

## SCHEDULE

### AMENDMENTS TO THE RAILWAYS ACTS 1993 AND 2005

#### PART 1

##### AMENDMENTS TO THE RAILWAYS ACT 1993

1. The Railways Act 1993 is amended as follows.
- 2.—(1) Section 4 (general duties of the Secretary of State and the Office of Rail and Road)(1) is amended as follows.
  - (2) In subsection (3C)—
    - (a) for “the National Assembly for Wales” substitute “the Welsh Ministers”;
    - (b) for “that Assembly” substitute “the Welsh Ministers”;
    - (c) for “the Assembly” substitute “the Welsh Ministers”.
  - (3) After subsection (3C) insert—

“(3D) The reference in subsection (3C) to functions transferred to the Welsh Ministers under or by virtue of Part 4 of the Railways Act 2005 includes a reference to functions which were transferred to the National Assembly for Wales under or by virtue of that Part and which became functions of the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.”
  - (4) In subsection (5)—
    - (a) in paragraph (ca), for “the National Assembly for Wales” substitute “the Welsh Ministers”;
    - (b) in paragraph (cb)—
      - (i) for “the National Assembly for Wales” substitute “the Welsh Ministers”;
      - (ii) for “it” substitute “them”.
  - (5) In subsection (5A), for “the National Assembly for Wales” substitute “the Welsh Ministers”.
  - (6) In subsection (5D) in paragraph (b) for “the National Assembly for Wales” substitute “the Welsh Ministers”.
  - (7) In subsection (9) in the definition of “notified strategies and policies”—
    - (a) for “the National Assembly for Wales” substitute “the Welsh Ministers”;
    - (b) for the first “that Assembly” substitute “the Welsh Ministers”;
    - (c) for the second “that Assembly” substitute “them”.
3. In section 17 (access agreements: directions requiring facility owners to enter into contracts for the use of their railway facilities)(2) in subsection (4) after the second “Secretary of State” insert “, the Welsh Ministers”.

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(1) Section 4 was amended by the Competition Act 1998 (c. 41), Schedule 10, paragraph 6(3); the Pollution Prevention and Control Act 1999 (c. 24), Schedule 2, paragraph 12; section 200(4) of the Greater London Authority Act 1999 (c. 29); the Transport Act 2000 (c. 38), section 224 and Part 4 of Schedule 31; the Enterprise Act 2002 (c. 40), Schedule 26; the Railways and Transport Safety Act 2003 (c. 20), Schedule 2, paragraph 3; the Railways Act 2005 (c. 14), section 3 and Part 1 of Schedule 13; the Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), Schedule 1, paragraph 100; and the Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), Schedule 1, paragraph 1(a).

(2) Section 17 was amended by the Transport Act 2000 (c. 38), section 233(1), paragraph 21 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 12 and Schedule 11, paragraph 3; regulation 21(5) of the Railways Regulations 1998 (S.I. 1998/1340);

4. In section 19 (access agreements: contracts for the use, on behalf of the Secretary of State, of installations comprised in a network)(3) in subsection (7) after the second “Secretary of State” insert “, the Welsh Ministers”.

5.—(1) Section 23 (passenger services to be subject to franchise agreements)(4) is amended as follows.

(2) After subsection (2ZC) insert—

“(2ZD) Where the Welsh Ministers designate Wales-only services, they may also designate Welsh components of Welsh services which—

- (a) they consider should be provided under the same franchise agreement as particular Wales-only services or a particular class of Wales-only services; and
- (b) are not exempt from designation under subsection (1) by virtue of section 24.

(2ZE) Nothing in this section requires the Secretary of State to designate a Welsh service so far as already designated by the Welsh Ministers.”

(3) In subsection (3)—

- (a) in the definition of “the appropriate designating authority”, after paragraph (a) omit “and” and insert—

“(aa) in relation to Wales-only services, means the Welsh Ministers; and”;

- (b) in the definition of “the appropriate franchising authority”, after paragraph (a) omit “and” and insert—

“(aa) in relation to a Welsh franchise agreement to the extent that the franchised services under it are Wales-only services or Welsh components of Welsh services, means the Welsh Ministers;

(ab) in relation to a Welsh franchise agreement to the extent that the franchised services under it are services other than Wales-only services or Welsh components of Welsh services, means the Secretary of State;”;

- (c) in the definition of “franchise agreement” for the words “with the Secretary of State, with the Scottish Ministers or with the Secretary of State and the National Assembly for Wales jointly” substitute “to which the Secretary of State, the Scottish Ministers or the Welsh Ministers is or are party”.

6.—(1) Section 24 (exemption of passenger services from section 23(1))(5) is amended as follows.

(2) After subsection (3A) insert—

“(3B) Before granting a franchise exemption in respect of a Welsh service, the Secretary of State must consult the Welsh Ministers.”

(3) After subsection (12A) insert—

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the Railways Infrastructure (Access and Management) Regulations 2005 (S.I. 2005/3049), Schedule 1, paragraph 4; and the Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), Schedule 1, paragraph 1(y).

(3) Section 19 was amended by the Transport Act 2000 (c. 38), sections 230(3) and 233(2) 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 12 and Schedule 11, paragraph 3; and the Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), Schedule 1, paragraph 1(aa).

(4) Section 23 was amended by the Transport Act 2000 (c. 38), section 212 and Schedule 16, paragraph 14 and the Railways Act 2005 (c. 14), Schedule 1, paragraph 13.

(5) 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).

“(12B) A statutory instrument containing an order under this section made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

7.—(1) Section 24A (Secretary of State franchise exemptions: operator agreements)(6) is amended as follows.

(2) In the heading for “Secretary of State franchise exemptions” substitute “Franchise exemptions granted by Secretary of State or Welsh Ministers”.

(3) In subsection (1) after “the Secretary of State” insert “or the Welsh Ministers”.

(4) In subsection (2)—

(a) after the first “the Secretary of State” insert “or the Welsh Ministers”;

(b) after “that the Secretary of State considers appropriate” insert “or (as the case may be) that the Welsh Ministers consider appropriate”.

(5) In subsection (3) after “that the Secretary of State considers appropriate” insert “or (as the case may be) that the Welsh Ministers consider appropriate”.

8.—(1) Section 26 (invitations to tender for franchises)(7) is amended as follows.

(2) In subsections (4A), (4B) and (4D) after “the Secretary of State” insert “, the Welsh Ministers”.

(3) For subsection (4E) substitute—

“(4E) Before preparing, altering or replacing a statement of policy the Secretary of State, the Welsh Ministers and the Scottish Ministers must undertake such consultation as they consider appropriate.”

(4) In subsection (4F) after paragraph (a) omit “and” and insert—

“(aa) in the case of a statement prepared, altered or replaced by the Welsh Ministers, before the National Assembly for Wales; and”.

9.—(1) Section 27 (transfer of franchise assets and shares)(8) is amended as follows.

(2) In subsections (1) to (4) and (8) to (10) for “appropriate franchising authority” in each place substitute “responsible authority”.

(3) After subsection (10) insert—

“(10A) In this section the “responsible authority”—

(a) in relation to a Scottish franchise agreement, means the Scottish Ministers;

(b) in relation to a Welsh franchise agreement the franchised services under which consist of Wales-only services, means the Welsh Ministers; and

(c) in relation to any other franchise agreement, means the Secretary of State.”

10.—(1) Section 30 (duty of relevant franchising authority)(9) is amended as follows.

(6) Section 24A was inserted by the Deregulation Act 2015 (c. 20), Schedule 8, paragraph 8, and amended by the Cities and Local Government Devolution Act 2016 (c. 1), Schedule 5, paragraph 13.

(7) Section 26 was amended by the Transport Act 2000 (c. 38), Schedule 16, paragraph 16(3)(b); the Railways and Transport Safety Act 2003 (c. 20), Schedule 2, paragraph 3; the Railways Act 2005 (c. 14), Schedule 1, paragraph 15; and the Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), Schedule 1, paragraph 1(ii).

(8) Section 27 was amended by the Transport Act 2000 (c. 38), Schedule 16, paragraph 17, Schedule 27, paragraph 24 and Schedule 31, Part 4; the Railways Act 2005 (c. 14), Schedule 1, paragraph 17; and the Tribunals, Courts and Enforcement Act 2007 (c. 15), Schedule 13, paragraph 112.

(9) Section 30 was substituted by section 212(5) of the Transport Act 2000 (c. 38) and amended by the Railways Act 2005 (c. 14), section 18, paragraph 20 of Schedule 1, paragraph 4 of Schedule 11 and Part 1 of Schedule 13; and the Deregulation Act 2015 (c. 20), Schedule 8, paragraph 10.

(2) In subsection (3)(aa)—

- (a) for “the relevant franchising authority” substitute “the Secretary of State or the Scottish Ministers”;
- (b) for “the authority that it” substitute “the Secretary of State or the Scottish Ministers (as the case may be) that the Secretary of State or the Scottish Ministers”;
- (c) for “the National Assembly for Wales” substitute “the Welsh Ministers”;
- (d) for “that Assembly” substitute “the Welsh Ministers”.

(3) In subsection (3A)—

- (a) for “and the Scottish Ministers” substitute “, the Scottish Ministers and the Welsh Ministers”;
- (b) at the end insert “, and the Welsh Ministers shall have power to provide Wales-only services and Welsh components of Welsh services.”

(4) In subsection (3C) omit the definition of “Welsh service” and the “and” before it.

**11.** In section 50 (exclusion of liability for breach of statutory duty)(10) in subsection (1) after “the Secretary of State” insert “and of the Welsh Ministers”.

**12.**—(1) Section 54 (exercise of functions for purpose of encouraging investment in the railways)(11) is amended as follows.

(2) In subsections (1) and (2) after “the Secretary of State” insert “, the Welsh Ministers”.

(3) In subsection (3), in the definition of “franchising functions”—

- (a) in the words before paragraph (a) after “the Secretary of State” insert “, the Welsh Ministers”;
- (b) in paragraph (a) after “the Secretary of State” insert “or of the Welsh Ministers”;
- (c) in paragraphs (b) and (c) after “the Secretary of State” insert “, the Welsh Ministers”.

**13.**—(1) Section 55 (orders for securing compliance)(12) 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”.

(10) Section 50 was amended by the Transport Act 2000 (c. 38), Schedule 31, Part 4 and the Railways Act 2005 (c. 14), Schedule 11, paragraph 5 and Schedule 13, Part 1.

(11) Section 54 was amended by the Transport Act 2000 (c. 38), Schedule 16, paragraph 34 and the Railways Act 2005 (c. 14), Schedule 11, paragraph 6.

(12) 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).

(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—

“(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.”

**14.** In section 56 (procedural requirements for section 55 orders)(**13**) in subsection (2A) after “the Scottish Ministers” insert “and the Welsh Ministers”.

**15.—**(1) Section 57A (penalties)(**14**) is amended as follows.

(2) In subsection (2) after paragraph (a) omit “and” and insert—

“(aa) in the case of a penalty imposed by the Welsh Ministers, to them; and”.

(3) In subsection (5)—

(a) in the words before paragraph (a) after “the Scottish Ministers” insert “nor the Welsh Ministers”;

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(13) Section 56 was amended by the Transport Act 2000 (c. 38), section 226(2), Schedule 16, paragraph 36, Schedule 17, paragraph 12 and Schedule 27, paragraph 31; the Railways and Transport Safety Act 2003 (c. 20), Schedule 2, paragraph 3; the Railways Act 2005 (c. 14), Schedule 1, paragraph 22; and the Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), Schedule 1, paragraph 1(kk).

(14) Section 57A was inserted by section 225(1) of the Transport Act 2000 (c. 38) and amended by the Railways and Transport Safety Act 2003 (c. 20), Schedule 2, paragraph 3; the Railways Act 2005 (c. 14), Schedule 1, paragraph 23; the Enterprise and Regulatory Reform Act 2013 (c. 24), Schedule 14, paragraph 13; and the Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), Schedule 1, paragraph 1(ll).

- (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)”.

**16.** In section 57B (statement of policy)(**15**), in subsections (1) and (3) to (6), after “the Scottish Ministers” insert “, the Welsh Ministers”.

**17.** In section 57C (procedural requirements for penalties)(**16**) in subsection (3) after “the Scottish Ministers” insert “and the Welsh Ministers”.

**18.—(1)** Section 59 (meaning and effect of railway administration order)(**17**) is amended as follows.

(2) In subsection (6)—

(a) in paragraph (za) after sub-paragraph (i) omit “and” and insert—

“(ia) in relation to a Welsh protected railway company or a company subject to a railway administration order that was such a company when the order was made, means the Welsh Ministers; and”;

(b) after paragraph (c) insert—

“(d) “Welsh protected railway company” means a protected railway company that is such a company only in respect of activities carried on by it as franchise operator in relation to a Welsh franchise agreement the franchised services under which consist of Wales-only services.”

**19.** In section 63 (government financial assistance where railway administration orders made)(**18**) in subsections (1) and (2) after “Scottish protected railway company” insert “or a Welsh protected railway company”.

**20.—(1)** Section 64A (financial assistance by Scottish Ministers)(**19**) is amended as follows.

(2) In the heading at the end insert “or Welsh Ministers”.

(3) In subsection (1), for “, the Scottish Ministers” substitute “or a Welsh protected railway company, the Scottish Ministers or the Welsh Ministers (as the case may be)”.

(4) In subsection (2)—

(a) after “Scottish Ministers” insert “or the Welsh Ministers (as the case may be)”;

(b) in paragraph (a) after “Scottish protected railway company” insert “or Welsh protected railway company”.

(5) In subsections (3), (4) and (5) after “Scottish Ministers” insert “or the Welsh Ministers (as the case may be)”.

(15) Section 57B was inserted by section 225(1) of the Transport Act 2000 (c. 38) and amended by the Railways and Transport Safety Act 2003 (c. 20), Schedule 2, paragraph 3 and Schedule 8; the Railways Act 2005 (c. 14), Schedule 1, paragraph 24; and the Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), Schedule 1, paragraph 1(mm).

(16) Section 57C was inserted by section 225(1) of the Transport Act 2000 (c. 38) and amended by the Railways and Transport Safety Act 2003 (c. 20), Schedule 2, paragraph 3; the Railways Act 2005 (c. 14), Schedule 1, paragraph 25; and the Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), Schedule 1, paragraph 1(nn).

(17) Section 59 was amended by the Railways Act 2005 (c. 14), section 49(1) and Schedule 13, Part 1; the Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050), Schedule 1, paragraph 3(5); and the Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), Schedule 1, paragraph 143(3).

(18) Section 63 was amended by the Railways Act 2005 (c. 14), section 50(1) and Schedule 11, paragraph 9.

(19) Section 64A was inserted by section 50(2) of the Railways Act 2005 (c. 14).



(6) In subsection (6) after “Scottish Ministers” insert “and the Welsh Ministers”.

(7) In subsection (9)—

(a) after “Scottish Ministers” insert “or the Welsh Ministers”;

(b) for the first “them” substitute “the Scottish Ministers or the Welsh Ministers (as the case may be)”.

(8) In subsections (10) and (11) after “Scottish Ministers” insert “or the Welsh Ministers”.

**21.**—(1) Section 73 (keeping of register by the Secretary of State)(**20**) is amended as follows.

(2) In subsection (2) after “the register maintained under section 73A” insert “or the register maintained under section 73B”.

(3) In subsection (7)—

(a) after “the Scottish Ministers” in each place insert “, the Welsh Ministers”;

(b) for “it” substitute “them or (as the case may be) it”.

**22.**—(1) Section 73A (keeping of register by the Scottish Ministers)(**21**) is amended as follows.

(2) In subsection (6) after “the Secretary of State” insert “, the Welsh Ministers”.

(3) In subsection (7)—

(a) after “the Secretary of State” insert “, the Welsh Ministers”;

(b) for “him or (as the case may be) it” substitute “him, them or it (as the case may be)”.

**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;

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(20) Section 73 was amended by the Transport Act 2000 (c. 38), Schedule 17, paragraph 16, Schedule 27, paragraph 37 and Schedule 31, Part 4; the Railways and Transport Safety Act 2003 (c. 20), Schedule 2, paragraph 3; the Railways Act 2005 (c. 14), Schedule 1, paragraph 30, Schedule 11, paragraph 11 and Schedule 13, Part 1; and the Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), Schedule 1, paragraph 1(tt).

(21) Section 73A was inserted by the Railways Act 2005 (c. 14), Schedule 1, paragraph 31 and amended by the Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), Schedule 1, paragraph 1(uu).

- (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.”

**24.—**(1) Section 74 (annual and other reports of the Office of Rail and Road)(**22**) is amended as follows.

(2) In subsection (1) after “the Secretary of State”, insert “and the Welsh Ministers”.

(3) After subsection (3) insert—

“(3ZA) The Welsh Ministers must lay a copy of every report made to them under subsection (1) before the National Assembly for Wales and must arrange for copies to be published in such manner as they consider appropriate.”

(22) Section 74 was amended by the Transport Act 2000 (c. 38), Schedule 31, Part 4; the Railways and Transport Safety Act 2003 (c. 20), Schedule 2, paragraphs 3 and 14 and Schedule 8; the Enterprise and Regulatory Reform Act 2013 (c. 24), Schedule 6, paragraph 79; the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750), Schedule 5, paragraph 13(2); and the Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), Schedule 1, paragraph 1(vv).



**25.** In section 76 (general railway duties of Passengers' Council)(**23**) in subsection (6)(a) after “the Secretary of State” insert “or the Welsh Ministers”.

**26.—**(1) Section 80 (duty of certain persons to furnish information to the Secretary of State, the Scottish Ministers or the Office of Rail and Road on request)(**24**) is amended as follows.

(2) In the heading after “Secretary of State,” insert “the Welsh Ministers,”.

(3) In subsections (1) and (3) and the first sentence of subsection (4), after “the Secretary of State,” in each place insert “the Welsh Ministers,”.

(4) In subsection (4), in the second sentence, after “the Secretary of State” insert “, the Welsh Ministers”.

(5) In subsection (8) after “the Secretary of State,” insert “the Welsh Ministers,”.

**27.** In section 83 (interpretation of Part 1)(**25**) in subsection (1) at the appropriate places insert the following definitions—

““Wales-only service” has the meaning given by section 57 of the Railways Act 2005;

““Welsh component of a Welsh service” has the meaning given by section 57 of the Railways Act 2005;”;

““Welsh franchise agreement” means a franchise agreement the franchised services under which consist of or include Wales-only services;”;

““Welsh protected railway company” has the meaning given by section 59(6)(d);”;

““Welsh service” has the meaning given by section 57 of the Railways Act 2005;”.

**28.—**(1) Section 130 (penalty fares)(**26**) is amended as follows.

(2) In subsection (1) after “Secretary of State” insert “, the Welsh Ministers”.

(3) After subsection (1) insert—

“(1ZA) The power of the Welsh Ministers under this section to make provision for and in connection with the imposition of requirements on persons present on or leaving stations is exercisable only in relation to persons present on or leaving relevant Welsh stations in connection with the use of railway passenger services provided under Welsh franchise agreements or secured to any extent by the Welsh Ministers.

(1ZB) In subsection (1ZA) “relevant Welsh stations” are stations wholly in Wales that are used for the purposes of railway passenger services provided under Welsh franchise agreements or secured to any extent by the Welsh Ministers.

(1ZC) The power of the Welsh Ministers under this section to make provision for and in connection with the imposition of requirements on persons travelling by, present on or leaving trains is exercisable only in relation to persons—

(a) travelling by or present on trains in Wales used for the purposes of—

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(**23**) Section 76 was amended by the Transport Act 2000 (c. 38), section 228, paragraph 20 of Schedule 17 and Part 4 of Schedule 31; the Railways and Transport Safety Act 2003 (c. 20), Schedule 2, paragraphs 3 and 15; the Railways Act 2005 (c. 14), Schedule 1, paragraph 32, Schedule 6, paragraph 5, Schedule 13, Part 1; the Passengers' Council (Non-Railway Functions) Order 2010 (S.I. 2010/439), Schedule 1, paragraph 6(3); and the Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), Schedule 1, paragraph 1(ww).

(**24**) Section 80 was amended by the Transport Act 2000 (c. 38), Schedule 27, paragraph 38 and Schedule 31, Part 4; the Railways Act 2005 (c. 14), Schedule 1, paragraph 33 and Schedule 11, paragraph 12; the Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050), Schedule 1, paragraph 3; the Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), Schedule 1, paragraph 1(xx); and the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 (S.I. 2016/645), Schedule 1, paragraph 3.

(**25**) Section 83 has been amended but none of the amendments is relevant.

(**26**) Section 130 was amended by section 206 of the Greater London Authority Act 1999 (c. 29) and by the Railways Act 2005 (c. 14), section 47, Schedule 1, paragraph 34 and Schedule 13, Part 1.

- (i) a Wales-only service; or
- (ii) any other railway passenger service provided under a Welsh franchise agreement or secured to any extent by the Welsh Ministers, except where subsection (1ZD) applies; or

(b) leaving such trains at stations wholly in Wales.

(1ZD) This subsection applies where—

- (a) the next scheduled call to be made by the service is at a station wholly or partly in England and the previous scheduled call was at a station wholly in Wales (but not where the train is at a scheduled call wholly in Wales); or
- (b) the next scheduled call to be made by the service is at a station wholly in Wales and the previous scheduled call was at a station wholly or partly in England.

(1ZE) The power of the Secretary of State under this section to make provision for and in connection with the imposition of requirements on persons present on or leaving stations is not exercisable in relation to persons falling within subsection (1ZA).

(1ZF) The power of the Secretary of State under this section to make provision for and in connection with the imposition of requirements on persons travelling by, present on or leaving trains is not exercisable in relation to persons falling within subsection (1ZC)."

(4) In subsection (2) in paragraph (p) after "the Secretary of State" insert ", the Welsh Ministers".

(5) After subsection (11A) insert—

"(11B) A statutory instrument containing regulations made by the Welsh Ministers under this section is subject to annulment in pursuance of a resolution of the National Assembly for Wales."

**29.**—(1) Section 135 (concessionary travel for railway staff etc)(27) is amended as follows.

(2) After subsection (3) insert—

"(3A) The Welsh Ministers may—

- (a) promote the provision of staff concessionary travel in Wales, and
- (b) enter into agreements or other arrangements concerning the provision of staff concessionary travel in Wales."

(3) In subsection (6) for "and the Scottish Ministers" substitute ", the Scottish Ministers and the Welsh Ministers".

(4) In subsection (7)—

- (a) for "subsection (3)" substitute "subsections (3) and (3A)";
- (b) for "that subsection" substitute "those subsections";
- (c) after "the Secretary of State undertakes, or" insert "the Welsh Ministers or".

(5) In subsections (8) and (9) for "subsection (3)" substitute "subsections (3) and (3A)".

(6) In subsection (13) for "the reference in subsection (2)" substitute "the references in subsections (2) and (3A)".

**30.**—(1) Section 136 (grants and subsidies)(28) is amended as follows.

(27) Section 135 was amended by the Transport Act 2000 (c. 38), Schedule 27, paragraph 40 and Schedule 31, Part 4, and by the Railways Act 2005 (c. 14), Schedule 1, paragraph 35.

(28) Section 136 was amended by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 184(2); the Transport Act 2000 (c. 38), Schedule 16, paragraph 51; the Railways Act 2005 (c. 14), Schedule 11, paragraph 14 and Schedule 13, Part 1; the Local Transport Act 2008 (c. 26), Schedule 4, paragraph 58(3); the Transport for London

(2) In subsection (3)(ab), for “the National Assembly for Wales” substitute “the Welsh Ministers”.

(3) In subsection (3A)—

(a) for “the National Assembly for Wales” substitute “the Welsh Ministers”;

(b) in paragraph (b) for “the Assembly is” substitute “the Welsh Ministers are”.

**31.** In section 143 (regulations and orders)(**29**) in subsections (1), (3) and (4) after “the Secretary of State” insert “, the Welsh Ministers”.

**32.** In section 145 (general restrictions on disclosure of information)(**30**), in subsection (2), in paragraphs and (aa) after “the Secretary of State” in each place insert “, the Welsh Ministers”.

**33.** In Schedule 7 (transfer of relevant activities in connection with railway administration orders) in paragraph 2(**31**) after sub-paragraph (9) insert—

“(10) A statutory instrument containing an order under this paragraph made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

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(Consequential Provisions) Order 2003 ([S.I. 2003/1615](#)), Schedule 1, paragraph 19; and regulation 2 of the Railways (Public Service Obligations) Regulations 2010 ([S.I. 2010/402](#)).

(**29**) Section 143 was amended by the Railways Act 2005 ([c. 14](#)), Schedule 11, paragraph 15.

(**30**) Section 145(2) was amended by the Railways and Transport Safety Act 2003 ([c. 20](#)), Schedule 2, paragraph 3; the Railways Act 2005 ([c. 14](#)), Schedule 11, paragraph 16(1) and Schedule 13, Part 1; the Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 ([S.I. 2014/892](#)), Schedule 1, paragraph 109(2); and the Office of Rail Regulation (Change of Name) Regulations 2015 ([S.I. 2015/1682](#)), Schedule 1, paragraph 1(aaa). There are other amendments to section 145 which are not relevant.

(**31**) Paragraph 2 was amended by the Transport Act 2000 ([c. 38](#)), Schedule 16, paragraph 54(5)(c) and by section 49 of the Railways Act 2005 ([c. 14](#)).