

Draft Order laid before Parliament under section 82(2)(a) of the Freedom of Information Act 2000, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2015 No.

FREEDOM OF INFORMATION

**The Freedom of Information (Designation
as Public Authorities) Order 2015**

Made - - - -

Coming into force in accordance with article 1(2)

The Secretary of State makes the following Order in exercise of the powers conferred by sections 5(1)(a) and (2) and 7(5) of the Freedom of Information Act 2000⁽¹⁾.

In accordance with section 5(3) of that Act⁽²⁾ the Secretary of State has consulted representatives of persons to whom the Order relates.

In accordance with section 82(2)(a) of that Act a draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Freedom of Information (Designation as Public Authorities) Order 2015.

(2) This Order comes into force on the day after the day on which it is made.

(3) In this Order—

- (a) “the 1993 Act” means the Railways Act 1993⁽³⁾;
- (b) “light maintenance depots” has the meaning given by section 83 of the 1993 Act;
- (c) “light maintenance services”, “network services” and “station services” have the meaning given by section 82 of the 1993 Act; and
- (d) “operator” and “railway asset” have the meaning given by section 6(2) of the 1993 Act.

(1) 2000 c. 36; section 5(1) was amended by SI 2001/3500 and 2003/1887.

(2) Section 5(3) was amended by SI 2001/3500 and 2003/1887.

(3) 1993 c. 43.

Persons designated as public authorities

2.—(1) Subject to article 2(2), each person listed in column 1 of the table in the Schedule is designated as a public authority under section 5(1)(a) of the Freedom of Information Act 2000 with respect to the functions specified in the corresponding entry in column 2.

(2) The functions in column 2 exclude any function in connection with which a person listed in column 1 makes a charge or obtains consideration of any kind, unless the purpose of exercising the function is to enable an operator to use or operate a railway asset.

Date

Name
Minister of State
Ministry of Justice

SCHEDULE

Article 2

Persons designated as Public Authorities

<i>Column 1</i>	<i>Column 2</i>
Network Rail Limited ⁽⁴⁾	<p>(a) The acquisition, ownership, management, provision, operation and development of network services.</p> <p>(b) The acquisition, ownership, management, provision, operation and development of station services.</p>
Network Rail Infrastructure Limited ⁽⁵⁾	<p>(a) The acquisition, ownership, management, provision, operation and development of network services.</p> <p>(b) The acquisition, ownership, management, provision, operation and development of station services.</p> <p>(c) The provision and operation of light maintenance depots for the use of light maintenance services.</p>
Network Rail Holdco Limited ⁽⁶⁾	<p>(a) The acquisition and ownership of network services.</p> <p>(b) The acquisition and ownership of station services.</p>

EXPLANATORY NOTE*(This note is not part of the Order)*

The obligations under the Freedom of Information Act 2000 (“the Act”) apply to public authorities. For the purposes of the Act, a “public authority” includes a body or office which is designated by an order under section 5 of the Act. Section 5(1)(a) of the Act provides that the Secretary of State may, subject to certain limitations, by order designate as a public authority for the purposes of the Act a person who appears to the Secretary of State to exercise functions of a public nature.

Section 7(5) of the Act provides that such an order must specify the functions of the public authority designated by the order with respect to which the designation is to have effect, and limits the application of the Act to information held by the authority relating to the specified functions.

This Order designates as public authorities Network Rail Limited, Network Rail Infrastructure Limited and Network Rail Holdco Limited (article 2(1) and column 1 of the Schedule). The functions with respect to which the designation takes effect are listed in column 2 of the Schedule. Article 2(2) provides that the functions listed in column 2 do not include any function in connection with which

⁽⁴⁾ A company incorporated under the Companies Act 2006 (c.46) (“the 2006 Act”) with the registration number 4402220.

⁽⁵⁾ A company incorporated under the 2006 Act with the registration number 2904587.

⁽⁶⁾ A company incorporated under the 2006 Act with the registration number 4423711.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Freedom of Information (Designation as Public Authorities) Order 2015 No. 851

a person listed in column 1 makes a charge or obtains consideration of any kind, unless the purpose of exercising the function is to enable an operator to use or operate a railway asset.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available at www.legislation.gov.uk and is annexed to the Explanatory Memorandum which is available on the OPSI website.