

Draft Order laid before Parliament under section 11 of the Public Bodies Act 2011, for approval by resolution of each House of Parliament after the expiry of the 40-day period referred to in section 11(4) of that Act.

DRAFT STATUTORY INSTRUMENTS

2013 No. 0000

PUBLIC BODIES

**The Public Bodies (Abolition of the
Railway Heritage Committee) Order 2013**

Made - - - - 2013

Coming into force in accordance with article 1

The Secretary of State for Transport makes the following Order in exercise of the powers conferred by sections 1(1) and (2), 6(1) and (5) and 35(2) of the Public Bodies Act 2011⁽¹⁾ (“the Act”).

In accordance with section 8 of the Act, the Secretary of State considers that this Order—

- (a) serves the purpose of improving the exercise of public functions, having had regard to the factors set out in section 8(1); and
- (b) does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise.

The Secretary of State has consulted in accordance with section 10 of the Act.

The Secretary of State has consulted the Welsh Ministers in accordance with section 63(1) of the Government of Wales Act 2006⁽²⁾.

The consent of the Board of Trustees of the Science Museum⁽³⁾ has been obtained in accordance with section 21(1)(a) of the Act.

A draft of this Order, and an explanatory document containing the information required by section 11(2) of the Act, have been laid before Parliament in accordance with section 11(1) after the end of the period of twelve weeks mentioned in section 11(3).

In accordance with section 11(4) of the Act, the draft of this Order has been approved by a resolution of each House of Parliament after the expiry of the 40-day period referred to in that provision.

(1) 2011 c. 24.

(2) 2006 c. 32.

(3) The Board of Trustees of the Science Museum was established under section 9 of the National Heritage Act 1983 (c. 47).

Citation and Commencement

1.—(1) This Order may be cited as the Public Bodies (Abolition of the Railway Heritage Committee) Order 2013.

(2) Subject to paragraph (3), this Order comes into force on 1st April 2013 or if the Order is made on or after 1st April 2013, the day after the day on which it is made.

(3) Article 5 comes into force on the day after that on which the other provisions of this Order come into force.

Abolition of the Railway Heritage Committee and transfer of functions

2.—(1) The Railway Heritage Committee is abolished.

(2) All functions of the Railway Heritage Committee⁽⁴⁾ under the Railway Heritage Act 1996⁽⁵⁾ are transferred to the Board of Trustees of the Science Museum.

(3) In consequence of paragraphs (1) and (2) the Railway Heritage Act 1996 is amended as follows:—

- (a) section 2⁽⁶⁾ (establishment of committee) is repealed;
- (b) in section 3(1) (designation of records and artefacts) for “committee”, in both places where it appears, substitute “Board of Trustees”;
- (c) in section 4⁽⁷⁾ (notice of proposed disposal of record or artefact) for “committee”, in each place where it appears, substitute “Board of Trustees”;
- (d) in section 5(1) (disposal of record or artefact) for “committee”, in both places where it appears, substitute “Board of Trustees”;
- (e) in section 6 (guidance and information) for “committee”, in each place where it appears, substitute “Board of Trustees”; and
- (f) in section 7 (interpretation)—
 - (i) before the definition of “designated” insert—

““Board of Trustees” means the Board of Trustees of the Science Museum established under section 9 of the National Heritage Act 1983⁽⁸⁾”;
 - (ii) in the definition of “designated” for “committee” substitute “Board of Trustees”.

Amendment to the Parliamentary Commissioner Act 1967

3. In Schedule 2 to the Parliamentary Commissioner Act 1967⁽⁹⁾ (departments etc. subject to investigation), the entry “Railway Heritage Committee” is repealed.

(4) The Railway Heritage Committee was established under the Railway Heritage Scheme Order 1994 (S.I. 1994/2032) and its establishment was continued under the Railway Heritage Scheme Order 1997 (S.I. 1997/39) and the Railway Heritage Scheme Order 2005 (S.I. 2005/2905).

(5) 1996 c. 42.

(6) Section 2 was amended by the Railways Act 2005 (c. 14), Schedule 12, paragraph 13 and Schedule 13, Part 1.

(7) Section 4 was amended by the Transport Act 2000 (c. 38), Schedule 27, paragraph 53 and by the Railways Act 2005, Schedule 12, paragraph 13.

(8) 1983 c. 47.

(9) 1967 c. 13 Schedule 2 was substituted by the Parliamentary Commissioner (No. 2) Order 2011 (S.I. 2011/2986). There are other amendments which are not relevant to this Order.

Amendment to the Freedom of Information Act 2000

4. In Part VI of Schedule 1 to the Freedom of Information Act 2000(10) (public authorities), the entry “The Railway Heritage Committee” is repealed.

Repeal of entry in the Public Bodies Act 2011

5. In Schedule 1 to the Public Bodies Act 2011(11) (power to abolish: bodies and offices), the entry “Railway Heritage Committee” is repealed.

The Railway Heritage Scheme Order 2005

6. The Railway Heritage Scheme Order 2005(12) is revoked.

Omission of entry in the Freedom of Information (Additional Public Authorities) Order 2010

7. In Part 1 of the Schedule to the Freedom of Information (Additional Public Authorities) Order 2010(13) (entries inserted with effect from 1 October 2010), the entry “Railway Heritage Committee” is omitted.

Savings

8.—(1) Anything which has been done by or in relation to the Railway Heritage Committee in connection with a function transferring to the Board of Trustees of the Science Museum by article 2 has effect, so far as necessary for continuing its effect after the coming into force of that article, as if done by or in relation to the Board of Trustees of the Science Museum.

(2) Anything (including legal proceedings) which, at the coming into force of article 2, is in the process of being done by or in relation to the Railway Heritage Committee may, so far as it relates to a function transferred by that article, be continued by or in relation to the Board of Trustees of the Science Museum.

Signed by authority of the Secretary of State for Transport

Date

Name
Parliamentary Under Secretary of State
Department for Transport

(10) 2000 c. 36. An entry in respect of the Rail Heritage Committee was inserted into Part VI of Schedule 1 by S.I. 2010/937. There are other amendments which are not relevant to this Order.
(11) 2011 c. 24. There are amendments which are not relevant to this Order.
(12) S.I. 2005/2905.
(13) S.I. 2010/937.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order abolishes the Railway Heritage Committee (the “Committee”) and transfers to the Board of Trustees of the Science Museum (the “Board of Trustees”) the Committee’s functions, under the Railway Heritage Act 1996, relating to the designation and disposal of historically significant railway records and artefacts.).

Article 2 abolishes the Committee and transfers its functions to the Board of Trustees and amends the Railway Heritage Act 1996 (“the 1996 Act”). Section 2 of the 1996 Act, which provides for the establishment of a Committee is repealed and all references in the 1996 Act to the Committee are replaced with references to the Board of Trustees. A definition for the Board of Trustees is included in section 7 of the 1996 Act.

Article 6 revokes the Railway Heritage Scheme Order 2005 which gave effect to the Railway Heritage Scheme under section 2 of the 1996 Act. The Scheme provided for the continued establishment of the Railway Heritage Committee.

Consequential amendments to the Parliamentary Commissioner Act 1967, the Freedom of Information Act 2000, the Public Bodies Act 2011 and the Freedom of Information (Additional Public Authorities) Order 2010 are made by *Articles 3 to 5 and Article 7* and *Article 8* sets out savings.

An Impact Assessment has not been prepared for this instrument as no cost to the business or voluntary sectors is foreseen. An Explanatory Document is available alongside the instrument on www.legislation.gov.uk