



Railways Act 1993

1993 CHAPTER 43

PART II

RE-ORGANISATION OF THE RAILWAYS

New companies, transfer schemes and disposals

85 Powers of the Board to make transfer schemes.

- (1) The Board shall have power to make schemes for the transfer of the whole or any part of the undertaking, or any property, rights or liabilities, of—
 - (a) the Board,
 - (b) any wholly owned subsidiary of the Board,
 - (c) any publicly owned railway company,
 - (d) the Franchising Director, or
 - (e) any company which is wholly owned by the Franchising Director,to any other person falling within paragraphs (a) to (e) above or to a franchise company.
- (2) In relation to the transfer or disposal (or the proposed transfer or disposal) of the whole or any part of an undertaking, any reference in this Part to property, rights or liabilities includes a reference to the undertaking or part (and, accordingly, to the property, rights and liabilities comprised in that undertaking or part).
- (3) The powers conferred on the Board by subsection (1) above shall only be exercisable—
 - (a) for the purposes of the Board's business, or to facilitate a disposal in the ordinary course of that business;
 - (b) for the purpose of effecting or facilitating the disposal of such property, rights or liabilities as the Secretary of State may direct; or
 - (c) for the purpose of facilitating the performance by the Franchising Director of his functions under sections 23 to 36 above,

*Changes to legislation: There are currently no known outstanding effects
for the Railways Act 1993, Section 85. (See end of Document for details)*

and paragraph (a) above accordingly applies only in relation to transfers between the Board and any of its wholly owned subsidiaries or between two or more of its wholly owned subsidiaries.

- (4) The Secretary of State may, after consultation with the Board, direct the Board to exercise any power conferred by subsection (1) above; and, if he does so, he may also give the Board directions with respect to—
- (a) the manner in which, and time within which, the power is to be exercised;
 - (b) the property, rights or liabilities to be transferred;
 - (c) the person to whom the transfer is to be made.
- (5) The Board shall not exercise the power conferred by subsection (1) above—
- (a) for a purpose falling within paragraph (a) of subsection (3) above, except with the consent of, or pursuant to a direction given under subsection (4) above by, the Secretary of State; or
 - (b) for a purpose specified in paragraph (b) or (c) of subsection (3) above, except pursuant to such a direction.
- (6) Subject to the following provisions of this Part, on the day on which a scheme under subsection (1) above comes into force (in this Part referred to as the “transfer date”) the property, rights and liabilities affected by the scheme shall, subject to section 97 below, be transferred and vest by virtue of, and in accordance with, the scheme.
- (7) Each of the powers conferred on the Board by this section—
- (a) is in addition to, and not in derogation from, the other powers so conferred and the other powers of the Board; and
 - (b) relates only to the capacity of the Board as a statutory corporation;
- and nothing in this section shall be construed as authorising the disregard by the Board of any enactment or rule of law.
- (8) In this Part, “franchise company” means any body corporate which is, or is to be, the franchisee or the franchise operator under a franchise agreement.
- (9) Expressions used in subsection (8) above and in Part I above have the same meaning in that subsection as they have in that Part.

Modifications etc. (not altering text)

C1 S. 85(6) applied (11.1.1994) by 1994 c. 9, s. 252(1), **Sch. 24 para. 1(1)**

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There are currently no known outstanding effects for the Railways Act 1993, Section 85.