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*Changes to legislation: There are currently no known outstanding effects for the Railways Act 2005, Paragraph 31. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 1

#### TRANSFER ETC. OF FUNCTIONS OF THE STRATEGIC RAIL AUTHORITY

##### PART 1

##### TRANSFER AND ABOLITION OF FUNCTIONS

##### *Transfer of functions relating to maintenance of register*

31 After that section insert—

##### **“73A Keeping of register by the Scottish Ministers**

- (1) The Scottish Ministers must maintain a register.
- (2) The register must be kept in such form and at such premises as the Scottish Ministers determine.
- (3) Subject to subsections (4) and (5) below, the Scottish Ministers must cause the provisions of each of the following to be entered in the register—
  - (a) every designation made by them under section 23 of this Act, and every variation or revocation of such a designation;
  - (b) every franchise exemption granted by them;
  - (c) every franchise agreement to which they are a party;
  - (d) every amendment of such a franchise agreement, other than those that are unlikely to have a material effect on the provision of services under the agreement or on the sums payable under it;
  - (e) every determination made by them under section 34 of the Railways Act 2005 that a closure is a minor modification or that closures of a particular description are minor modifications;
  - (f) every revocation of a determination made by them under that section in relation to a description of closures;
  - (g) every condition agreed to under subsection (5) of that section in connection with a determination made by them;
  - (h) every final or provisional order made by them;
  - (i) every revocation by them of such an order;
  - (j) every notice given by them under section 55(6) of this Act of a decision not to make such an order;
  - (k) every penalty imposed by them under section 57A of this Act;
  - (l) every statement of policy published by them under section 57B of this Act.

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- (4) The Scottish Ministers may enter the provisions of anything in the register in a manner that excludes, so far as practicable, so much of the details of those provisions as they consider it appropriate to exclude for the purpose of maintaining the confidentiality of—
- (a) matters relating to the affairs of an individual the publication of which would or might, in the Scottish Ministers' opinion, seriously and prejudicially affect the interests of that individual; and
  - (b) matters relating specifically to the affairs of a particular body of persons the publication of which would or might, in the Scottish Ministers' opinion, seriously and prejudicially affect the interests of that body.
- (5) If it appears to the Scottish Ministers that the entry of any provision in the register would be against the public interest, they may decide not to enter it in the register.
- (6) The contents of the register must be available for inspection, at any time and free of charge, by the Secretary of State or the Office of Rail Regulation.
- (7) The Secretary of State and the Office of Rail Regulation may each require the Scottish Ministers to supply him or (as the case may be) it free of charge with a certified copy of a part of the register or with a certified extract from it.
- (8) The references in subsection (7) to a certified copy or a certified extract are references to a copy or extract that has been certified by the Scottish Ministers to be a true copy or extract.
- (9) In subsection (3)(d) “amendment”, in relation to a franchise agreement, means any amendment however described, including variations (whether or not effected in accordance with the terms of the agreement or by a modification of it) of the property, rights and liabilities which from time to time constitute the franchise assets.”

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**Commencement Information**

**II** Sch. 1 para. 31 in force at 16.10.2005 by S.I. 2005/2812, art. 2(1), Sch. 1

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