

## SCHEDULE

Regulation 2(2)

### Change of name of the Office of Rail Regulation: consequential amendments

## PART 1

### Amendments to primary legislation

#### Railways Act 1993

**1.** In the following provisions of the Railways Act 1993<sup>(1)</sup> and, in the case of sections 4, 18, 19A, 67, 72, 74 and 80 in the headings preceding them, for a reference to the Office of Rail Regulation substitute a reference to the Office of Rail and Road—

- (a) section 4<sup>(2)</sup> (general duties of the Secretary of State and the Office of Rail Regulation);
- (b) section 6(4)<sup>(3)</sup> (prohibition on unauthorised operators of railway assets);
- (c) section 7<sup>(4)</sup> (exemptions from section 6);
- (d) section 8<sup>(5)</sup> (licences);
- (e) section 9<sup>(6)</sup> (conditions of licences: general);
- (f) section 11(2)(b)<sup>(7)</sup> (assignment of licences);
- (g) section 12<sup>(8)</sup> (modification by agreement);
- (h) section 13<sup>(9)</sup> (modification of references to the CMA);
- (i) section 13A<sup>(10)</sup> (references under section 13: time limits);
- (j) section 14<sup>(11)</sup> (reports on modification references);

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<sup>(1)</sup> 1993 c.43.

<sup>(2)</sup> Section 4 was amended by the Competition Act 1998 (c.41) paragraph 6(3) of Schedule 10, the Pollution Prevention and Control Act 1999 (c.24), paragraph 12 of Schedule 2, the Greater London Authority Act 1999 (c.29), section 200(4), the Transport Act 2000 (c.38), section 224, paragraph 9 of Schedule 16 and Part IV of Schedule 31, the Enterprise Act 2002 (c.40), paragraph 30(2)(b) of Schedule 25 and Schedule 26, the Railways and Transport Safety Act 2003 (c.20), paragraph 3 of Schedule 2 and Schedule 8, the Railways Act 2005 (c.14), section 3 and Part 1 of Schedule 13, and S.I. 2014/892.

<sup>(3)</sup> Section 6(4) was amended by the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2.

<sup>(4)</sup> Section 7 was amended by the Transport Act 2000, paragraph 2 of Schedule 17 and Part IV of Schedule 31, the Railways and Transport Safety Act 2003, paragraphs 3 and 4 of Schedule 2, and the Railways Act 2005, paragraph 1(2) of Schedule 1 and Part 1 of Schedule 13.

<sup>(5)</sup> Section 8 was amended by the Transport Act 2000, paragraph 4 of Schedule 17, paragraph 10 of Schedule 16 and Part IV of Schedule 31, the Railways and Transport Safety Act 2003, paragraphs 3 and 5 of Schedule 2, and the Railways Act 2005, paragraph 3 of Schedule 1 and Part 1 of Schedule 13.

<sup>(6)</sup> Section 9 was amended by the Transport Act 2000, paragraph 19 of Schedule 27, the Railways and Transport Safety Act 2003, paragraphs 3 and 6 of Schedule 2, and the Railways Act 2005, paragraph 2 of Schedule 11.

<sup>(7)</sup> Section 11(2) was amended by the Transport Act 2000, paragraph 5 of Schedule 17, the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2, and the Railways Act 2005, Part 1 of Schedule 13.

<sup>(8)</sup> Section 12 was amended by the Transport Act 2000, paragraph 6 of Schedule 17, the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2, and the Railways Act 2005, Part 1 of Schedule 13.

<sup>(9)</sup> Section 13 was amended by the Competition Act 1998, paragraph 15(2) of Schedule 10, the Transport Act 2000, paragraph 7 of Schedule 17 and Part IV of Schedule 31, the Enterprise Act 2002, Schedule 26, the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, the Railways Act 2005, paragraph 6 of Schedule 1 and Part 1 of Schedule 13, and the Enterprise and Regulatory Reform Act 2013 (c.24), paragraph 70 of Schedule 6.

<sup>(10)</sup> Section 13A was inserted by the Enterprise Act 2002, paragraph 30(4) of Schedule 25. It was subsequently amended by the Railways Act 2005, paragraph 7 of Schedule 1, and the Enterprise and Regulatory Reform Act 2013, paragraph 71 of Schedule 6.

<sup>(11)</sup> Section 14 was amended by the Competition Act 1998, Schedule 14, the Transport Act 2000, paragraph 8 of Schedule 17, the Enterprise Act 2002, paragraph 30(5) of Schedule 25, the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, the Railways Act 2005, paragraph 8 of Schedule 1 and Schedule 13, the Enterprise and Regulatory Reform Act 2013, paragraph 73 of Schedule 6, and S.I. 1999/506.

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- (k) section 15(12) (modification following report);
- (l) section 15A(1)(13) (CMA's power to veto modifications following report);
- (m) section 15B(2) and (5)(14) (making of modifications by CMA);
- (n) section 15C(2E), (2F) and (3)(15) (sections 15A and 15B: supplementary);
- (o) section 16(3)(16) (modification by order under other enactments);
- (p) section 16A(17) (provision, improvement and development of railway facilities);
- (q) section 16B(1)(18) (exemption of railway facilities from section 16A);
- (r) section 16C(19) (making of applications for directions);
- (s) section 16D(20) (procedure for considering applications);
- (t) section 16E(21) (decisions on applications: adequate reward);
- (u) section 16F(22) (other provisions about decisions);
- (v) section 16G(23) (directions: compliance, variation and revocation);
- (w) section 16H(24) (code of practice);
- (x) section 16I(2)(25) (supplementary);
- (y) section 17(1) and (5)(26) (access agreements: directions requiring facility owners to enter into contracts for the use of their railway facilities);
- (z) section 18(27) (access agreements: contracts requiring the approval of the Office of Rail Regulation);

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- (12) Section 15 was amended by the Transport Act 2000, section 242(1), paragraph 9 of Schedule 17 and Part IV of Schedule 31, the Railways and Transport Safety Act 2003, Schedule 8, the Railways Act 2005, Schedule 13, and the Enterprise and Regulatory Reform Act 2013, paragraph 74 of Schedule 6.
  - (13) Section 15A was inserted by the Transport Act 2000, section 242(2). It was subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, the Railways Act 2005, Part 1 of Schedule 13, and the Enterprise and Regulatory Reform Act 2013, paragraph 75 of Schedule 6.
  - (14) Section 15B was inserted by the Transport Act 2000, section 242(2). Subsections (2) and (5) were subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2, the Railways Act 2005, Part 1 of Schedule 13 and the Enterprise and Regulatory Reform Act 2013, paragraph 76(2) of Schedule 6.
  - (15) Section 15C was inserted by the Transport Act 2000, section 242(2). Subsections (2E), (2F) and (3) were amended by the Railways and Transport Safety Act 2003, paragraphs 3 and 8 of Schedule 2 and Schedule 8, the Enterprise and Regulatory Reform Act 2013, paragraph 77 of Schedule 6, and [S.I. 2014/892](#).
  - (16) Subsection (3) was amended by the Transport Act 2000, paragraph 10 of Schedule 17, the Enterprise Act 2002, paragraph 10(3) of Schedule 9, the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2, and the Railways Act 2005, Part 1 of Schedule 13.
  - (17) Section 16A was inserted by the Transport Act 2000, section 223, and subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 11 of Schedule 1.
  - (18) Section 16B was inserted by the Transport Act 2000, section 223. Subsection (1) was subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 11 of Schedule 1.
  - (19) Section 16C was inserted by the Transport Act 2000, section 223, and subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 11(1) of Schedule 1.
  - (20) Section 16D was inserted by the Transport Act 2000, section 223, and subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 11(1) of Schedule 1.
  - (21) Section 16E was inserted by the Transport Act 2000, section 223, and subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 11(1) of Schedule 1.
  - (22) Section 16F was inserted by the Transport Act 2000, section 223, and subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 11(1) of Schedule 1.
  - (23) Section 16G was inserted by the Transport Act 2000, section 223, and subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 11(1) of Schedule 1.
  - (24) Section 16H was inserted by the Transport Act 2000, section 223, and subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2.
  - (25) Section 16I was inserted by the Transport Act 2000, section 223. Subsection (2) was subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2.
  - (26) Subsections (1) and (5) were amended by the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2, [S.I. 1998/1340](#) and [S.I. 2005/3049](#).
  - (27) Section 18 was amended by the Transport Act 2000, sections 212(6), 230, paragraph 22 of Schedule 27 and Part IV of Schedule 31, the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 12 of Schedule 1, and [S.I. 2005/3049](#).

- (aa) section 19**(28)** (access agreements: contracts for the use, on behalf of the Secretary of State, of installations comprised in a network);
- (bb) section 19A**(29)** (review of access charges by Office of Rail Regulation);
- (cc) section 20**(30)** (exemption of railway facilities from sections 17, 18 and 22A);
- (dd) section 21**(31)** (model clauses for access contracts);
- (ee) section 22**(32)** (amendment of access agreements);
- (ff) section 22A**(33)** (directions to require amendment permitting more extensive use);
- (gg) section 22C**(34)** (amendment: supplementary);
- (hh) section 24(3)**(35)** (exemption of passenger services from section 23(1));
- (ii) section 26(2)**(36)** (invitations to tender for franchises);
- (jj) section 55(5ZA)**(37)**, (5A), (5AA)**(38)**, (5D)(b)**(39)** and (10)(a)**(40)** (orders for securing compliance);
- (kk) section 56(2A)**(41)** (procedural requirements for section 55 orders);
- (ll) section 57A(5) to (7)**(42)** (penalties);
- (mm) section 57B**(43)** (statement of policy);
- (nn) section 57C(3)**(44)** (procedural requirements for penalties);
- (oo) section 67**(45)** (competition functions of the Office of Rail Regulation);

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- (28)** Section 19 was amended by the Transport Act 2000, sections 230 and 233(2) and Part IV of Schedule 31, the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 3(b) of Schedule 11 and paragraph 12 of Schedule 1.
  - (29)** Section 19A was inserted by the Transport Act 2000, section 232(1) and subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2.
  - (30)** Section 20 was amended by the Transport Act 2000, paragraph 23 of Schedule 27 and Part IV of Schedule 31, and the Railways and Transport Safety Act 2003, paragraphs 3 and 9 of Schedule 2.
  - (31)** Section 21 was amended by the Railways and Transport Safety Act 2003, paragraphs 3 and 10 of Schedule 2 and Schedule 8.
  - (32)** Section 22 was amended by the Competition Act 1998, paragraph 15(5) of Schedule 10, the Transport Act 2000, section 232(1) and Part IV of Schedule 31, the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and [S.I. 2014/892](#).
  - (33)** Section 22A was inserted by the Transport Act 2000, section 232(2). It was subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2, and [S.I. 2005/3049](#).
  - (34)** Section 22C was inserted by the Transport Act 2000, section 232(2), and subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2.
  - (35)** Subsection (3) was amended by the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2, and the Railways Act 2005, paragraph 14 of Schedule 1 and Part 1 of Schedule 13.
  - (36)** Subsection (2) was amended by the Transport Act 2000, paragraph 16(3)(b) of Schedule 16, the Railways and Transport Act 2003, paragraph 3(a) of Schedule 2, and the Railways Act 2005, paragraph 15(3) of Schedule 1.
  - (37)** Subsection (5ZA) was inserted by the Transport Act 2000, paragraph 11(2) of Schedule 17. It was subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 21(4) of Schedule 1.
  - (38)** Subsections (5A) and (5AA) were inserted by the Enterprise and Regulatory Reform Act 2013, paragraph 12(2) of Schedule 14.
  - (39)** Subsection (5D) was inserted by the Railways Act 2005, paragraph 21(5) of Schedule 1. It was subsequently amended by the Enterprise and Regulatory Reform Act 2013, paragraph 12(3) of Schedule 14.
  - (40)** Subsection (10)(a) was amended by the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2.
  - (41)** Subsection (2A) was inserted by the Transport Act 2000, paragraph 12 of Schedule 17. It was subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 22 of Schedule 1.
  - (42)** Section 57A was inserted by the Transport Act 2000, section 225(1). Subsections (5) to (7) were subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 23 of Schedule 1, and the Enterprise and Regulatory Reform Act 2013, paragraph 13 of Schedule 14.
  - (43)** Section 57B was inserted by the Transport Act 2000, section 225(1). It was subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, paragraph 13 of Schedule 2 and Schedule 8, and the Railways Act 2005, paragraph 24(1) of Schedule 1.
  - (44)** Section 57C was inserted by the Transport Act 2000, section 225(1). Subsection (3) was subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 25 of Schedule 1.
  - (45)** Section 67 was amended by the Deregulation and Contracting Out Act 1994 ([c.40](#)), paragraph 13 of Schedule 2, paragraph 4 of Schedule 4 and Schedule 17, the Competition Act 1998, paragraph 6 of Schedule 10 and Part 1 of Schedule 14, the Transport Act 2000, section 243(3), the Enterprise Act 2002, paragraph 21 of Schedule 9, paragraph 30(9)(a) of Schedule 25 and Schedule 26, the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, the Railways Act 2005, Part 1 of

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- (pp) section 68**(46)** (investigatory functions);
- (qq) section 69**(47)** (general functions);
- (rr) section 71**(48)** (publication of information and advice);
- (ss) section 72**(49)** (keeping of register by the Office of Rail Regulation);
- (tt) section 73(7)**(50)** (keeping of register by the Secretary of State);
- (uu) section 73A**(51)** (keeping of register by the Scottish Ministers);
- (vv) section 74**(52)** (annual and other reports of the Office of Rail Regulation);
- (ww) section 76(5A)**(53)** (general railway duties of Passengers' Council);
- (xx) section 80**(54)** (duty of certain persons to furnish information to the Secretary of State, the Scottish Ministers or the Office of Rail Regulation on request);
- (yy) section 95(1)**(55)** (power of the Secretary of State or the Franchising Director to require provision of information in connection with transfer schemes);
- (zz) section 118(1)(a), (3), (5) and (9)**(56)** (control of railways in time of hostilities, severe international tension or great national emergency);
- (aaa) section 145(2)(a)**(57)**, (ga) and (gb)**(58)**, (5)**(59)** and (6A)**(60)**, (general restrictions on disclosure of information);
- (bbb) Schedule 4**(61)** (access agreements: applications for access contracts);
- (ccc) the following provisions of Schedule 4A**(62)** (review of access charges by Regulator)—
  - (i) paragraphs 1 and 1A to 1H**(63)**,

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- Schedule 13, the Enterprise and Regulatory Reform Act 2013, paragraph 14 of Schedule 14 and paragraph 7 of Schedule 15, [S.I. 2003/1398](#), [S.I. 2004/1261](#), [S.I. 2012/1069](#) and [S.I. 2014/892](#).
- (46)** Section 68 was amended by the Transport Act 2000, paragraph 13 of Schedule 17 and Part IV of Schedule 31, the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, the Railways Act 2005, section 21(2) and Part 1 of Schedule 13, and [S.I. 2010/439](#).
  - (47)** Section 69 was amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, the Railways Act 2005, Part 1 of Schedule 13, and [S.I. 2014/892](#).
  - (48)** Section 71 was amended by the Enterprise Act 2002, paragraph 30(11)(b) of Schedule 25, the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2, and [S.I. 2014/892](#).
  - (49)** Section 72 was amended by the Transport Act 2000, section 230(5), paragraph 15 of Schedule 17 and paragraph 36(3) of Schedule 27, the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, the Railways Act 2005, Part 1 of Schedule 13, [S.I. 2005/3050](#) and [S.I. 2014/892](#).
  - (50)** Subsection (7) was amended by the Railways Act 2005, paragraph 30(1) of Schedule 1.
  - (51)** Section 73A was inserted by the Railways Act 2005, paragraph 31 of Schedule 31.
  - (52)** Section 74 was amended by the Transport Act 2000, Part IV of Schedule 31, the Railways and Transport Safety Act 2003, paragraphs 3 and 14(a) of Schedule 2, and the Enterprise and Regulatory Reform Act 2013, paragraph 79(2) of Schedule 6.
  - (53)** Subsection (5A) was inserted by the Transport Act 2000, paragraph 20(4) of Schedule 17. It was subsequently amended by the Railways and Transport Safety Act 2003, paragraphs 3 and 15 of Schedule 2, the Railways Act 2005, paragraph 32(1) of Schedule 1, and [S.I. 2010/439](#).
  - (54)** Section 80 was amended by the Transport Act 2000, paragraph 38 of Schedule 27 and Part IV of Schedule 31, the Railways Act 2005, paragraph 33 of Schedule 1, paragraph 12 of Schedule 11, and [S.I. 2005/3050](#).
  - (55)** Subsection (1) was amended by the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2.
  - (56)** Subsections (1)(a), (3), (5) and (9) were amended by the Transport Act 2000, paragraph 49(3) of Schedule 16, the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2, and the Railways Act 2005, Part 1 of Schedule 13.
  - (57)** Subsection (2)(a) was amended by the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2, the Railways Act 2005, paragraph 16(1)(a) of Schedule 11 and Part 1 of Schedule 13, and [S.I. 2014/892](#).
  - (58)** Paragraphs (ga) and (gb) were inserted by [S.I. 2005/3050](#) and subsequently amended by [S.I. 2009/1122](#).
  - (59)** Subsection (5) was amended by the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2, the Railways Act 2005, paragraph 16(2) of Schedule 11 and Part 1 of Schedule 13, [S.I. 2010/439](#), and [S.I. 2014/892](#).
  - (60)** Subsection (6A) was inserted by the Competition Act 1998, paragraph 15(10) of Schedule 10. It was subsequently amended by the Enterprise Act 2002, paragraph 30(14)(c)(ii) of Schedule 25, the Railway and Transport Safety Act 2003, paragraph 3(a) of Schedule 2, and [S.I. 2014/892](#).
  - (61)** Schedule 4 was amended by the Transport Act 2000, Part IV of Schedule 31, and the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2.
  - (62)** Schedule 4A was inserted by the Transport Act 2000, Schedule 24.
  - (63)** Paragraphs 1 and 1A to 1H were substituted by the Railways Act 2005, paragraph 2 of Schedule 4.

- (ii) paragraphs 4 to 9(**64**), and
- (iii) paragraphs 11 to 16(**65**); and
- (ddd) paragraphs 7 to 10 of Schedule 6(**66**) (railway administration orders).

### **Railways and Transport Safety Act 2003**

**2.** In the following provisions of, and headings in, the Railways and Transport Safety Act 2003, for a reference to the Office of Rail Regulation substitute a reference to the Office of Rail and Road—

- (a) the heading to Part 2 (Office of Rail Regulation);
- (b) section 15(1) (establishment);
- (c) section 62(1)(k) (public consultation);
- (d) the heading to, and paragraph 1(1) of, Schedule 1 (Office of Rail Regulation: constitution); and
- (e) Schedule 3 (abolition of rail regulator: savings).

### **Railways Act 2005**

**3.** In the following provisions of the Railways Act 2005(**67**), for a reference to the Office of Rail Regulation substitute a reference to the Office of Rail and Road—

- (a) section 22(7)(b) and (9)(c) (proposal by service operator to discontinue non-franchised services);
- (b) section 23 (proposal by funding authority to discontinue non-franchised services);
- (c) section 24 (proposals to discontinue franchised or secured services);
- (d) section 25(6) (proposal to discontinue excluded services);
- (e) section 26 (proposal by operator to close passenger network);
- (f) section 27 (proposal by funding authority to close passenger network);
- (g) section 28 (proposal to discontinue operation of secured network);
- (h) section 29 (proposal by operator to close station);
- (i) section 30 (proposal by funding authority to close station);
- (j) section 31 (proposal to discontinue operation of secured station);
- (k) section 32 (references to the ORR);
- (l) section 33(**68**) (closure requirements);
- (m) section 34 (minor modifications);
- (n) section 36(6) (designation of experimental passenger services);
- (o) section 37(5) (discontinuance of experimental passenger services);
- (p) section 45(3)(b)(iii) (interpretation of Part 4);

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**(64)** Paragraphs 4 to 9 were amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, the Railways Act 2005, paragraphs 4 to 7 of Schedule 4 and Part 1 of Schedule 13, the Enterprise and Regulatory Reform Act 2013, paragraph 81 of Schedule 6,

**(65)** Paragraphs 11 to 16 were amended by the Enterprise Act 2002, paragraph 30(15) of Schedule 25, the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, the Railways Act 2005, paragraph 8 to 10 of Schedule 4, the Enterprise and Regulatory Reform Act 2013, paragraph 81 of Schedule 6, and [S.I. 2014/892](#).

**(66)** Paragraphs 7 to 10 were amended by the Railways and Transport Safety Act 2003, paragraph 18 of Schedule 2 and [S.I. 2009/1941](#).

**(67)** [2005 c.14](#).

**(68)** Section 33 was amended by the Local Transport Act 2008 ([c.26](#)), paragraph 66(3) of Schedule 4, and the Local Democracy, Economic Development and Construction Act 2009 ([c.20](#)), paragraph 110 of Schedule 6.

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- (q) section 51 (ORR to assist and advise national authorities);
- (r) paragraphs 10(2), 24(2) and 26(2)(b) of Schedule 1 (transfer and abolition of functions);
- (s) the following provisions of Schedule 3 (transfer of safety functions)—
  - (i) paragraph 1(5)(a) (railway safety purposes),
  - (ii) paragraph 2(**69**) (ORR’s principal railway safety functions),
  - (iii) paragraphs 4(**70**) to 6 (reports and investigations),
  - (iv) paragraph 7(**71**) (ORR acting as agent of government departments and other public authorities),
  - (v) paragraph 8 (government departments and other public authorities acting as agent of ORR),
  - (vi) paragraph 10(1) and (2)(**72**) (co-operation with the HSC),
  - (vii) paragraph 11 (information powers corresponding to section 27 of the 1974 Act), and
  - (viii) paragraph 15 (interpretation);
- (t) paragraph 11 of Schedule 4 (reviews by ORR of access charges and licence conditions: commencement of Schedule);
- (u) paragraph 16(2)(a)(**73**) of Schedule 5 (admission of public to meetings); and
- (v) paragraph 34(1) of Schedule 10 (taxation provisions: interpretation of Schedule).

#### Other enactments

4. In the following enactments and in the headings referred to, for a reference to the Office of Rail Regulation substitute a reference to the Office of Rail and Road—

- (a) section 13(1A) and (12) of the Transport Act 1962(**74**) (the Boards’ powers of manufacture and production);
- (b) Schedule 2 to the Parliamentary Commissioner Act 1967(**75**) (departments etc. subject to investigation);
- (c) the following provisions of the Health and Safety at Work etc. Act 1974(**76**)—
  - (i) section 15(3B)(**77**) (health and safety regulations),
  - (ii) section 18(**78**) (authorities responsible for enforcement of the relevant statutory provisions),
  - (iii) section 43A(**79**) (railway safety levy), and
  - (iv) section 50(1A)(a)(**80**) (regulations under the relevant statutory provisions);

(69) Paragraph 2 was amended by the Energy Act 2013, paragraph 84 of Schedule 12.

(70) Paragraph 4 was amended by the Energy Act 2013, paragraph 85 of Schedule 12.

(71) Paragraph 7 was amended by the Road Safety Act 2006, section 51(1).

(72) Sub-paragraph (2) was amended by S.I. 2008/960.

(73) Sub-paragraph (2)(a) was amended by S.I. 2010/439.

(74) 1962 c.46. Subsection (1A) was inserted by the Railways Act 1993, section 128. Subsections (1A) and (12) were amended by the Railways and Transport Safety Act 2003, paragraph 19(a) of Schedule 2.

(75) 1967 c.13. Schedule 2 was substituted by S.I. 2011/2986.

(76) 1974 c.37.

(77) Section 15(3B) was inserted by the Energy Act 2013 (c.32), paragraphs 5(1) and (2) of Schedule 12.

(78) Section 18 was amended by the Employment Protection Act 1975 (c.71) paragraph 8 of Schedule 15 and Schedule 18, the Energy Act 2013, paragraph 6 of Schedule 12, and S.I. 2008/960.

(79) Section 43A was inserted by section 105(1) of the Railways and Transport Safety Act 2003. It was subsequently amended by the Railways Act 2005, paragraph 12 of Schedule 3.

(80) Section 50(1A) was inserted by the Railways Act 2005, paragraph 13 of Schedule 3.

- (d) Part II of Schedule 1 to the House of Commons Disqualification Act 1975**(81)** (bodies of which all members are disqualified);
- (e) section 1 of the Level Crossings Act 1983**(82)** (safety arrangements at level crossings);
- (f) section 101(2)(b) of the Telecommunications Act 1984**(83)** (general restrictions on disclosure of information);
- (g) section 74(2)(a) of the Airports Act 1986**(84)** (restriction on disclosure of information);
- (h) section 9E(2)(d) of the Company Directors Disqualification Act 1986**(85)** (disqualification for competition infringement: interpretation);
- (i) Schedule 15 to the Water Industry Act 1991**(86)** (disclosure of information);
- (j) Schedule 24 to the Water Resources Act 1991**(87)** (disclosure of information);
- (k) section 37(2) of the Deregulation and Contracting Out Act 1994**(88)** (power to repeal certain health and safety provisions);
- (l) the following provisions of the Channel Tunnel Rail Link Act 1996**(89)**—
  - (i) section 17**(90)** (access agreements),
  - (ii) the cross-heading before section 21,
  - (iii) section 21**(91)** (duties as to exercise of regulatory functions), and
  - (iv) section 21A**(92)** (fees);
- (m) section 54(1)(e)**(93)** of the Competition Act 1998**(94)** (regulators);
- (n) the following provisions of the Greater London Authority Act 1999**(95)** and, in the case of section 228, the heading preceding it—

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**(81)** 1975 c.24. The words “the Office of Rail Regulation” were inserted by the Railways and Transport Safety Act 2003, paragraph 21(a) of Schedule 2.

**(82)** 1983 c.16. Section 1 was amended by the Road Traffic Regulation Act 1984 (c.27), Schedule 13, the Transport and Works Act 1992 (c.42), section 51, the Railways Act 2005, paragraph 6(2) of Schedule 12, the Road Safety Act 2006 (c.49), sections 50, 59 and Schedule 7, and S.I. 1997/487.

**(83)** 1984 c.12. Paragraph (b) was amended by the Water Act 1989 (c.15), paragraph 68 of Schedule 25, the Electricity Act 1989 (c.29), paragraph 29 of Schedule 16, the Railways Act 1993 (c.43), paragraph 13(1) of Schedule 12, the Utilities Act 2000 (c.27), section 3(2), the Railways and Transport Safety Act 2003, paragraph 19(g) of Schedule 2, the Communications Act 2003 (c.21), paragraph 72(4) of Schedule 17, the Water Act 2003 (c.37), paragraph 23(a) of Schedule 7, S.I. 1992/231, S.I. 1996/275, S.I. 1998/915, S.I. 2001/4050 and S.I. 2014/892.

**(84)** 1986 c.31. Section 74(2)(a) was amended by the Water Act 1989, paragraph 76 of Schedule 25, the Electricity Act 1989, paragraph 33 of Schedule 16, the Railways Act 1993, paragraph 23(1) of Schedule 22, the Railways and Transport Safety Act 2003, paragraph 19(i) of Schedule 2, the Utilities Act 2000, section 3(2), the Water Act 2003, paragraph 24(a) of Schedule 7, S.I. 1992/231, S.I. 1996/275, S.I. 1998/915, S.I. 2011/1043 and S.I. 2014/892.

**(85)** 1986 c.46. Section 9E was inserted by the Enterprise Act 2002, section 204(2). Subsection (2)(d) was amended by the Railways and Transport Safety Act 2003, paragraph 19(j) of Schedule 2.

**(86)** 1991 c.56. The entry in Schedule 15 for “The Office of Rail Regulation” was substituted for the entry “The Rail Regulator” (as inserted by the Railways Act 1993, paragraph 30(a) of Schedule 12) by the Railways and Transport Safety Act 2003, paragraph 19(l) of Schedule 2.

**(87)** 1991 c.57. The entry in Schedule 24 for “The Office of Rail Regulation” was substituted for the entry “The Rail Regulator” (as inserted by the Railways Act 1993, paragraph 31(a) of Schedule 12) by the Railways and Transport Safety Act 2003, paragraph 19(m) of Schedule 2.

**(88)** 1994 c.40. Section 37(2) was amended by the Railways Act 2005, paragraph 12(2) of Schedule 12, the Energy Act 2013, paragraphs 71(3) of Schedule 12, and S.I. 2008/960.

**(89)** 1996 c.61.

**(90)** Section 17 was amended by the Railways and Transport Safety Act 2003, paragraph 19(o) of Schedule 2, and the Channel Tunnel Rail Link (Supplementary Provisions) Act 2008 (c.5), section 2.

**(91)** Section 21 was amended by the Competition Act 1998, paragraph 16(2) of Schedule 10, the Enterprise Act 2002, paragraph 35(2)(b) of Schedule 25, the Railways and Transport Safety Act 2003, paragraphs 19(o) and 22(a) and (b) of Schedule 2, the Channel Tunnel Rail Link (Supplementary Provisions) Act 2008, section 3, and S.I. 2014/892.

**(92)** Section 21A was inserted by the Channel Tunnel Rail Link (Supplementary Provisions) Act 2008, section 4.

**(93)** Subsection 1(e) was amended by the Enterprise Act 2002, paragraph 38(41)(a) of Schedule 25, and the Railways and Transport Safety Act 2003, paragraph 19(p) of Schedule 2.

**(94)** 1998 c.41.

**(95)** 1999 c.29.

*Status: This is the original version (as it was originally made).*

- (i) section 199(1)(**96**) (licence exemptions and facility exemptions),
- (ii) section 200(1) and (2)(**97**) (railway access contracts),
- (iii) section 228(**98**) (same person as PPP arbiter and Office of Rail Regulation: duties of staff),
- (iv) section 235(2)(b)(**99**) (restrictions on disclosure of information),
- (v) section 252B(1)(b)(**100**) (references to Committee in relation to railways),
- (vi) section 252C(5)(**101**) (action on investigation under section 252B), and
- (vii) paragraph 15(2)(a) of Schedule 18(**102**) (London Transport Users' Committee);
- (o) section 105(5)(h) of the Utilities Act 2000(**103**) (general restrictions on disclosure of information);
- (p) the following provisions of, and headings in, the Transport Act 2000(**104**)—
  - (i) the heading to section 215,
  - (ii) section 216(**105**) (assumption of certain functions of Office of Rail Regulation) and the heading preceding it,
  - (iii) paragraph 3(2)(k)(**106**) of Schedule 9 (air traffic: information),
  - (iv) paragraph 13(3)(a)(**107**) of Schedule 10 (competition test: functions and agreements relating to buses),
  - (v) the heading to Schedule 17 (transfers to SRA from Office of Rail Regulation), and
  - (vi) the heading to Part II of Schedule 26 (transfers to SRA from Franchising Director, Secretary of State and Office of Rail Regulation);
- (q) the following provisions of the Enterprise Act 2002(**108**)—
  - (i) section 136(7)(e) and (8)(**109**) (investigations and reports on market investigation references), and
  - (ii) section 168(4)(h) and (j), and (5)(i)(**110**) (regulated markets);
- (r) section 24(5)(c) of the Legislative and Regulatory Reform Act 2006(**111**) (functions to which sections 21 and 22 apply);
- (s) the following provisions of the Regulatory Enforcement and Sanctions Act 2008(**112**)—
  - (i) section 73(2)(c) (functions to which section 72 applies), and
  - (ii) Schedule 5 (designated regulators);

**(96)** Section 199(1) was amended by the Railways and Transport Safety Act 2003, paragraph 19(q) of Schedule 2.

**(97)** Section 200(1) and (2) was amended by the Railways and Transport Safety Act 2003, paragraph 19(q) of Schedule 2.

**(98)** Section 228 was amended by the Railways and Transport Safety Act 2003, paragraphs 19(q), 20 and 23 of Schedule 2.

**(99)** Section 235(2)(b) was amended by the Railways and Transport Safety Act 2003, paragraph 19(q), the Railways Act 2005, paragraph 14(1) and (5)(b) of Schedule 12, *S.I. 2005/3029* and *S.I. 2014/892*.

**(100)** Section 252B was inserted by the Railways Act 2005, paragraph 3 of Schedule 6. Subsection (1)(b) was subsequently amended by *S.I. 2010/439*.

**(101)** Section 252C was inserted by the Railways Act 2005, paragraph 3 of Schedule 6.

**(102)** Paragraph 15(2)(a) was amended by the Railways and Transport Safety Act 2003, paragraph 19(q) of Schedule 2.

**(103)** *2000 c.27*. Subsection (5)(h) was amended by the Railways and Transport Safety Act 2003, paragraph 19(s) of Schedule 2.

**(104)** *2000 c.38*.

**(105)** Section 216 was amended by the Railways and Transport Safety Act 2003, paragraph 19(t)(ii) of Schedule 2.

**(106)** Sub-paragraph (2)(k) was amended by the Railways and Transport Safety Act 2003, paragraph 19(t)(iii) of Schedule 2.

**(107)** Sub-paragraph (3)(a) was amended by the Railways and Transport Safety Act 2003, paragraph 19(t)(iv) of Schedule 2.

**(108)** *2002 c.40*.

**(109)** Section 136(7)(e) and (8) were amended by the Railways and Transport Safety Act 2003, paragraph 19(u) of Schedule 2.

**(110)** Section 168(4)(h) and (j) and (5)(i) were amended by the Railways and Transport Safety Act 2003, paragraph 19(u) of Schedule 2.

**(111)** *2006 c.51*.

**(112)** *2008 c.13*.



- (t) the following provisions of the Crossrail Act 2008(**113**)—
  - (i) section 22 (objective of ORR in relation to Crossrail),
  - (ii) section 23 (duty of ORR to publish reports),
  - (iii) section 30(5) (duty to co-operate), and
  - (iv) section 54 (arbitration);
- (u) paragraph 4(2) of Schedule 6 of the Civil Aviation Act 2012(**114**) (restrictions on disclosing information);
- (v) the following provisions of the Enterprise and Regulatory Reform Act 2013(**115**)—
  - (i) section 52(4)(d) (power to remove concurrent competition functions of sectoral regulators),
  - (ii) section 53(2)(c) (orders under section 52: procedural requirements), and
  - (iii) paragraph 16(7)(d) of Schedule 4 (the Competition and Markets Authority);
- (w) the following provisions of the Energy Act 2013(**116**)—
  - (i) section 84(6) (investigations),
  - (ii) section 89(8)(h) (provision of information or advice to relevant authorities),
  - (iii) section 90(2)(a)(ii) (arrangements with government departments etc.), and
  - (iv) paragraph 10(2)(h) of Schedule 9 (protected information: permitted disclosures and restrictions on use);
- (x) sections 10(1), 11(1), 12(1) and 13(1) of the Infrastructure Act 2015(**117**) (monitor); and
- (y) paragraph 8(1)(i) of Schedule 3 to the Consumer Rights Act 2015(**118**) (enforcement of the law on unfair contract terms and notices).

## PART 2

### Amendments to secondary legislation

#### **Railways Infrastructure (Access and Management) Regulations 2005**

5. In the following provisions of the Railways Infrastructure (Access and Management) Regulations 2005(**119**), for a reference to the Office of Rail Regulation substitute a reference to the Office of Rail and Road—

- (a) regulation 2(3) (amendments, repeals, revocations and transitional provisions);
- (b) regulation 3(1) (interpretation);
- (c) regulation 5(5) (access rights);
- (d) regulation 6(4) (access to terminals and ports);
- (e) regulation 7(7) (access to services);
- (f) regulation 10 (business plans);
- (g) regulation 11 (network statement);

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(113) 2008 c.18.

(114) 2012 c.19.

(115) 2013 c.24.

(116) 2013 c.32.

(117) 2015 c.7.

(118) 2015 c.15.

(119) S.I. 2005/3049, amended by S.I. 2009/1122; there are other amending instruments but none is relevant.

*Status: This is the original version (as it was originally made).*

- (h) regulation 12 (establishing, determining and collecting charges);
- (i) regulation 13 (infrastructure costs and accounts);
- (j) regulation 16 (capacity allocation);
- (k) regulation 18(12) (framework agreements);
- (l) regulation 20(7) (scheduling and co-ordination);
- (m) regulation 22(3) (declaration of specialised infrastructure);
- (n) regulation 23(3) (congested infrastructure);
- (o) regulation 25(6) (capacity enhancement plan);
- (p) regulation 28 (regulatory body);
- (q) regulation 29 (appeals to the regulatory body);
- (r) regulation 29A (regulatory decisions concerning international passenger services);
- (s) regulation 30 (competition in the rail services market);
- (t) regulation 31 (provision of information to the regulatory body);
- (u) regulation 32(2) (the International Rail Regulator);
- (v) regulation 36(3) (civil proceedings); and
- (w) paragraph 2 of Schedule 3 (principles of access charging).

### **Railways and Other Guided Transport Systems (Safety) Regulations 2006**

**6.** In the following provisions of the Railways and Other Guided Transport Systems (Safety) Regulations 2006(**120**), for a reference to the Office of Rail Regulation substitute a reference to the Office of Rail and Road—

- (a) regulation 2(1) (interpretation and application);
- (b) regulation 2A (determination of exclusion from the mainline railway);
- (c) regulation 5(7) (safety management system for the mainline railway);
- (d) regulation 7 (safety certificate);
- (e) regulation 8 (amended safety certificate);
- (f) regulation 9 (further safety certificate);
- (g) regulation 10 (safety authorisation);
- (h) regulation 11 (amended safety authorisation);
- (i) regulation 12 (further safety authorisation);
- (j) regulation 13 (notice of changes by holder of a safety certificate or a safety authorisation);
- (k) regulation 14 (direction to apply for an amended safety certificate or safety authorisation);
- (l) regulation 15 (revocation of safety certificate);
- (m) regulation 16 (revocation of safety authorisation);
- (n) regulation 17 (general provisions relating to safety certificates and safety authorisations);
- (o) regulation 18 (notification to the European Railway Agency regarding safety certificates and safety authorisations relating to the mainline railway);
- (p) regulation 20 (annual safety reports);

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(120) S.I. 2006/599, relevant amending instruments are S.I. 2011/1860, 2013/950.

- (q) regulation 21 (sending, issuing, and keeping of documents and making them available for public inspection);
- (r) regulation 27 (appeals);
- (s) regulation 28 (offences);
- (t) regulation 29 (transitional provisions and savings);
- (u) regulation 30 (exemptions);
- (v) paragraph 2(c)(iv) of Schedule 1 (basic elements of the safety management system);
- (w) paragraph 1(b)(i)(aa) of Schedule 2 (information to be included for a mainline application);
- (x) paragraph 6(2) of Part 1 of Schedule 3 (indicators to calculate the economic impact of accidents); and
- (y) paragraph 4(4) of Part 2 of Schedule 3 (indicators relating to precursors of accidents).

### **Railway Safety Levy Regulations 2006**

7. In the following provisions of the Railway Safety Levy Regulations 2006(**121**) and, in the case of regulation 3 in the heading preceding it, for a reference to the Office of Rail Regulation substitute a reference to the Office of Rail and Road—

- (a) regulation 3 (determination of matters by the Office of Rail Regulation);
- (b) regulation 4 (requests for information);
- (c) regulation 6 (assumptions);
- (d) regulation 7 (payment of the railway safety levy); and
- (e) regulation 8 (refunds).

### **REACH Enforcement Regulations 2008**

8. In the following provisions of the REACH Enforcement Regulations 2008(**122**) and, in the case of Part 5 of Schedule 3 and Part 2 of Schedule 6 in their headings, for a reference to the Office of Rail Regulation substitute a reference to the Office of Rail and Road—

- (a) regulation 2(2) (interpretation);
- (b) regulation 6(1)(b) (health and safety enforcement);
- (c) Schedule 1 (table of REACH provisions);
- (d) paragraph 6 of Schedule 2 (functions of enforcing authorities);
- (e) Part 5 of Schedule 3 (health and safety enforcement: the Office of Rail Regulation);
- (f) paragraph 1 of Schedule 5A (placing asbestos-containing articles on the market);
- (g) Part 2 of Schedule 6 (powers of enforcement); and
- (h) Schedule 7 (authorisations).

### **Railways (Interoperability) Regulations 2011**

9. In the following provisions of the Railways (Interoperability) Regulations 2011(**123**), for a reference to the Office of Rail Regulation substitute a reference to the Office of Rail and Road—

- (a) regulation 2(1) (interpretation);

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(121) S.I. 2006/1010.

(122) S.I. 2008/2852, amended by S.I. 2013/2919; there are other amending instruments but none is relevant.

(123) S.I. 2011/3066.

*Status: This is the original version (as it was originally made).*

- (b) regulation 36(10) (national vehicle register);
- (c) regulation 39 (enforcement in Great Britain);
- (d) regulation 41 (notices relating to interoperability constituents not meeting the essential requirements); and
- (e) regulation 42 (notice of improper drawing up of the EC declaration of conformity or suitability for use for an interoperability constituent).

### Other enactments

**10.** In the following enactments and in the headings referred to, for a reference to the Office of Rail Regulation substitute a reference to the Office of Rail and Road—

- (a) regulation 8(3) of the Dangerous Substances (Notification and Marking of Sites) Regulations 1990(**124**) (enforcing authority);
- (b) regulation 2 of the Railway Safety (Miscellaneous Provisions) Regulations 1997(**125**) (interpretation);
- (c) regulation 3 of the Health and Safety (Enforcing Authority) Regulations 1998(**126**) (local authorities to be enforcing authorities in some cases);
- (d) regulation 28(1) of the Working Time Regulations 1998(**127**) (enforcement);
- (e) regulation 2(1) of the Railway Safety Regulations 1999(**128**) (interpretation);
- (f) the following provisions of the Radiation (Emergency Preparedness and Public Information) Regulations 2001(**129**) and, in the case of regulation 18A, the heading preceding it—
  - (i) regulation 18A (modifications relating to the Office of Rail Regulation), and
  - (ii) regulation 18B(2)(b) (modifications relating to the Office of Nuclear Regulation);
- (g) regulation 16A of the Control of Substances Hazardous to Health Regulations 2002(**130**) (modifications relating to the Office of Rail Regulation) and the heading preceding it;
- (h) regulation 2(1) of the Control of Vibration at Work Regulations 2005(**131**) (interpretation);
- (i) article 26(3) of the Regulatory Reform (Fire Safety) Order 2005(**132**) (enforcement of order);
- (j) regulation 2(1) of the Control of Noise at Work Regulations 2005(**133**) (interpretation);
- (k) regulation 2(1) of the Railways (Accident Investigation and Reporting) Regulations 2005(**134**) (interpretation);
- (l) regulation 2(1) of the Railway (Licensing of Railway Undertakings) Regulations 2005(**135**) (interpretation);

(124) S.I. 1990/304, amended by S.I. 2014/469; there are other amending instruments but none is relevant.

(125) S.I. 1997/553, amended by S.I. 2006/557; there are other amending instruments but none is relevant.

(126) S.I. 1998/494, amended by S.I. 2006/557, there are other amending instruments but none is relevant.

(127) S.I. 1998/1833, relevant amending instruments are S.I. 2003/1684, 2006/557.

(128) S.I. 1999/2244, amended by S.I. 2006/557; there are other amending instruments but none is relevant.

(129) S.I. 2001/2975, relevant amending instruments are S.I. 2006/557, 2014/469.

(130) S.I. 2002/2677, amended by S.I. 2006/557; there are other amending instruments but none is relevant.

(131) S.I. 2005/1093, amended by S.I. 2014/469.

(132) S.I. 2005/1541, amended by the Energy Act 2013, paragraph 89 of Schedule 12, and S.I. 2008/960; there are other amending instruments but none is relevant.

(133) S.I. 2005/1643, amended by S.I. 2014/469; there are other amending instruments but none is relevant.

(134) S.I. 2005/1992, amended by S.I. 2006/557; there are other amending instruments but none is relevant.

(135) S.I. 2005/3050, to which there are amendments not relevant to these Regulations.

- (m) the following provisions of the Channel Tunnel (International Arrangements) Order 2005(**136**) and, in the case of article 4A, the heading preceding it—
  - (i) article 2 (interpretation), and
  - (ii) article 4A (role of the Office of Rail Regulation);
- (n) regulation 5 of the Railways (Access to Training Services) Regulations 2006(**137**) (appeal to the regulatory body);
- (o) the following provisions of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006(**138**) and, in the case of regulation 5A, the heading preceding it—
  - (i) regulation 3 (enforcing authority),
  - (ii) regulation 4(4) (exceptions),
  - (iii) regulation 5A (assignment of responsibility for enforcement in cases of uncertainty: the Office of Rail Regulation), and
  - (iv) regulation 7 (transitional provisions);
- (p) row 25 of the table in Schedule 5 to the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(**139**) (those to be served with a copy of the application and documents);
- (q) article 15 of the London Gateway Logistics and Commercial Centre Order 2007(**140**) (maintenance of approved works, etc.);
- (r) articles 4 (enforcement of the Regulation) and 5 (access to training facilities) of the Channel Tunnel (Safety) Order 2007(**141**);
- (s) article 44(2) of the London Gateway Port Harbour Empowerment Order 2008(**142**) (power to operate and use railways);
- (t) the following provisions of the Supply of Machinery (Safety) Regulations 2008(**143**) and, in the case of paragraph 7 of Schedule 5, the heading preceding it—
  - (i) regulation 2(2) (interpretation),
  - (ii) regulation 21(2)(a) (non-compliance with CE marking requirements), and
  - (iii) paragraphs 3 and 6 to 8 of Schedule 5 (enforcement);
- (u) the following provisions of the Cross-border Railway Services (Working Time) Regulations 2008(**144**)—
  - (i) regulation 9(2)(b) (records),
  - (ii) regulation 10(1) (enforcement),
  - (iii) regulation 15(1) (prosecutions by inspectors), and
  - (iv) Schedule 2 (enforcement);
- (v) regulation 32 of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009(**145**) (enforcement);

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(136) S.I. 2005/3207.

(137) S.I. 2006/598.

(138) S.I. 2006/557, relevant amending instruments are S.I. 2007/1573, 2008/2323, 2014/469.

(139) S.I. 2006/1466, to which there are amendments not relevant to these Regulations.

(140) S.I. 2007/2657.

(141) S.I. 2007/3531, to which there are amendments not relevant to these Regulations.

(142) S.I. 2008/1261, to which there are amendments not relevant to these Regulations.

(143) S.I. 2008/1597, to which there are amendments not relevant to these Regulations.

(144) S.I. 2008/1660. Schedule 2 was amended by the Protection of Freedoms Act 2012 (c.9), paragraph 14(1) of Schedule 2, and Part 2 of Schedule 10. There are also amending instruments but none is relevant.

(145) S.I. 2009/1348, amended by S.I. 2014/469; there are other amending instruments but none is relevant.

*Status: This is the original version (as it was originally made).*

- (w) Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009(**146**);
- (x) Schedule 2 to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010(**147**);
- (y) regulations 3 (rail vehicles first used after 31st December 1998) and 6 (enforcement) of the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010(**148**);
- (z) the following provisions of the Train Driving Licences and Certificates Regulations 2010(**149**)—
  - (i) regulation 2 (interpretation),
  - (ii) regulation 3(1A) (application and extent),
  - (iii) regulation 38(5) (enforcement), and
  - (iv) paragraph 2(d)(iv) of Schedule 2 (contents of the licence);
- (aa) regulation 1(2) of the Control of Artificial Optical Radiation at Work Regulations 2010(**150**) (citation, commencement and interpretation);
- (bb) the following provisions of the Rail Passengers' Rights and Obligations Regulations 2010(**151**) and, in the case of regulation 13, the heading preceding it—
  - (i) regulation 3(1) (interpretation), and
  - (ii) regulation 13 (enforcement body: the Office of Rail Regulation);
- (cc) Schedule 1 to the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011(**152**) (consultation and notification);
- (dd) regulation 2(1) of the Control of Asbestos Regulations 2012(**153**) (interpretation);
- (ee) regulation 4(1)(h) of the Town and Country Planning (Local Planning) (England) Regulations 2012(**154**) (duty to co-operate);
- (ff) article 3 of the Postal Services Act 2011 (Disclosure of Information) Order 2012(**155**) (prescription of bodies and persons);
- (gg) paragraph 28(2) of Schedule 7 to the Network Rail (Ipswich Chord) Order 2012(**156**) (protective provisions);
- (hh) paragraph 11 of Schedule 2 to the Network Rail (North Doncaster Chord) Order 2012(**157**) (alteration, reconstruction or replacement of level crossings);
- (ii) regulation 2(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013(**158**) (interpretation);
- (jj) regulations 9(1) and 18(1) of the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013(**159**) (allocation of enforcement responsibility);

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(146) S.I. 2009/2264, amended by S.I. 2013/522; there are other amending instruments but none is relevant.

(147) S.I. 2010/104, amended by S.I. 2013/522; there are other amending instruments but none is relevant.

(148) S.I. 2010/432, to which there are amendments not relevant to these Regulations.

(149) S.I. 2010/724, amended by S.I. 2013/950.

(150) S.I. 2010/1140, amended by S.I. 2014/469.

(151) S.I. 2010/1504, to which there are amendments not relevant to these Regulations.

(152) S.I. 2011/2055, amended by S.I. 2013/522; there are other amending instruments but none is relevant.

(153) S.I. 2012/632, amended by S.I. 2014/469; there are other amending instruments but none is relevant.

(154) S.I. 2012/767, to which there are amendments not relevant to these Regulations.

(155) S.I. 2012/1128, to which there are amendments not relevant to these Regulations.

(156) S.I. 2012/2284.

(157) S.I. 2012/2635.

(158) S.I. 2013/1471, to which there are amendments not relevant to these Regulations.

(159) S.I. 2013/1506, amended by S.I. 2014/469; there are other amending instruments but none is relevant.

- (kk) the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 2014(**160**) (prescribed persons);
- (ll) regulation 6(4) of the Construction (Design and Management) Regulations 2015(**161**) (notification);
- (mm) Schedule 1 to the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015(**162**) (statutory parties);
- (nn) article 5 of the Channel Tunnel (International Arrangements) (Charging Framework and Transfer of Economic Regulation Functions) Order 2015(**163**) (supplemental provisions and savings);
- (oo) the following provisions of the Railways Infrastructure (Access and Management) (Amendment) Regulations 2015(**164**)—
  - (i) paragraph 5(5) (establishing, determining and collecting the charges),
  - (ii) paragraph 7(3) (international cooperation), and
  - (iii) paragraph 8(1) (enforcement).

## PART 3

### Amendments to Scottish and Welsh legislation

#### Scotland

**11.** In the following enactments and in the heading referred to, for a reference to the Office of Rail Regulation substitute a reference to the Office of Rail and Road—

- (a) regulation 25 of the Fire Safety (Scotland) Regulations 2006(**165**) (arrangements with the Office of Rail Regulation) and the heading preceding it;
- (b) section 12(1)(b)(iii) of the Transport and Works (Scotland) Act 2007(**166**) (publicity for making or refusal of order);
- (c) Schedule 3 to the Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Rules 2007(**167**) (those to be served with a copy of the application and documents); and
- (d) article 3(2) of the Banchory and Crathes Light Railway Order 2012(**168**) (the railway).

#### Wales

**12.** In Schedule 6 to the Welsh Language (Wales) Measure 2011(**169**) (public bodies etc: standards)—

- (a) in the Welsh text, for “Swyddfa Rheoleiddio’r Rheilffyrdd (*“The Office of Rail Regulation”*)” substitute “Y Swyddfa Rheilffyrdd a Ffyrdd (*“The Office of Rail and Road”*)”; and

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(160) S.I. 2014/2418, to which there are amendments not relevant to these Regulations.

(161) S.I. 2015/51.

(162) S.I. 2015/462.

(163) S.I. 2015/785.

(164) S.I. 2015/786.

(165) S.S.I. 2006/456.

(166) 2007 asp 8.

(167) S.S.I. 2007/570, to which there are amendments not relevant to these Regulations.

(168) S.S.I. 2012/345.

(169) 2011 nawm 1. There are amendments to Schedule 6 but none is relevant to these Regulations.

**Status:** This is the original version (as it was originally made).

- (b) in the English text, for “The Office of Rail Regulation (“*Swyddfa Rheoleiddio'r Rheilffyrdd*”)” substitute “The Office of Rail and Road (“*Y Swyddfa Rheilffyrdd a Ffyrdd*”)