
WELSH STATUTORY INSTRUMENTS

2019 No. 1132

The Cardiff and Valleys Railways (Transfer) Order 2019

Title and commencement

1. The title of this Order is the Cardiff and Valleys Railways (Transfer) Order 2019 and it comes into force on 2 August 2019.

Interpretation

2. In this Order—

“the companies” (“*y cwmnïau*”) means—

- (a) Keolis Amey Wales Cymru Limited (Company registration number 11391059) whose registered office is at Amey Rail Maindee Depot, Off Caerleon Road, Newport NP19 9DZ, and
- (b) Amey Keolis Infrastructure/Seilwaith Amey Keolis Limited (Company registration number 11389544) whose registered address is The Sherard Building, Edmund Halley Road, Oxford OX4 4DQ;

“the core Valley lines” (“*llinellau craidd y Cymoedd*”) means the railways authorised by the enactments listed in Schedule 1 (the railway enactments for the core Valley lines) together with all lands and works relating to those railways;

“the core Valley lines undertaking” (“*ymgymeriad llinellau craidd y Cymoedd*”) means the part of Network Rail’s undertaking which comprises the core Valley lines, and any land, works, other property, rights, liabilities or obligations, statutory or otherwise, relating to the core Valley lines;

“Network Rail” (“*Network Rail*”) means Network Rail Infrastructure Limited (Company registration number 02904587) whose registered office is at 1 Eversholt Street, London, NW1 2DN and any associated company of Network Rail Infrastructure Limited which holds property for railway purposes, and for the purposes of this definition “associated company” (“*cwmni cysylltiedig*”) means any company which is (within the meaning of section 1159 of the Companies Act 2006⁽¹⁾) the holding company of Network Rail Infrastructure Limited or another subsidiary of the holding company of Network Rail Infrastructure Limited;

“the relevant date” (“*y dyddiad perthnasol*”) means the date on which this Order comes into force;

“statutory provision” (“*darpariaeth statudol*”) means a provision whether of a general or of a special nature contained in, or in any document made or issued under, any Act, whether of a general or a special nature;

“transfer scheme” (“*cynllun trosglwyddo*”) means a scheme made under article 3(1) (agreements with Network Rail for transfer schemes);

“the transferred railways” (“*y rheilffyrdd a drosglwyddir*”) means so much of the core Valley lines as may be transferred to the undertaker by means of a transfer scheme;

“the undertaker” (“*yr ymgwymerwr*”) means Transport for Wales (Company No. 09476013) incorporated under the Companies Act 2006, a company limited by guarantee and having its registered office at QED Centre, Main Avenue, Treforest Industrial Estate, Pontypridd, Rhondda Cynon Taff CF37 5YR.

Agreements with Network Rail for transfer schemes

3.—(1) The undertaker and Network Rail may, subject in the case of Network Rail to compliance with the terms of its network licence, agree, enter into, and carry into effect a scheme or schemes for the transfer to the undertaker of the whole or any part of—

- (a) the core Valley lines, and
- (b) the core Valley lines undertakings.

(2) A transfer scheme under paragraph (1) may be made pursuant to an agreement made before the coming into force of this Order which, had it been made on or after that date, could have been made under paragraph (1).

(3) Where a transfer scheme is made under paragraph (1) the undertaker is, to the extent set out in the transfer scheme—

- (a) entitled to the benefit of, and to exercise, all rights, powers and privileges relating to the core Valley lines or any part of them referred to in the transfer scheme,
 - (b) subject to all obligations, statutory or otherwise, relating to the core Valley lines or any part of them (in so far as those provisions continue in force and are capable of taking effect), with Network Rail released from all such obligations in the terms provided for in the transfer scheme, and
 - (c) able to adapt for use, maintain, use and operate any railway on in over or under that land, works and property.
- (4) Nothing in paragraph (3) prejudices any express statutory provision for—
- (a) the protection of the owner, lessee or occupier of any property specifically identified by the provision, or
 - (b) the protection or benefit of any public trustees or commissioners, corporation or other person, specifically named in the provision.
- (5) Schedule 2 makes further provision about transfer schemes.

Further transfer of railways by undertaker

4.—(1) In this article—

“lease” (“*prydles*”) includes an underlease and “lease” (“*prydlesu*”) where used as a verb is to be construed accordingly;

“the transferee” (“*y trosglwyddai*”) means any person to whom the railways, or any part of them, are leased or sold under the powers conferred by this article;

“the transferred undertaking” (“*yr ymgwymeriad a drosglwyddir*”) means so much of the railways as is leased or sold under the powers conferred by this article.

(2) Subject to paragraph (3), any time after the relevant date the undertaker may, with the consent of the Welsh Ministers, sell or lease the transferred railways or any part of them to any person on such terms and conditions as may be agreed between the undertaker and that person.

(3) The Welsh Ministers’ consent is not required under paragraph (2) if it is proposed to lease the transferred railways or any part of them to one or both of the companies.

(4) Except as may be otherwise provided in this Order—

- (a) the transferred undertaking continues to be subject to all statutory and other provisions applicable to it at the date of the lease or sale (in so far as those provisions continue in force and are capable of taking effect),
 - (b) the transferee is, to the exclusion of the undertaker, entitled to the benefit of, and to exercise, all rights, powers and privileges relating to the transferred undertaking, and
 - (c) the exercise by the transferee of the powers of any enactment is subject to the same obligations, statutory or otherwise, as would apply if those powers were exercised by the undertaker.
- (5) Paragraph (4) has effect during the term of any lease granted, and from the operative date of any sale, under the powers conferred by this article.

Power to operate and use railway

5.—(1) The undertaker and any transferee under article 4 may operate and use the transferred railways as a system, or part of a system, of transport for the carriage of passengers and goods.

(2) Nothing in this Order, or in any enactment incorporated with or applied by this Order, prejudices or affects the operation of Part 1 of the Railways Act 1993⁽²⁾.

15 July 2019

Julie James
Minister for Housing and Local Government,
one of the Welsh Ministers

(2) 1993 c. 43.