
DRAFT STATUTORY INSTRUMENTS

2018 No.

The Welsh Ministers (Transfer of Functions) (Railways) Order 2018

Citation, commencement and extent

1.—(1) This Order may be cited as the Welsh Ministers (Transfer of Functions) (Railways) Order 2018.

(2) The following provisions of this Order come into force 21 days after the day on which this Order is made—

- (a) this article and articles 2 to 4;
- (b) the following provisions of the Schedule—
 - (i) paragraphs 1 and 2;
 - (ii) paragraph 5, except the amendment in sub-paragraph (3)(a) to the definition of “appropriate designating authority” in section 23(3) of the Railways Act 1993(1) as it applies for the purposes of section 24 of that Act(2);
 - (iii) paragraphs 8 and 9;
 - (iv) paragraph 10(1), (2)(c) and (d) and (4);
 - (v) paragraph 12;
 - (vi) paragraphs 24 to 26;
 - (vii) paragraph 27, except so far as it inserts the definition of “Welsh protected railway company”;
 - (viii) paragraphs 29 and 30;
 - (ix) paragraph 32;
 - (x) paragraphs 34 to 41;
 - (xi) paragraph 44(1) and (2);
 - (xii) paragraph 49;
 - (xiii) paragraph 52(b)(ii);
 - (xiv) paragraphs 55(1), (3) and (4)(a) and 56;
 - (xv) paragraph 58(1) and (2)(a);
 - (xvi) paragraphs 61 to 66;
 - (xvii) paragraph 68.

(3) Except as provided by paragraph (2), this Order comes into force at 2.00 a.m. on 14th October 2018.

(1) 1993 c. 43; the definition of “appropriate designating authority” was inserted by the Railways Act 2005 (c. 14), Schedule 1, paragraph 13(4).

(2) Section 24 was amended by the Railways and Transport Safety Act 2003 (c. 20), Schedule 2, paragraph 3; the Railways Act 2005 (c. 14), Schedule 1, paragraph 14 and Schedule 13, Part 1; and the Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), Schedule 1, paragraph 1(hh).

(4) The amendments made by the Schedule extend to England and Wales and Scotland only.

Amendments to the Railways Acts 1993 and 2005: transfer of functions etc

2.—(1) The Schedule amends—

- (a) the Railways Act 1993 (see Part 1), and
- (b) the Railways Act 2005 (see Part 2).

(2) Functions under those Acts, so far as exercisable by the Secretary of State in relation to Wales, are—

- (a) transferred to the Welsh Ministers, or
- (b) as the case may be, exercisable by the Welsh Ministers concurrently with the Secretary of State,

as provided for by amendments made by the Schedule to the provisions of those Acts relating to the functions in question and in accordance with articles 3 and 4.

Effect of amendment to section 76 of the Railways Act 1993

3. The amendment made by paragraph 25 of the Schedule to subsection (6)(a) of section 76 of the Railways Act 1993 has effect to provide for the Secretary of State’s function under that subsection to be exercisable concurrently with the Welsh Ministers only so far as it is exercisable in relation to Wales.

Transfer of property: exception for records

4.—(1) Paragraph 1(1) of Schedule 4 to the Government of Wales Act 2006 (transfer of property, rights and liabilities connected with transferred functions) does not apply to any documentary or electronic records to which the Secretary of State is entitled at the relevant time in connection with any function exercisable by the Secretary of State and transferred to the Welsh Ministers by this Order.

(2) In paragraph (1) the “relevant time” means the time when the provision of this Order providing for the transfer of the function in question comes into force.

Name
Clerk of the Privy Council