

SCHEDULE

AMENDMENTS TO THE RAILWAYS ACTS 1993 AND 2005

PART 1

AMENDMENTS TO THE RAILWAYS ACT 1993

23. After section 73A (keeping of register by the Scottish Ministers) insert—

“73B. Keeping of register by the Welsh Ministers

- (1) The Welsh Ministers must maintain a register.
- (2) The register must be kept in such form and at such premises as the Welsh Ministers determine.
- (3) Subject to subsections (4) and (5), the Welsh Ministers must cause the provisions of each of the following to be entered in the register—
 - (a) every designation made by them under section 23 and every variation or revocation of such a designation;
 - (b) every franchise exemption granted by them;
 - (c) every franchise agreement to which they are a party;
 - (d) every amendment of such a franchise agreement as it relates to a Wales-only service or a Welsh component of a Welsh service, other than amendments which are unlikely to have a material effect on the provision of services under the agreement or on any sums payable under it;
 - (e) every determination made by them under section 34 of the Railways Act 2005 that a closure is a minor modification or that closures of a particular description are minor modifications;
 - (f) every revocation of a determination made by them under that section in relation to a description of closures;
 - (g) every condition agreed to under subsection (5) of that section in connection with a determination made by them;
 - (h) every final or provisional order made by them;
 - (i) every revocation by them of such an order;
 - (j) every notice given by them under section 55(6) of a decision not to make such an order;
 - (k) every penalty imposed by them under section 57A;
 - (l) every statement of policy published by them under section 57B.
- (4) The Welsh Ministers may enter the provisions of anything in the register in a manner that excludes, so far as practicable, so much of the details of those provisions as they consider it appropriate to exclude for the purpose of maintaining the confidentiality of—
 - (a) matters relating to the affairs of an individual the publication of which would or might, in the Welsh Ministers’ opinion, seriously and prejudicially affect the interests of that individual; and
 - (b) matters relating specifically to the affairs of a particular body of persons the publication of which would or might, in the Welsh Ministers’ opinion, seriously and prejudicially affect the interests of that body.

(5) If it appears to the Welsh Ministers that the entry of any provision in the register would be against the public interest they may decide not to enter it in the register.

(6) The contents of the register must be available for inspection, at any time and free of charge, by the Secretary of State, the Scottish Ministers or the Office of Rail and Road.

(7) The Secretary of State, the Scottish Ministers and the Office of Rail and Road may each require the Welsh Ministers to supply them with a certified copy of a part of the register, or with a certified extract from it, free of charge.

(8) The references in subsection (7) to a certified copy or a certified extract are references to a copy or extract that has been certified by the Welsh Ministers to be a true copy or extract.

(9) In subsection (3)(d) “amendment”, in relation to a franchise agreement, means any amendment however described, including variations (whether or not effected in accordance with the terms of the agreement or by a modification of it) of the property, rights and liabilities which from time to time constitute the franchise assets.”