



Railways Act 1993

1993 CHAPTER 43

PART I

THE PROVISION OF RAILWAY SERVICES

Registers and reports of the Regulator and the Franchising Director

72 Keeping of register by the Regulator

- (1) The Regulator shall, at such premises and in such form as he may determine, maintain a register for the purposes of this Part.
- (2) Subject to subsection (3) and to any direction given under subsection (4) below, the Regulator shall cause to be entered in the register—
 - (a) in relation to licences, the provisions of—
 - (i) every licence and every licence exemption;
 - (ii) every assignment of a licence of which notice is received by the Regulator;
 - (iii) every modification or revocation of a licence;
 - (iv) every revocation of a licence exemption;
 - (v) every requirement imposed, or consent or approval given, by the Regulator under a licence;
 - (vi) every requirement imposed, or consent or approval given, under a licence by any person (other than the Regulator) who is a qualified person, within the meaning of section 9(3) above, for the purpose in question, being a requirement, consent or approval whose provisions have been notified to the Regulator pursuant to a condition of the licence;
 - (vii) every final or provisional order which relates to a licence, every revocation of such an order and every notice given by the Regulator under section 55(6) above that he is satisfied that he does not need to make such an order;

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- and notice of every surrender of a licence;
- (b) in relation to access agreements, access contracts and installation access contracts, the provisions of—
- (i) every facility exemption granted under section 20(3) above;
 - (ii) every direction to enter into an access contract or an installation access contract;
 - (iii) every access agreement;
 - (iv) every amendment (however described) of an access agreement;
 - (v) every general approval given under section 22(3) above which is for the time being in force;
 - (vi) every document issued or made by the Regulator under an access agreement;
- (c) in relation to closures, the provisions of—
- (i) every closure consent and every closure condition; and
 - (ii) every final or provisional order made by the Regulator which relates to any closure or proposed closure or to any closure consent or closure condition, every revocation of such an order and every notice given by the Regulator under section 55(6) above that he is satisfied that he does not need to make such an order;
- (d) in relation to experimental passenger services, within the meaning of section 48 above, the provisions of—
- (i) every notice under section 48(7) above designating a service as experimental;
 - (ii) every notice under section 48(2) or (3) above of a proposal to discontinue a service designated as experimental;
 - (iii) every final or provisional order made by the Regulator which relates to the provision or discontinuance of any such service, every revocation of such an order and every notice given by the Regulator under section 55(6) above that he is satisfied that he does not need to make such an order; and
- (e) the provisions of every railway administration order and of every discharge of such an order.
- (3) In entering any provision in the register, the Regulator shall have regard to the need for excluding, so far as that is practicable, the matters specified in section 71(2)(a) and (b) above.
- (4) If it appears to the Secretary of State that the entry of any provision in the register would be against the public interest or the commercial interests of any person, he may direct the Regulator not to enter that provision in the register.
- (5) Where an access agreement is entered into or amended, the facility owner or installation owner concerned shall send a copy of the access agreement or amendment to the Regulator not later than 14 days after the date on which the access agreement is entered into or the amendment is made, as the case may be.
- (6) A person who fails to comply with subsection (5) above is guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (7) The contents of the register shall be available for inspection by the public during such hours and subject to the payment of such fee as may be specified in an order made by the Secretary of State.
- (8) Any person may, on the payment of such fee as may be specified in an order so made, require the Regulator to supply him with a copy of, or extract from, any part of the register, being a copy or extract which is certified by the Regulator to be a true copy or extract.
- (9) The contents of the register shall be available for inspection at any time by the Franchising Director, without payment of any fee; and the Franchising Director may require the Regulator, without payment of any fee, to supply him with a copy of, or extract from, any part of the register, being a copy or extract which is certified by the Regulator to be a true copy or extract.
- (10) Any reference in this section to “assignment” shall be construed in Scotland as a reference to assignment.
- (11) Any sums received by the Regulator under this section shall be paid into the Consolidated Fund.

73 Keeping of register by the Franchising Director

- (1) The Franchising Director shall, at such premises and in such form as he may determine, maintain a register for the purposes of this Part.
- (2) Subject to subsection (3) and to any direction given under subsection (4) below, the Franchising Director shall cause to be entered in the register the provisions of—
 - (a) every franchise exemption;
 - (b) every franchise agreement;
 - (c) every notice of a determination under section 25(4) above;
 - (d) every amendment (however described) of a franchise agreement;
 - (e) every final or provisional order which relates to a franchise agreement, every revocation of such an order and every notice given by the Franchising Director under section 55(6) above that he is satisfied that he does not need to make such an order;

and, without prejudice to the generality of paragraph (d) above, “amendment” in that paragraph includes any variation of the property, rights and liabilities which from time to time constitute the franchise assets in relation to the franchise agreement in question, whether the variation is effected in accordance with the terms of, or by an amendment made to, the franchise agreement.

- (3) In entering any provision in the register, the Franchising Director shall have regard to the need for excluding, so far as that is practicable, the matters specified in paragraphs (a) and (b) of section 71(2) above, for this purpose taking references in those paragraphs to the Regulator as references to the Franchising Director.
- (4) If it appears to the Secretary of State that the entry of any provision in the register would be against the public interest or the commercial interests of any person, he may direct the Franchising Director not to enter that provision in the register.
- (5) The contents of the register shall be available for inspection by the public during such hours and subject to the payment of such fee as may be specified in an order made by the Secretary of State.

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- (6) Any person may, on the payment of such fee as may be specified in an order so made, require the Franchising Director to supply him with a copy of, or extract from, any part of the register, being a copy or extract which is certified by the Franchising Director to be a true copy or extract.
- (7) The contents of the register shall be available for inspection at any time by the Regulator, without payment of any fee; and the Regulator may require the Franchising Director, without payment of any fee, to supply him with a copy of, or extract from, any part of the register, being a copy or extract which is certified by the Franchising Director to be a true copy or extract.
- (8) Any sums received by the Franchising Director under this section shall be paid into the Consolidated Fund.

74 Annual and other reports of the Regulator

- (1) The Regulator shall, as soon as practicable after the end of the first relevant financial year and of each subsequent financial year, make to the Secretary of State a report on—
 - (a) his activities during that year; and
 - (b) the Monopolies Commission's activities during that year, so far as relating to references made by the Regulator.
- (2) Every such report shall include—
 - (a) a general survey of developments, during the year to which it relates, in respect of matters falling within the scope of the Regulator's functions;
 - (b) general surveys of any developments during that year which relate to—
 - (i) the provision of railway passenger services or station services for, or the use of such services by, persons who are disabled; or
 - (ii) the employment by licence holders of persons who are disabled;
 - (c) a statement setting out any general directions given to the Regulator during that year under section 69(2) above; and
 - (d) a general survey of the activities during that year of the Central Committee and the consultative committees and a summary of any reports made to him by the Central Committee or any consultative committee.
- (3) The Secretary of State shall lay a copy of every report made by the Regulator under subsection (1) above before each House of Parliament and shall arrange for copies of every such report to be published in such manner as he may consider appropriate.
- (4) The Regulator may also prepare such other reports as he thinks fit with respect to any matter falling within the scope of his functions.
- (5) The Regulator may arrange for copies of any report prepared under subsection (4) above to be published in such manner as he may consider appropriate.
- (6) In making or preparing any report under this section, the Regulator shall have regard to the need for excluding, so far as that is practicable, the matters specified in section 71(2)(a) and (b) above.
- (7) Section 125(1) of the 1973 Act (annual and other reports) shall not apply to activities of the Monopolies Commission on which the Regulator is required to report by this section.
- (8) In this section—

“financial year” means a period of twelve months ending with 31st March;
and

“first relevant financial year” means the financial year in which is made the
first appointment of a person as the Regulator.

75 Annual reports of the Franchising Director

- (1) The Franchising Director shall, as soon as practicable after the end of the first relevant financial year, and of each subsequent financial year, make to the Secretary of State a report on—
 - (a) his activities during that year; and
 - (b) the general performance of franchisees during that year in carrying out their functions under their franchise agreements.
- (2) The Secretary of State shall lay a copy of every report made by the Franchising Director under subsection (1) above before each House of Parliament and shall arrange for copies of every such report to be published in such manner as he may consider appropriate.
- (3) In making or preparing any report under this section, the Franchising Director shall have regard to the need for excluding, so far as that is practicable, the matters specified in paragraphs (a) and (b) of section 71(2) above, for this purpose taking references in those paragraphs to the Regulator as references to the Franchising Director.
- (4) In this section—

“financial year” means a period of twelve months ending with 31st March;
and
“first relevant financial year” means the financial year in which is made the
first appointment of a person as the Franchising Director.