
STATUTORY INSTRUMENTS

1994 No. 571 (c.11)

TRANSPORT

**The Railways Act 1993 (Commencement
No. 4 and Transitional Provision) Order 1994**

Made - - - - 7th March 1994

The Secretary of State, in exercise of his powers under sections 143(3) and 154(2) of the Railways Act 1993(1), hereby makes the following Order:

Citation

1.—(1) This Order may be cited as the Railways Act 1993 (Commencement No. 4 and Transitional Provision) Order 1994.

(2) In this Order, “the Act” means the Railways Act 1993.

Provisions coming into force

2. The following provisions of the Act shall come into force on 8th March 1994:

sections 118 to 121;

in section 132, subsections (1) to (7), subsection (8) for the purpose of bringing into force the provisions of Schedule 10 referred to in this article, and subsections (9) and (10);

section 133;

section 152(3) for the purpose of bringing into force the provisions of Schedule 14 referred to in this article;

in Schedule 10, paragraphs 1 and 2, and paragraph 3(1) for the purpose of providing for sections 69 and 71 of the Transport Act 1962(2) to cease to have effect, and paragraph 3(2) and (3);

in Schedule 14, the repeals relating to sections 54(1)(b) and (2), 69 and 71 of the Transport Act 1962.

3. The following provisions of the Act shall come into force on 21st March 1994:

section 4, so far as not already in force;

section 5;

section 52;

(1) 1993 c. 43.
(2) 1962 c. 46.

in section 54, subsection (2), and subsection (3) for the purposes of the definitions of “franchising functions”, in relation to the Franchising Director, and “railway investment”;
section 138.

4. The following provisions of the Act shall come into force on 31st March 1994:
 - section 152(3) for the purpose of bringing into force the provisions of Schedule 14 referred to in this article;
 - in Schedule 14, the repeals relating to Part I of, and Schedule 1 to, the Transport Act 1981(3).
5. The following provisions of the Act shall come into force on 1st April 1994:
 - section 2;
 - section 3;
 - section 6, so far as not already in force;
 - sections 7 to 16;
 - section 23, so far as not already in force;
 - section 24;
 - section 25, so far as not already in force;
 - sections 26 to 28;
 - section 29, so far as not already in force;
 - section 30;
 - section 31;
 - sections 34 to 51;
 - section 53;
 - section 54, so far as not already in force;
 - sections 55 to 69;
 - sections 71 to 80;
 - section 83, so far as not already in force;
 - section 86;
 - section 87, so far as not already in force;
 - section 93, so far as not already in force;
 - sections 122 to 125;
 - section 129;
 - sections 135 to 137;
 - section 141, so far as not already in force;
 - section 145, so far as not already in force;
 - section 150, so far as not already in force;
 - in section 152, subsection (1) for the purpose of bringing into force the provisions of Schedule 12 referred to in this article, subsection (2) for the purpose of bringing into force the provisions of Schedule 13, and subsection (3) for the purpose of bringing into force the provisions of Schedule 14 referred to in this article;
 - Schedule 2;

Schedule 3;

Schedules 5 to 7;

in Schedule 12, all paragraphs so far as not already in force except paragraph 32;

Schedule 13;

in Schedule 14, all repeals so far as not already in force except the repeals relating to:

section 70 of the Transport Act 1962;

section 8 of the Railways Act 1974(4);

section 36 of the Transport Act 1981.

6. Sections 17 to 22 of, and Schedule 4 to, the Act shall come into force on 2nd April 1994.

Transitional provision

7. Without prejudice to section 17(2) of the Interpretation Act 1978(5), any person who, immediately prior to the coming into force of the amendments made to section 53 of the British Transport Commission Act 1949(6) by Schedule 10 to the Railways Act 1993, is or is deemed to have been appointed to act as a constable throughout England and Wales or, as the case may be, in Scotland under the said section 53 shall be deemed thereafter to have been appointed so to act under the said section 53 as amended by the said Schedule 10.

Signed by authority of the Secretary of State for Transport

Department of Transport
7th March 1994

Roger Freeman
Minister of State,

(4) 1974 c. 48.

(5) 1978 c. 30.

(6) 1949 c.xxix. In its application to England and Wales, section 53 has been amended by the [British Transport Commission Act 1962 \(c.xlii\)](#), section 43; the Transport Act 1962, section 70; and the [British Railways Act 1978 \(c.xxi\)](#), section 25. In its application to Scotland, section 53 is as set out in paragraph 3 of the Provisional Order contained in the Schedule to the [British Railways Order Confirmation Act 1980 \(c.xxviii\)](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, on 8 March 1994, those provisions of the Railways Act 1993 (“the 1993 Act”) specified in Article 2. These deal with the powers of the Secretary of State to give directions in time of hostilities and to give instructions in connection with security, and related matters. They also deal with the powers of the Secretary of State to make schemes for the organisation of the transport police (ie those constables appointed under section 53 of the [British Transport Commission Act 1949 \(c.xxix\)](#)), with the terms and conditions of the employment of the transport police, and with associated amendments to and repeals of existing legislation. Article 7 makes transitional provision in relation to the transport police.

The Order brings into force, on 21 March 1994, those provisions of the 1993 Act specified in Article 3. These deal with the general duties of the Secretary of State, the Regulator and the Franchising Director; the Franchising Director’s power to enter into contracts with the British Railways Board for the provision of non-franchised railway passenger services to the public; and the Franchising Director’s power to encourage investment in railway assets.

On 31 March 1994 the Order brings into force those provisions of the Act specified in Article 4. These provisions repeal Part I of, and Schedule 1 to, the Transport Act [1981 \(c. 56\)](#).

The Order brings into force, on 1 April 1994, those provisions of the 1993 Act specified in Article 5—in other words, most of those provisions not brought into force previously. The main provisions not brought into force are sections 17 to 22 and Schedule 4, concerning access agreements; parts of section 132(8) and Schedule 10, concerning the transport police; parts of section 134 and Schedule 11, concerning pensions; and sections 139 and 140, concerning grants to assist the provision of facilities for freight haulage by railway and inland waterway.

On 2 April 1994 the Order brings into force those provisions of the 1993 Act specified in Article 6, namely sections 17 to 22 and Schedule 4.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Railways Act 1993 have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s.4(1), (3), (7) and (9) (partially);		
s32; s33; s81; s82; s83(1) (partially) and (2); ss142 to 144; s145(1) to (6) (partially); ss146 to 149; s150(1) to (3); s151(1) (partially) and (5); and s.154.	24.12.93	1993/3237
s6(2); s23(3) and (4); s25(1) and (2) (partially); s29(8);	6.1.94	1993/323

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s83(1) (partially); s84; s85; s87(1) (partially), (2) and (5); ss88 to 92; s93 (partially); ss94 to 116; ss126 to 128; s130; s131; s134(1) (partially), (2) and (3); s141 (partially); s151 (so far as not already in force); s152(1) and (3) (partially); s153; Schedules 8 and 9; and Schedules 11, 12 and 14 (partially).		
s.117	2.2.94	1994/202
s.4(1) to (3), (5) and (6) (partially); s.70; s.83(1) (partially).	22.2.94	1994/447