
EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for certain functions of the Secretary of State under the Railways Act 1993 and the Railways Act 2005 to be transferred from the Secretary of State to the Welsh Ministers so far as those functions are exercisable in relation to Wales, and for certain other functions of the Secretary of State under those Acts, so far as exercisable in relation to Wales, to be exercisable concurrently by the Welsh Ministers and the Secretary of State. It does so by making amendments to those Acts: see article 2 and the Schedule. In the case of the amendment made by paragraph 25 of the Schedule to section 76(6)(a) of the Railways Act 1993, it is article 3 of the Order that provides for the particular function under that section to be exercised concurrently only so far as it is exercisable in relation to Wales.

The Schedule also replaces a number of references in the Railways Acts 1993 and 2005 to the National Assembly for Wales with references to the Welsh Ministers where functions of the Assembly have already been transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

Article 4 provides that paragraph 1(1) of Schedule 4 to the Government of Wales Act 2006 does not apply to records to which the Secretary of State is entitled in connection with any function transferred by the Order. That paragraph provides (among other things) for the transfer of property held in connection with transferred functions, but paragraph 2 of that Schedule allows for it to be disapplied.

A full impact assessment has not been produced for this instrument because no, or no significant, impact on the private, voluntary or public sector is foreseen.