

EXPLANATORY MEMORANDUM TO
THE CROSSRAIL (INSERTION OF REVIEW CLAUSES) REGULATIONS 2014

2014 No. 1382

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

The Regulations make amendments to the *Crossrail (Fees for Requests for Planning Approval) Regulations 2008* and the *Crossrail (Planning Appeals) (Written Representations Procedure) (England) Regulations 2008* (“the parent instruments”) to insert statutory obligations in each case on the Secretary of State for Communities and Local Government and the Secretary of State for Transport acting jointly to undertake a review, and to publish a report, by no later than 31st December 2021 and, if necessary, within every eight years after that date.

3. Matters of special interest to the Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments

None.

4. Legislative Context

The Regulations form part of the implementation of the Government’s *Red Tape Challenge* initiative. More information about this programme of work is provided below.

5. Territorial Extent and Application

This instrument applies to England only.

6. European Convention on Human Rights

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

• **What is being done and why**

7.1 In November 2011, the Department for Transport published on-line (see www.redtapechallenge.cabinetoffice.gov.uk/2012/07/30-07-12-rail-transport-announcement) a list of statutory instruments applying to the rail transport sector as part of the Government’s *Red Tape Challenge* initiative and invited comments on whether these should be revoked, retained or improved. The Department for

Transport also led a workshop, chaired by Ministers and attended by stakeholders from the rail sector, to discuss cutting red tape and methods of reducing regulatory burdens. The objective was to re-examine all of the provisions and gather views on how the aims of existing regulations can be fulfilled in the least burdensome way possible.

7.2 Following detailed policy and legal scrutiny of the parent instruments, it was concluded that the provisions of the parent instruments might not be required once construction of Crossrail was completed. It was, therefore, decided to improve the parent instruments through the addition of a clause requiring the Secretary of State for Communities and Local Government and the Secretary of State for Transport, acting jointly, to review their provisions and publish a report.

7.3 The usual approach with review clauses of this kind has been to require a review after a maximum of five years following the bringing into force of the clause. However, since the parent instruments relate to the planning process underpinning the construction of a huge infrastructure project, the Department does not believe that it would be appropriate to begin to review their requirements until this phase has been completed and services on the Crossrail network become fully operational. As the Department for Transport expects the central section to be open in late 2018, with full services scheduled to be in place for late 2019, the Regulations ensure the results of the first review must be published by the Secretary of State for Communities and Local Government and the Secretary of State for Transport acting jointly by no later than 31st December 2021. The primary purpose of the first review will, therefore, be to consider whether the parent instrument can be fully revoked at that juncture.

- **Consolidation**

7.5 None.

8. Consultation outcome

Consultation on the rail theme of the *Red Tape Challenge* ran from 10th November to 19th December 2011 and elicited no comments on the parent instruments.

9. Guidance

Specific guidance on the Regulations is unnecessary because they simply insert a statutory obligation on the Secretary of State for Communities and Local Government and the Secretary of State for Transport acting jointly to review the parent instruments' provisions.

10. Impact

A full regulatory impact assessment has not been produced for the Regulations as no significant impact on the private, public or voluntary sectors is foreseen.

11. Regulating small business

The legislation does not apply to small business.

12. Monitoring & review

The Secretary of State for Communities and Local Government and the Secretary of State for Transport acting jointly will be required to undertake a review of the operation of the parent instruments' provisions, and to publish a report, by no later than 31st December 2021 and, if necessary, within every eight years after that date.

13. Contact

Chris Angell at the Department for Transport Tel: 020 7944 0082 or e-mail: Christopher.angell@dft.gsi.gov.uk can answer any queries regarding the instrument.