) The consent of the Secretary of State is required for the service of a notice under this paragraph.
- (4) The consents that may be given for the purposes of sub-paragraph (3) include a general consent relating to notices of a specified description.
- (5) Nothing in the Statistics of Trade Act 1947 (c. 39) is to be construed as preventing or penalising the disclosure by a Minister of the Crown or government department to—
- (a) the [F1Office of Rail and Road],
  - (b) a member, officer or employee of that Office, or
  - (c) a committee established by that Office,
- of information falling within sub-paragraph (6) about an undertaking (within the meaning of that Act).
- (6) Information about an undertaking falls within this sub-paragraph if it consists of—
- (a) the names and addresses of the persons carrying on the undertaking;
  - (b) the nature of the undertaking's activities;
  - (c) the number of persons of different descriptions who work in the undertaking;
  - (d) the addresses or places where activities of the undertaking are or were carried on;
  - (e) the nature of the activities carried on there; or
  - (f) the number of persons of different descriptions who work or worked in the undertaking there.
- (7) A person to whom a disclosure that is authorised by sub-paragraph (5) is made must not use the information except for the purposes of the safety functions of the [F1Office of Rail and Road].
- (8) It is an offence for a person—
- (a) to contravene a requirement imposed by a notice under this paragraph; or

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- (b) to use information in contravention of sub-paragraph (7).
- (9) A person guilty of an offence under sub-paragraph (8) shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment—
    - (i) in the case of an offence of contravening a notice, to a fine; and
    - (ii) in the case of an offence of using information in contravention of sub-paragraph (7), to imprisonment for a term not exceeding two years or to a fine, or to both.
- (10) Section 52 of the 1974 Act (meaning of “work” and related expressions) applies for the purposes of this paragraph as it applies for the purposes of Part 1 of that Act.

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**Textual Amendments**

- F1** Words in [Sch. 3 para. 11](#) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), [Sch. para. 3\(s\)\(vii\)](#)
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**Commencement Information**

- I1** [Sch. 3 para. 11](#) in force at 1.4.2006 by [S.I. 2006/266](#), art. 2(2), [Sch.](#)

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