

Status: Point in time view as at 24/07/2005.

Changes to legislation: There are currently no known outstanding effects for the Railways Act 2005, Part 6. (See end of Document for details)

SCHEDULES

SCHEDULE 5

RAIL PASSENGERS' COUNCIL ESTABLISHED BY S. 19(1)

PART 6

PROCEDURE

Regulation of procedure

- 15 (1) Subject to this paragraph and paragraph 16, the RPC may regulate its own procedure.
- (2) Sub-paragraph (1) includes power to make provision about quorums.
- (3) The RPC must meet when convened by the chairman.
- (4) The chairman may convene a meeting of the RPC whenever he thinks fit.
- (5) The chairman must—
- (a) convene meetings of the RPC so that it meets at least twice a year; and
 - (b) convene a meeting whenever three members of the RPC require him to do so.
- (6) The RPC must secure—
- (a) that minutes are kept of the proceedings at every meeting of the RPC; and
 - (b) that copies of those minutes are sent to the Secretary of State.
- (7) The validity of proceedings of the RPC is not to be affected by—
- (a) a vacancy in its membership; or
 - (b) a defect in the appointment of a member.

Commencement Information

II Sch. 5 para. 15 in force at 24.7.2005 by S.I. 2005/1909, art. 2, Sch.

Admission of the public to meetings

- 16 (1) Meetings of the RPC must be open to the public; but the public must be excluded during any item of business that is confidential for the purposes of this paragraph.
- (2) An item of business is confidential for the purposes of this paragraph where, if members of the public were to be present during that item, it is likely that information furnished in confidence to the RPC by—
- (a) the Office of Rail Regulation, or
 - (b) the Secretary of State,
- would be disclosed in breach of the obligation of confidence.

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- (3) An item of business is confidential for the purposes of this paragraph where the RPC has resolved that—
- (a) because of the confidential nature of the item, or
 - (b) for other special reasons stated in the resolution,
- it is desirable in the public interest that the public be excluded during that item.
- (4) An item of business is confidential for the purposes of this paragraph where, if members of the public were to be present during that item, it is likely that—
- (a) there would be disclosed to them a matter relating to the affairs of an individual or relating specifically to the affairs of a particular body (whether corporate or unincorporate); and
 - (b) public disclosure of the matter would or might, in the opinion of the RPC, seriously and prejudicially affect the interests of that individual or body.
- (5) An item of business is confidential for the purposes of this paragraph where the circumstances—
- (a) are specified for the purposes of this sub-paragraph in an order made by the Secretary of State; or
 - (b) are determined to be confidential for those purposes in accordance with an order so made.
- (6) An order under sub-paragraph (5) is subject to the negative resolution procedure.

Commencement Information

I2 [Sch. 5 para. 16](#) in force at 24.7.2005 by [S.I. 2005/1909](#), art. 2, [Sch.](#)

- 17 The RPC must give such notice—
- (a) of any meeting of the RPC which is open to the public, and
 - (b) of the business to be taken at that meeting (other than items during which the public is to be excluded),
- as it considers appropriate for the purpose of bringing the meeting to the attention of interested members of the public.

Commencement Information

I3 [Sch. 5 para. 17](#) in force at 24.7.2005 by [S.I. 2005/1909](#), art. 2, [Sch.](#)

Local committees

- 18 (1) If the Secretary of State so directs, the RPC must establish committees to advise it in relation to the carrying out of its functions in relation to particular areas.
- (2) The members of a committee established under this paragraph are to be appointed by the RPC.
- (3) The RPC may appoint such persons as it thinks fit and the membership of the committee may consist of or include persons who are not themselves members of the RPC.

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- (4) The RPC may regulate the procedure of a committee established under this paragraph.
- (5) The RPC may reimburse a member of a committee established under this paragraph who is not a member of the RPC—
 - (a) for travelling expenses;
 - (b) for other out-of-pocket expenses not relating to loss of remuneration.

Commencement Information

I4 Sch. 5 para. 18 in force at 24.7.2005 by S.I. 2005/1909, art. 2, Sch.

Execution of documents

- 19
- (1) The application of the seal of the RPC shall be authenticated by the signature of a member or employee of the RPC whom it has authorised for the purpose (whether generally or specifically).
 - (2) Any document which the RPC is authorised or required by or under any enactment to serve, make or issue may be signed on its behalf by a member or employee whom it has authorised for the purpose (whether generally or specifically).
 - (3) Every document purporting—
 - (a) to be an instrument made or issued by or on behalf of the RPC, and
 - (b) to be duly executed under the seal of the RPC, or to be duly signed or executed by a person authorised by the RPC for the purpose,shall be received in evidence and, unless the contrary is shown, treated without further proof as so made or issued.
 - (4) In this paragraph the reference to a signature includes a reference to a facsimile of a signature produced by any process and “signed” is to be construed accordingly.
 - (5) In this paragraph “enactment” includes an enactment comprised in an Act of the Scottish Parliament.

Commencement Information

I5 Sch. 5 para. 19 in force at 24.7.2005 by S.I. 2005/1909, art. 2, Sch.

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