

SCHEDULE

AMENDMENTS TO THE RAILWAYS ACTS 1993 AND 2005

PART 1

AMENDMENTS TO THE RAILWAYS ACT 1993

- 13.**—(1) Section 55 (orders for securing compliance)(1) is amended as follows.
- (2) In subsection (5ZA)—
- (a) in the words before paragraph (a) after “nor the Scottish Ministers” insert “nor the Welsh Ministers”;
 - (b) in paragraph (a) for “the Secretary of State has or (as the case may be) those Ministers have” substitute “the Secretary of State, the Scottish Ministers or the Welsh Ministers (as the case may be) has or have”;
 - (c) in paragraph (c) for “the Secretary of State or (as the case may be) the Scottish Ministers” substitute “the Secretary of State, the Scottish Ministers or the Welsh Ministers (as the case may be)”.
- (3) In subsection (5C) after “nor the Scottish Ministers” insert “nor the Welsh Ministers”.
- (4) In subsection (5D) in paragraph (a) after “the Scottish Ministers” insert “or the Welsh Ministers”.
- (5) In subsection (7A) after paragraph (a) omit “and” and insert—
- “(aa) in the case of an order made by the Welsh Ministers, to them, and”.
- (6) In subsection (10) in the definition of “the appropriate authority”, for paragraph (b) substitute—
- “(ab) in relation to a term of a Welsh franchise agreement, where the term relates solely to providing or securing the provision of a Wales-only service or a Welsh component of a Welsh service, the Welsh Ministers;
 - (ac) in relation to a term of a Welsh franchise agreement, where the term does not relate solely to providing or securing the provision of a Wales-only service or a Welsh component of a Welsh service, the Secretary of State;
 - (ad) in relation to a term of a franchise agreement that is not a Scottish franchise agreement or a Welsh franchise agreement, the Secretary of State;
 - (ae) in relation to a duty mentioned in subsection (11) which is imposed or arises in a Welsh case, the Welsh Ministers;
 - (af) in relation to a duty mentioned in subsection (11) which is imposed or arises in a case that is not a Scottish case or a Welsh case, the Secretary of State;”.
- (7) In subsection (11A) omit the words after paragraph (c).
- (8) In subsection (11B) for “In subsection (11A)” substitute “In this section”.
- (9) After subsection (11B) insert—

(1) Section 55 was amended by the Competition Act 1998 (c. 41), Schedule 10, paragraph 15(6) and (7); the Transport Act 2000 (c. 38), sections 225 and 226, paragraph 35 of Schedule 16, paragraphs 11 and 26 of Schedule 17, paragraph 30 of Schedule 27 and Part 4 of Schedule 31; the Railways and Transport Safety Act 2003 (c. 20), Schedule 2, paragraph 3; the Railways Act 2005 (c. 14), Schedule 1, paragraph 21, Schedule 11, paragraph 7 and Schedule 13, Part 1; the Enterprise and Regulatory Reform Act 2013 (c. 24), Schedule 14, paragraph 12; and the Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), Schedule 1, paragraph 1(jj).

“(11C) In subsection (10) “a Welsh case”, in relation to a closure, means—

- (a) a case in which the Welsh Ministers are the national authority for the purposes of provisions of Part 4 of the Railways Act 2005 relating to the proposal for the closure;
- (b) a case in which it is the Welsh Ministers who make a determination under section 34 of that Act (minor modifications) in relation to the closure; or
- (c) a case in which the closure is a closure of which notice is given under section 37 of that Act (experimental passenger services) and the proposal relates to a Wales-only service.”