

SCHEDULES

SCHEDULE 17

TRANSFERS TO SRA FROM RAIL REGULATOR

PART II

OTHER FUNCTIONS

Introductory

17 The Railways Act 1993 has effect subject to the following further amendments.

Rail users' consultative committees

- 18 (1) Section 2 (Rail Users' Consultative Committees) is amended as follows.
- (2) In subsection (2), for “Regulator” substitute “Strategic Rail Authority (in this Act referred to as “the Authority”)”.
- (3) In subsections (5), (6), (6A) and (9), for “Regulator” (in each place) substitute “Authority”.
- 19 In section 3(3) (Central Rail Users' Consultative Committee), for “Regulator” (in both places) substitute “Authority”.
- 20 (1) Section 76 (general duties of Central Committee) is amended as follows.
- (2) In subsection (2)(b), for “Regulator” substitute “Authority”.
- (3) In subsection (5), for the words from “refer the matter” to the end substitute “, unless representations about the matter have been made to the Authority by the Rail Passengers' Council, refer it to the Authority with a view to the Authority exercising such of its powers as it considers appropriate in the circumstances of the case.”
- (4) After that subsection insert—
- “(5A) But if the Authority considers that it would be more appropriate for a matter referred to it by the Rail Passengers' Council to be considered by the Regulator, the Authority shall refer it to him, with a view to his exercising such of his powers as he considers appropriate in the circumstances of the case.”
- (5) In subsection (6) (in both places) and in subsection (7), for “Regulator” substitute “Authority”.
- 21 (1) Section 77 (general duties of consultative committees) is amended as follows.
- (2) In subsection (2)(b), for “Regulator under section 68(2)(b) above” substitute “Authority”.

Status: This is the original version (as it was originally enacted).

- (3) In subsection (4), for the words from “refer the matter” to the end substitute “, unless representations about the matter have been made to the Authority by the Rail Passengers' Committee, refer it (or, if it was referred to the Rail Passengers' Committee by the Authority, refer it back) to the Authority with a view to the Authority exercising such of its powers as it considers appropriate in the circumstances of the case.”
- (4) After that subsection insert—
- “(4A) But if the Authority considers that it would be more appropriate for a matter referred to it by a Rail Passengers' Committee to be considered by the Regulator, the Authority shall refer it (or, if it was referred to the Rail Passengers Committee by the Regulator, refer it back) to him, with a view to his exercising such of his powers as he considers appropriate in the circumstances of the case.”
- (5) In subsection (5), for “Regulator” substitute “Authority”.
- (6) In subsection (6)—
- (a) for “Regulator” substitute “Authority”, and
- (b) for “him” substitute “it”.
- (7) In subsection (7)—
- (a) for “Regulator” substitute “Authority”, and
- (b) for “he” substitute “it”.
- (8) In subsection (8), omit “, after consultation with the Regulator,”.
- (9) In subsection (9), for “to the Regulator under subsection (4)(a)” substitute “under subsection (4) or (4A)”.
- 22 In section 79(1)(a) (annual report to Regulator by Central Committee and each consultative committee), for “Regulator” substitute “Authority”.
- 23 (1) Schedule 2 (Rail Users' Consultative Committees) is amended as follows.
- (2) In paragraphs 2, 4 and 5(4), for “Regulator” substitute “Authority”.
- (3) In paragraph 8(1), for “Regulator out of money provided by Parliament” substitute “Authority”.
- 24 (1) Schedule 3 (Central Rail Users' Consultative Committee) is amended as follows.
- (2) In paragraphs 2, 4 and 5(4), for “Regulator” substitute “Authority”.
- (3) In paragraph 8(1), for “Regulator out of money provided by Parliament” substitute “Authority”.

Closures

- 25 (1) In sections 37(1), 38(2), 39(1), 40(2), 41(1) and 42(2) (provisions about closures with exceptions for closures certified by Regulator as minor closures), for “certified by the Regulator as being” substitute “determined by the Authority to be”.
- (2) In the definition of “minor closure” in section 37(9), and in both places in that definition in sections 39(10) and 41(9), omit “, in the opinion of the Regulator,”.

(3) Before section 47 insert—

“46B Notification of minor closures to Regulator

The Authority shall notify the Regulator of every determination under section 37(1), 38(2), 39(1), 40(2), 41(1) or 42(2) above that a closure is a minor closure.”

26 In section 55(10) (orders for securing compliance), in the definition of “the appropriate officer”—

- (a) in paragraph (a), omit “or a person under closure restrictions,”, and
- (b) in paragraph (b), for “or a franchise operator” substitute “a franchise operator, a person under closure restrictions or a person (other than the Authority) who is required to comply with closure conditions or has agreed to comply with conditions under section 37(1), 39(1) or 41(1) above”.

27 (1) In section 73(2) (matters which Authority must cause to be entered in register)—

- (a) after paragraph (d) insert—
 - “(da) every closure consent and closure condition, every determination under section 37(1), 38(2), 39(1), 40(2), 41(1) or 42(2) above that a closure is a minor closure, every condition imposed under section 37(1), 39(1) or 41(1) above, every general determination under section 46A above and every revocation of a general determination under that section;”, and
- (b) in paragraph (e) (orders relating to franchise agreements), after “agreement” insert “or to any closure or proposed closure or to any closure consent or closure condition”.

(2) In section 72(2), omit paragraph (c) (existing obligation of Regulator to keep information about closures).

Code for protection of disabled rail users

28 (1) After section 71A insert—

“71B Code of practice for protection of interests of rail users who are disabled

- (1) The Authority shall—
 - (a) prepare and from time to time revise, and
 - (b) publish and otherwise promote the adoption and implementation of, a code of practice for protecting the interests of users of railway passenger services or station services who are disabled
- (2) In preparing or revising the code of practice, the Authority shall consult the Disabled Persons Transport Advisory Committee established under section 125 of the Transport Act 1985.”

(2) Omit section 70 (existing obligation of Regulator in relation to code).

Annual reports

29 (1) In section 75 (annual report of Authority), after subsection (1) insert—

Status: This is the original version (as it was originally enacted).

“(1A) Every such report shall include—

- (a) 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; and
- (b) a general survey of the activities during that year of the Rail Passengers' Council and the Rail Passengers' Committees and a summary of any reports made to the Authority by the Rail Passengers' Council or any Rail Passengers' Committee.”

- (2) In section 74(2) (matters to be included in annual report of Regulator), omit paragraphs (b) and (d) (the matters which are now to be included in the annual report of the Authority by virtue of section 75(1A)(b) and (c)).

Penalty fares

- 30 In section 130 (penalty fares), for “Regulator” (in each place) substitute “Authority”.