



Railways and Transport Safety Act 2003

2003 CHAPTER 20

PART 3

BRITISH TRANSPORT POLICE

General

72 Crown application

This Part applies in relation to property irrespective of whether it belongs to or is used for the purposes of the Crown or a Duchy.

73 Consequential, transitional and incidental provision

- (1) Schedule 5 (amendments consequential on this Part) shall have effect.
- (2) The Secretary of State may by order make consequential, transitional or incidental provision, or savings, for the purpose of or in connection with a provision of this Part.
- (3) Transitional provision under subsection (2) may, in particular, make provision in connection with the abolition of the police force comprising constables appointed under section 53 of the [British Transport Commission Act 1949 \(c. xxix\)](#) (“the old transport police”); and that provision may include, in particular, provision—
 - (a) for the transfer to the Authority of staff (including, but not limited to, constables) presently employed by the Strategic Rail Authority or by another person in connection with the old transport police;
 - (b) for the transfer to the Authority of property held (whether by the Strategic Rail Authority or by another person) for the purpose of or in connection with the old transport police;
 - (c) for the transfer to the Authority of rights and liabilities arising in connection with the old transport police;
 - (d) for employment to be treated as continuous in the case of staff transferred;

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- (e) for or in relation to the continuity (with or without modifications) of a scheme in respect of pensions, which may include a scheme having effect under an instrument;
 - (f) for provision under paragraph (c) or (e) to be treated as having a specified effect for the purposes of an enactment about pension schemes;
 - (g) for a pension scheme to have effect with specified modifications (which may include the conferring of a discretionary function on the Secretary of State) for the purpose of ensuring or enhancing consistency of treatment in relation to—
 - (i) different classes of employee of the Authority, or
 - (ii) schemes appertaining to different classes of employee of the Authority;
 - (h) treating persons appointed to the old transport police as having been appointed under this Part;
 - (i) for dealing with—
 - (i) the termination of agreements made in respect of the old transport police;
 - (ii) the treatment of rights and liabilities under agreements made in respect of the old transport police by persons who enter into police services agreements with the Authority (whether or not they are required to do so);
 - (j) for the assignment or transfer (under paragraphs (a) to (c)) of property, rights or liabilities that would not otherwise be capable of being assigned or transferred;
 - (k) about the continuity of legal proceedings;
 - (l) to have effect in place of the provision relating to bankruptcy restrictions orders while the enactment conferring power to make those orders has not come into force;
 - (m) in respect of the period (if any) between the coming into force of section 18 and the beginning of the first financial year of the Authority.
- (4) An order under subsection (2) may amend an enactment or instrument.

74 Regulations and orders

- (1) An order or regulations under this Part—
 - (a) may make provision which applies generally or only in specified cases or circumstances,
 - (b) may make different provision for different cases or circumstances, and
 - (c) may make transitional, consequential or incidental provision.
- (2) An order or regulations made by the Secretary of State under this Part shall be made by statutory instrument.
- (3) The following shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament—
 - (a) an order under section 73(2) which amends an enactment or instrument,
 - (b) an order under section 73(2) which is made by virtue of section 73(3), and
 - (c) an order under paragraph 24(2) of Schedule 4.
- (4) Any other order or regulations made by the Secretary of State under this Part shall be subject to annulment in pursuance of a resolution of either House of Parliament.

75 Interpretation

- (1) For the purposes of this Part (including, except where the context requires otherwise, subsections (2) to (5) below) “railway” means—
 - (a) a railway within the meaning given by section 67(1) of the Transport and Works Act 1992 (c. 42) (interpretation), and
 - (b) a tramway within the meaning given by that section.
- (2) For the purposes of this Part “railway services” means the management or control, or participation in the management or control, of all or any part or aspect of a railway or railway property.
- (3) For the purposes of this Part “railway property” means—
 - (a) a track,
 - (b) a network,
 - (c) a station,
 - (d) a light maintenance depot,
 - (e) a railway vehicle on a network or tramway,
 - (f) rolling stock on a network or tramway,
 - (g) a train used on a network, and
 - (h) a vehicle used on a tramway.
- (4) For the purposes of this Part (including subsections (1)(b) and (3) above) “tramway” has the meaning given by section 67(1) of the Transport and Works Act 1992 (c. 42).
- (5) For the purposes of this Part the following expressions have the meaning given by section 82 or 83 of the Railways Act 1993 (c. 43) (interpretation) (or, where appropriate, an equivalent meaning in relation to a tramway)—
 - (a) light maintenance depot,
 - (b) network,
 - (c) railway vehicle,
 - (d) rolling stock,
 - (e) station,
 - (f) track, and
 - (g) train.
- (6) In this Part unless the context requires otherwise a reference to a constable of the Police Force includes a reference to a constable of any rank.
- (7) In this Part a reference to the National Policing Plan is a reference to the plan provided for in section 36A of the Police Act 1996 (c. 16).
- (8) This section is subject to section 77(2).

76 Index of defined expressions

The following expressions are defined for the purposes of this Part by the provisions specified.

<i>Expression</i>	<i>Provision</i>
The Authority	Section 18

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<i>Expression</i>	<i>Provision</i>
British Transport Police Federation	Section 39
The Chief Constable	Section 21
Constable	Sections 25(6) and 75
Light maintenance depot	Section 75
National Policing Plan	Section 75
Network	Section 75
Police services agreement	Section 33
The Police Force	Section 20
Railway	Section 75
Railway property	Section 75
Railway services	Section 75
Railway vehicle	Section 75
Rolling stock	Section 75
Station	Section 75
Track	Section 75
Train	Section 75
Tramway	Section 75

77 **Extent**

- (1) This Part shall extend only to—
 - (a) England and Wales, and
 - (b) Scotland.
- (2) In the application of this Part in relation to Scotland any reference to a tramway shall be disregarded.
- (3) The powers exercisable by virtue of section 28 shall not be exercisable in relation to Scotland.