



Railways Act 1993

1993 CHAPTER 43

PART II

RE-ORGANISATION OF THE RAILWAYS

Supplemental

^{F1}113

Annotations:

Amendments (Textual)

^{F1} S. 113 repealed (15.1.2001) by 2000 c. 38, s. 274, **Sch. 31 Pt. IV**; S.I. 2000/3376, **art. 2**

114 The Secretary of State, the Franchising Director and the Board not to be regarded as shadow directors of certain railway companies etc.

(1) None of the following persons, that is to say—

- (a) the Secretary of State,
- (b) the Franchising Director,
- (c) the Board,

shall be regarded for any purpose of [^{F2}the Companies Acts (as defined in section 2(1) of the Companies Act 2006)] as a shadow director, within the meaning of [^{F3}those Acts (see section 251 of that Act)], of any body falling within subsection (2) below.

(2) Those bodies are—

- (a) any publicly owned railway company;
- (b) any company which is wholly owned by the Franchising Director;
- (c) any subsidiary of the Board;
- (d) any franchise company;

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- (e) any company concerning which a direction (whether of a general or specific character) has been given under section 90 above to the Board with respect to the exercise by the Board of the rights conferred by their holding of interests in that company.

Annotations:

Amendments (Textual)

- F2** Words in s. 114(1) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 143(5)(a)** (with art. 10)
- F3** Words in s. 114(1) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 143(5)(b)** (with art. 10)

115 Parliamentary disqualification.

In Part III of Schedule 1 to the ^{M1}House of Commons Disqualification Act 1975, the following entry shall be inserted at the appropriate place—

“Director of a company—

- (a) which, within the meaning of Part II of the Railways Act 1993, is a successor company wholly owned by the Crown, or
- (b) which, within the meaning of that Act, is wholly owned by the Director of Passenger Rail Franchising,

being a director nominated or appointed by a Minister of the Crown, the Director of Passenger Rail Franchising or any other person acting on behalf of the Crown ”.

Annotations:

Marginal Citations

- M1** 1975 c. 24.

116 Interpretation of Part II.

- (1) In this Part, unless the context otherwise requires—

“dispose”, in relation to any land, includes the making of any disposition and “disposal” shall be construed accordingly;

“franchise company” has the meaning given by section 85(8) above;

“property”, “rights” and “liabilities” shall be construed in accordance with section 85(2) above and subsection (2) below;

“successor company” means a company in which any property, rights or liabilities are vested by virtue of and in accordance with a transfer scheme;

“transfer date” has the meaning given by section 85(6) or, as the case may be, 86(5)(b) above;

“transferee” and “transferor”, in relation to any transfer of property, rights or liabilities effected or proposed to be effected by virtue of a transfer scheme,

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mean respectively the person to whom and the person from whom they are, or are to be, so transferred.

- (2) Any reference in this Part to property, rights or liabilities is a reference to property or (as the case may be) rights or liabilities—
- (a) whether or not capable of being transferred or assigned otherwise than under or by virtue of this Act;
 - (b) whether situate or subsisting in the United Kingdom or elsewhere; and
 - (c) whether the person entitled to the property or rights or, as the case may be, subject to the liabilities is so entitled or subject—
 - (i) under the law of the United Kingdom or of any part of the United Kingdom; or
 - (ii) under the law of any country or territory outside the United Kingdom;
- and references to an undertaking or part of an undertaking shall be construed accordingly.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(3D) inserted by S.I. 2018/631 Sch. para. 2(3)
- s. 23(2ZD)(2ZE) inserted by S.I. 2018/631 Sch. para. 5(2)
- s. 24(3B) inserted by S.I. 2018/631 Sch. para. 6(2) (comes into force 2.00am on the 14/10/2018)
- s. 24(12B) inserted by S.I. 2018/631 Sch. para. 6(3) (comes into force 2.00am on the 14/10/2018)
- s. 26(4F)(aa) inserted by S.I. 2018/631 Sch. para. 8(4)
- s. 27(10A) inserted by S.I. 2018/631 Sch. para. 9(3)
- s. 55(7A)(aa) inserted by S.I. 2018/631 Sch. para. 13(5) (comes into force 2.00am on the 14/10/2018)
- s. 55(11C) inserted by S.I. 2018/631 Sch. para. 13(9) (comes into force 2.00am on the 14/10/2018)
- s. 57A(aa) inserted by S.I. 2018/631 Sch. para. 15(2) (comes into force 2.00am on the 14/10/2018)
- s. 59(6)(d) inserted by S.I. 2018/631 Sch. para. 18(2)(b) (comes into force 2.00am on the 14/10/2018)
- s. 59(6)(za)(ia) inserted by S.I. 2018/631 Sch. para. 18(2)(a) (comes into force 2.00am on the 14/10/2018)
- s. 73B inserted by S.I. 2018/631 Sch. para. 23 (comes into force 2.00am on the 14/10/2018)
- s. 74(3ZA) inserted by S.I. 2018/631 Sch. para. 24(3)
- s. 130(1ZA)–(1ZF) inserted by S.I. 2018/631 Sch. para. 28(3) (comes into force 2.00am on the 14/10/2018)
- s. 130(11B) inserted by S.I. 2018/631 Sch. para. 28(5) (comes into force 2.00am on the 14/10/2018)
- s. 135(3A) inserted by S.I. 2018/631 Sch. para. 29(2)
- s. 145(2)(gc) inserted by S.I. 2015/786 reg. 7(3)
- Sch. 7 para. 2(10) inserted by S.I. 2018/631 Sch. para. 33 (comes into force 2.00am on the 14/10/2018)