



Railway Heritage Act 1996

CHAPTER 42

ARRANGEMENT OF SECTIONS

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Railway Heritage Act 1996

1996 CHAPTER 42

An Act to make further provision for and in connection with the preservation of railway records and artefacts. [18th July 1996]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The following shall be regarded as bodies to which this Act applies, namely— Bodies to which Act applies.

- (a) the British Railways Board ("the Board");
- (b) any wholly owned subsidiary of the Board;
- (c) any company which was formerly a wholly owned subsidiary of the Board;
- (d) any publicly owned railway company;
- (e) any company which was formerly a publicly owned railway company;
- (f) the Franchising Director;
- (g) any company which is wholly owned by that Director;
- (h) any franchisee; and
- (i) any franchise operator.

2.—(1) A committee ("the committee") shall be established by a scheme under this section. Establishment of committee.

(2) The scheme—

- (a) shall provide for the committee to consist of a chairman, and not less than six other members, appointed by the Board with the approval of the Secretary of State;
- (b) may make provision—
 - (i) with respect to the establishment, membership and functions of sub-committees; and

(ii) for anything done by or to a sub-committee to be treated for the purposes of this Act as if done by or to the committee;

(c) may make provision requiring the Board—

(i) to provide the committee or any sub-committee with such administrative and secretarial assistance as it may reasonably require;

(ii) to reimburse any out-of-pocket expenses duly incurred by the members of the committee or any sub-committee in the performance of their functions;

(d) may confer supplemental and incidental functions on the committee; and

(e) may contain such other supplemental and incidental provision as the Secretary of State may consider necessary or expedient.

(3) The power to make a scheme under this section shall be exercisable by order made by the Secretary of State after consultation with the Board and with such other persons as the Secretary of State may consider appropriate.

(4) The power to make an order under this section is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Designation of records and artefacts.

3.—(1) It shall be a function of the committee—

(a) to designate those records or artefacts, or those classes or descriptions of record or artefact, which in the opinion of the committee are of sufficient interest to warrant preservation; and

(b) to notify every body to which this Act applies of the records or artefacts, or the classes or descriptions of record or artefact, so designated.

(2) The function conferred by paragraph (a) of subsection (1) above includes power to revoke or amend designations previously made; and paragraph (b) of that subsection shall be construed accordingly.

(3) Subject to subsection (4) below, references in this section to records or artefacts are references to records kept, or artefacts made, for purposes connected with railways.

1958 c. 51.

(4) References in this section to records do not include references to records which are public records within the meaning of the Public Records Act 1958.

Notice of proposed disposal of record or artefact.

4.—(1) Where a body to which this Act applies proposes to dispose of a designated record or artefact to any person to any extent, it shall give notice to the committee containing details of the proposed disposal.

(2) If the committee is content both with the person to whom the record or artefact is proposed to be disposed of and with the terms of the proposed disposal (including any terms relating to payment), it shall consent to the disposal.

(3) If the committee is content with that person but not with those terms, it shall give directions to the body with respect to the terms (including any terms relating to payment) on which the body may offer to dispose of the record or artefact to that person to the extent proposed.

(4) If the committee is not content with that person, it shall give directions to the body—

- (a) specifying the person or persons to whom the body may offer to dispose of the record or artefact to the extent proposed and, where there are two or more such persons, specifying the order in which the offers must be made; and
- (b) with respect to the terms (including any terms relating to payment) on which the body must make the offer or offers.

(5) In subsections (2) to (4) above “terms relating to payment” includes terms as to the basis on which the amount or terms of payment are to be settled.

(6) Nothing in this section shall apply to, and nothing in section 5 below shall preclude, any disposal of a designated record or artefact by a body to which this Act applies if—

- (a) at the time of the disposal, the body has not been notified of the designation;
- (b) the disposal is made in accordance with a transfer scheme under Part II of the Railways Act 1993; or
- (c) the disposal is not so made but is a disposal to another body to which this Act applies;

1993 c.43.

but where such a body makes such a disposal as is mentioned in paragraph (c) above, it shall, within the period of two months beginning with the day of the disposal, give notice to the committee of the disposal.

5.—(1) A body to which this Act applies may dispose of a designated record or artefact if, and only if—

Disposal of record or artefact.

- (a) the committee has consented to the disposal under section 4(2) above; or
- (b) the disposal is made in pursuance of an offer made by the body in accordance with directions given under section 4(3) or (4) above; or
- (c) the body has given notice of the disposal under section 4(1) above and has made one or more offers in accordance with directions given under section 4(3) or (4) above, but the offer has not been accepted, or (as the case may be) none of the offers has been accepted, within the requisite period; or
- (d) the body has given notice of the disposal under section 4(1) above, but the committee has neither consented under section 4(2) above, nor given directions under section 4(3) or (4) above, within the requisite period;

and in this subsection “the requisite period”, in relation to an offer or notice, means the period of six months beginning with the day on which the offer or notice was made or given.

(2) Any disposal made in contravention of subsection (1) above shall be void.

(3) Subject to paragraph 7 of Schedule 1 to the Public Records Act 1958 and any Orders in Council made under that paragraph, nothing in that Schedule shall cause any records disposed of in accordance with subsection (1) above to become, by reason of that or any subsequent disposal, public records within the meaning of that Act.

1958 c.51.

- 1937 c.43. (4) Any records disposed of in accordance with subsection (1) above which at any time are for the time being in the custody of the Secretary of State for Scotland may be treated for the purposes of section 5(1) of the Public Records (Scotland) Act 1937 as records belonging to Her Majesty.
- Guidance and information. 6.—(1) In exercising its functions under this Act the committee shall have regard to such guidance as may from time to time be given by the Secretary of State; and any such guidance may make different provision for different cases or descriptions of case.
- (2) The committee may require a body to which this Act applies to furnish the committee with such information as the committee reasonably considers necessary to enable it to exercise any of its functions under this Act.
- Interpretation. 7.—(1) In this Act—
“designated”, in relation to a record or artefact, means designated, or of a class or description designated, by the committee under section 3 above, and “designation” shall be construed accordingly;
“disposal”, in relation to a designated record or artefact, includes—
(a) a lease or loan of the record or artefact for a period which exceeds twelve months, or for any period to a person to whom the record or artefact has been leased or loaned at any time in the preceding twelve months;
(b) the creation of any security over the record or artefact, and “dispose” shall be construed accordingly.
- 1993 c.43. (2) In this Act expressions which are also used in the Railways Act 1993 have the same meanings as in that Act.
- Short title, repeal, commencement and extent. 8.—(1) This Act may be cited as the Railway Heritage Act 1996.
- (2) Section 125 of the Railways Act 1993 (the provisions of which are with modifications re-enacted by this Act) is hereby repealed.
- (3) This Act shall come into force at the end of the period of two months beginning with the day on which it is passed.
- (4) This Act does not extend to Northern Ireland.

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