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PROSPECTIVE

SCHEDULES

SCHEDULE 12

Section 59

OTHER MINOR AND CONSEQUENTIAL AMENDMENTS

Transport Act 1962 (c. 46)

- 1 (1) The Transport Act 1962 is amended as follows.
- (2) In section 43 (general provisions about services and facilities provided and charges imposed by the British Waterways Board and the SRA)—
 - (a) in subsections (1), (2) and (5), omit “or the Strategic Rail Authority”;
 - (b) in subsection (3), omit “and the Strategic Rail Authority”; and
 - (c) in subsections (4) and (6), for the words from “Neither” to “shall” substitute “The British Waterways Board shall not”.
- (3) In section 56 (transport consultative committees)—
 - (a) in subsection (4)—
 - (i) for “each Rail Passengers' Committee” substitute “the London Transport Users' Committee”;
 - (ii) in paragraphs (a), (b) and (c), for “Rail Passengers' Committee”, in each place, substitute “the London Transport Users' Committee”;
 - (iii) omit the words from “and copies” to the end;
 - (b) subsection (5) shall cease to have effect;
 - (c) in subsection (6ZA)—
 - (i) omit “in the case of any Rail Passengers' Committee” and “that Rail Passengers' Committee and”;
 - (ii) after “Rail Passengers' Council” insert “and the London Transport Users' Committee”;
 - (d) in subsection (6A), for “A Rail Passengers' Committee” substitute “Each of the Rail Passengers' Council and the London Transport Users' Committee”;
 - (e) subsection (20) shall cease to have effect.

Transport Act 1968 (c. 73)

- 2 (1) The Transport Act 1968 is amended as follows.
- (2) In section 55 (transport consultative committees), for “Rail Passengers' Committees” substitute “London Transport Users' Committee”.
- (3) In subsection (2A) of section 56 (financial assistance for capital expenditure incurred in connection with public passenger transport facilities), for the words from “the Strategic” to “franchising functions” substitute “a national authority under which the

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national authority undertakes to exercise any of its functions in relation to railways or railway services”.

(4) In subsection (2B) of that section—

- (a) omit the definition of “franchising functions”;
- (b) before the definition of “relevant local authority” insert—

““national authority” means the Secretary of State, the Scottish Ministers or the National Assembly for Wales;”.

Chronically Sick and Disabled Persons Act 1970 (c. 44)

3 In section 14(1) of the Chronically Sick and Disabled Persons Act 1970 (miscellaneous advisory committees), for “Rail Passengers' Committees,” substitute “ or ”.

Fire Precautions Act 1971 (c. 40)

4 In section 18 of the Fire Precautions Act 1971, for subsection (2) (power of fire and rescue authorities to make arrangements with the HSC) substitute—

“(2) A fire and rescue authority may arrange in relation to any work premises—

- (a) where an appropriate enforcement body is the Office of Rail Regulation, with that Office, and
- (b) where that Office is not an appropriate enforcement body or is not the only such body, with the Health and Safety Commission,

for such of the authority's functions under this Act as may be specified in the arrangements to be performed in relation to those premises, on behalf of the authority by that Office or (as the case may be) by the Health and Safety Executive.

(2A) Those arrangements may include arrangements for payments to be made by the fire and rescue authority in respect of the performance of the functions in question by the Office of Rail Regulation or by the Health and Safety Executive.

(2B) In subsection (2)—

“appropriate enforcement body”, in relation to any premises, means a person responsible under Part 1 of the Health and Safety at Work etc. Act 1974 (c. 37) for the enforcement of relevant statutory provisions (within the meaning of Part 1 of that Act) in relation to those premises; and

“work premises” means premises which are used as a place of work (within the meaning of Part 1 of that Act).”

Superannuation Act 1972 (c. 11)

5 In Schedule 1 to the Superannuation Act 1972 (types of employment in relation to which schemes may be made), at the appropriate place in the list of “Other Bodies” insert— “ The Rail Passengers' Council. ”

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Level Crossings Act 1983 (c. 16)

- 6 (1) Section 1 of the Level Crossings Act 1983 is amended as follows.
- (2) In subsection (6A) of that section (duty of the operator of a level crossing to make a request to the Secretary of State for an order where the HSE gives written notice to the operator that a request should be made), for “Health and Safety Executive” substitute “ Office of Rail Regulation ”.
- (3) In subsection (10B) of that section (duty of the Secretary of State to take account of advice given by or on behalf of the HSC), for “Health and Safety Commission” substitute “ Office of Rail Regulation ”.

Telecommunications Act 1984 (c. 12)

- 7 In section 101 of the Telecommunications Act 1984 (general restrictions on disclosure of information), in subsection (3), at the end insert—
“(r) the Railways Act 2005.”

Transport Act 1985 (c. 67)

- 8 In section 6(1) of the Transport Act 1985 (local bus services), for the words from “with” onwards substitute “ entered into, where a railway service has been temporarily interrupted, with the Secretary of State, the Scottish Ministers or the National Assembly for Wales under section 40 of the Railways Act 2005 (substitution services provided for interrupted or discontinued railway services) ”.

Airports Act 1986 (c. 31)

- 9 In section 74 of the Airports Act 1986 (restriction on disclosure of information), in subsection (3), at the end insert—
“(s) the Railways Act 2005.”

Water Industry Act 1991 (c. 56)

- 10 In Schedule 15 to the Water Industry Act 1991 (disclosure of information), in Part 2 (enactments etc. in respect of which disclosure may be made), at the end insert— “ The Railways Act 2005. ”

Water Resources Act 1991 (c. 57)

- 11 In Schedule 24 to the Water Resources Act 1991 (disclosure of information), in Part 2 (enactments etc. in respect of which disclosure may be made), at the end insert— “ The Railways Act 2005. ”

Deregulation and Contracting Out Act 1994 (c. 40)

- 12 (1) Section 37 of the Deregulation and Contracting Out Act 1994 (power to repeal certain health and safety provisions) is amended as follows.
- (2) In subsection (2) of that section—
(a) for paragraph (a) substitute—
“(a) in the case of regulations under paragraph (a) of that subsection repealing or revoking a provision specified in

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- section 117(4) of the Railways Act 1993, the Office of Rail Regulation,
- (aa) in the case of regulations under paragraph (a) of that subsection not falling within paragraph (a) of this subsection, the Health and Safety Commission,
 - (ab) in the case of regulations under paragraph (b) of that subsection revoking a provision of regulations which make provision exclusively in relation to transport systems falling within paragraph 1(3) of Schedule 3 to the Railways Act 2005, the Office of Rail Regulation,
 - (ac) in the case of regulations under paragraph (b) of that subsection not falling within paragraph (ab) of this subsection, the Health and Safety Commission;” and
- (b) in the words after paragraph (b), for “either” substitute “ any ”.
- (3) In subsections (3) and (4) of that section, for the words from “the Health”, in the first place where they occur in each subsection, to “Ireland” substitute “ the required consultee ”.
- (4) After subsection (4) of that section, insert—
- “(4A) In subsections (3) and (4), “the required consultee” means the body which the appropriate authority is required to consult by virtue of subsection (2) (a) to (b).”

Railway Heritage Act 1996 (c. 42)

- 13 (1) The Railway Heritage Act 1996 is amended as follows.
- (2) Section 1 (bodies to which the Act applies) is to become subsection (1) of that section and is amended as follows—
- (a) in paragraph (f), for the words from “Strategic” to the end substitute “ Secretary of State ”;
 - (b) in paragraph (g), for “Authority” substitute “ Secretary of State ”.
- (3) In that section, after that subsection insert—
- “(2) The Secretary of State may, by order made by statutory instrument, modify subsection (1) by adding a body or a description of body to the list of bodies to which this Act applies.
- (3) Before making an order under subsection (2), the Secretary of State must consult the bodies that appear to him to be the ones that will become bodies to which this Act applies on the coming into force of the order.
- (4) A statutory instrument containing an order under subsection (2) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (4) In section 2 (establishment of statutory committee)—
- (a) in paragraph (a) of subsection (2), omit “the Authority with the approval of”;
 - (b) in paragraph (c) of that subsection, for “requiring the Authority” substitute “ for the Secretary of State ”;
 - (c) in subsection (3), for “the Authority and with such other” substitute “ such ”.

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- (5) In section 4(6)(b) (exclusion of a disposal made in accordance with a transfer scheme under the 2000 Act from the application of sections 4 and 5), after “Transport Act 2000” insert “ or the Railways Act 2005 ”.

Greater London Authority Act 1999 (c. 29)

- 14 (1) The Greater London Authority Act 1999 is amended as follows.
- (2) In section 175 (co-operation between Transport for London and the Secretary of State)—
- (a) in subsection (1)(a)(ii), for the words from “whose provision” to “Railways Act 1993” substitute “ are secured services (within the meaning of Part 4 of the Railways Act 2005) provided by or on behalf of the Secretary of State ”; and
- (b) in subsection (3)(b), for “sections 37 and 38 of that Act” substitute “ sections 22 to 24 of the Railways Act 2005 ”.
- (3) In section 177(1)(b) and (2) (provision of extra passenger transport services and facilities), for “Strategic Rail Authority” substitute “ Secretary of State ”.
- (4) In section 179(3) (London local bus services), for the words from “Strategic Rail Authority” to “railway service)” substitute “ Secretary of State entered into under section 40 of the Railways Act 2005 (substitution services provided for interrupted or discontinued railway services) ”.
- (5) In section 235(2)(b) (exception to the restriction on disclosure of information for a disclosure made for the purpose of facilitating the carrying out of certain statutory functions)—
- (a) omit “the Strategic Rail Authority,”; and
- (b) at the end insert “ or the Railways Act 2005 ”.
- (6) In section 240(2) and (7) (arrangements with London authorities for travel concessions), for “Strategic Rail Authority”, wherever occurring, substitute “ Secretary of State ”.
- (7) In section 247(2) (consultation with the SRA about appointments to the LTUC), for “Strategic Rail Authority” substitute “ Secretary of State ”.
- (8) In section 250(2) (persons to whom LTUC annual report is to be made), for “Strategic Rail Authority” substitute “ Secretary of State ”.
- (9) In paragraphs 9, 11 and 15 of Schedule 18 (consultation by LTUC with SRA and information provided to SRA by LTUC), for “Strategic Rail Authority”, in each place, substitute “ Secretary of State ”.

Postal Services Act 2000 (c. 26)

- 15 In paragraph 3 of Schedule 7 to the Postal Services Act 2000 (disclosure of information), in sub-paragraph (3), after paragraph (gj) insert—
- “(gk) the Railways Act 2005,”.

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Utilities Act 2000 (c. 27)

- 16 In section 105 of the Utilities Act 2000 (general restrictions on disclosure of information), in subsection (6), at the end insert—
“(u) the Railways Act 2005.”

Transport Act 2000 (c. 38)

- 17 (1) The 2000 Act is amended as follows.
- (2) In section 137(4)(d) (required notice in connection with the making of a ticketing scheme), for “Strategic Rail Authority” substitute “ Secretary of State ”.
- (3) In subsection (1) of section 228 (extension of functions of Rail Passengers' Council and Rail Passengers' Committees), for “Sections 76 and 77” substitute “ Section 76 ” and for “are amended” substitute “ is amended ”.
- (4) In subsection (1) of section 248 (substitute services to be suitable for disabled persons), for paragraph (b) substitute—
“(b) the provision of such services is secured by the Secretary of State, the Scottish Ministers or the National Assembly for Wales.”
- (5) In subsection (2) of that section, for “In doing so the person or Authority” substitute “ In providing or securing the provision of the services, the person providing them, the Secretary of State, the Scottish Ministers or the National Assembly for Wales ”.
- (6) In subsection (3) of that section—
(a) for “the person or Authority” substitute “ a person ”; and
(b) omit the words “or it”.
- (7) In paragraph 3(3) of Schedule 9 (air traffic: information), after paragraph (rc) insert—
“(rd) the Railways Act 2005;”.
- (8) In Schedule 25 (transfer of BR's property etc. to Secretary of State), after paragraph 12 insert—

“Duties in relation to foreign property

- 12A (1) Where there is a transfer in accordance with a transfer scheme of—
(a) foreign property, or
(b) a foreign right or liability,
the Board and the Secretary of State must take all requisite steps to secure that the vesting of the foreign property, right or liability in the Secretary of State by this Act is effective under the relevant foreign law.
- (2) Until the vesting of the foreign property, right or liability in the Secretary of State in accordance with the transfer scheme is effective under the relevant foreign law, the Board must—
(a) hold the property or right for the benefit of the Secretary of State;
or
(b) discharge the liability on behalf of the Secretary of State.
- (3) Nothing in sub-paragraph (1) or (2) prejudices the effect under the law of a part of the United Kingdom of the vesting of any foreign property,

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right or liability in the Secretary of State in accordance with a transfer scheme.

(4) References in this paragraph to foreign property, or to a foreign right or liability, are references to any property, right or liability as respects which an issue arising in any proceedings would be determined (in accordance with the rules of private international law) by reference to the law of a country or territory outside the United Kingdom.

(5) An obligation imposed under this paragraph in relation to property, rights or liabilities shall be enforceable as if contained in a contract between the Board and the Secretary of State.”

(9) In paragraph 10 of Schedule 28 (transitional provision in relation to section 56 of the Transport Act 1962 (c. 46))—

- (a) for “Rail Passengers' Committees” substitute “ London Transport Users' Committee ”;
- (b) in paragraph (a), for “sections 76 and 77” substitute “ section 76 ”;
- (c) in paragraph (b), for “those subsections” substitute “ that subsection ”.

Enterprise Act 2002 (c. 40)

18 (1) The Enterprise Act 2002 is amended as follows.

(2) In subsection (4) of section 168 (duty of Competition Commission and the Secretary of State in relation to regulated markets)—

- (a) in paragraph (h), omit “where none of the conditions of the licence relate to consumer protection”;
- (b) paragraph (i) shall cease to have effect; and
- (c) in paragraph (k), for the words from “Strategic” to the end substitute “ Secretary of State, the Scottish Ministers and the National Assembly for Wales under section 4 of the Act of 1993 ”.

(3) In subsection (5) of that section, for paragraph (j) substitute—

- “(j) the Secretary of State;
- (k) the Scottish Ministers; or
- (l) the National Assembly for Wales.”

(4) In Schedule 15 (enactments for the purposes of which disclosures of information are allowed), at the end insert— “ Railways Act 2005 (c. 14) ”.

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Changes and effects yet to be applied to :

- Sch. 12 para. 7 coming into force by S.I. 2005/1444 art. 2(1)Sch. 1
- Sch. 12 para. 9 coming into force by S.I. 2005/1444 art. 2(1)Sch. 1
- Sch. 12 para. 10 coming into force by S.I. 2005/1444 art. 2(1)Sch. 1
- Sch. 12 para. 11 coming into force by S.I. 2005/1444 art. 2(1)Sch. 1
- Sch. 12 para. 14(1) coming into force by S.I. 2005/1444 art. 2(1)Sch. 1
- Sch. 12 para. 15 coming into force by S.I. 2005/1444 art. 2(1)Sch. 1
- Sch. 12 para. 16 coming into force by S.I. 2005/1444 art. 2(1)Sch. 1
- Sch. 12 para. 17(1) coming into force by S.I. 2005/1444 art. 2(1)Sch. 1
- Sch. 12 para. 17(7) coming into force by S.I. 2005/1444 art. 2(1)Sch. 1
- Sch. 12 para. 18(1) coming into force by S.I. 2005/1444 art. 2(1)Sch. 1
- Sch. 12 para. 18(4) coming into force by S.I. 2005/1444 art. 2(1)Sch. 1
- Sch. 12 para. 14(5)(b) coming into force by S.I. 2005/1444 art. 2(1)Sch. 1
- Sch. 12 para. 1(1) coming into force by S.I. 2005/1909 art. 2Sch.
- Sch. 12 para. 1(3) coming into force by S.I. 2005/1909 art. 2Sch.
- Sch. 12 para. 2(1) coming into force by S.I. 2005/1909 art. 2Sch.
- Sch. 12 para. 2(2) coming into force by S.I. 2005/1909 art. 2Sch.
- Sch. 12 para. 2(3)para. 2(4)(a) coming into force by S.I. 2005/1909 art. 2Sch.
- Sch. 12 para. 2(4)(b) coming into force by S.I. 2005/1909 art. 2Sch.
- Sch. 12 para. 3 coming into force by S.I. 2005/1909 art. 2Sch.
- Sch. 12 para. 5 coming into force by S.I. 2005/1909 art. 2Sch.
- Sch. 12 para. 8 coming into force by S.I. 2005/1909 art. 2Sch.
- Sch. 12 para. 14(1) coming into force by S.I. 2005/1909 art. 2Sch.
- Sch. 12 para. 14(3)(4)(6)-(9) coming into force by S.I. 2005/1909 art. 2Sch.
- Sch. 12 para. 17(1) coming into force by S.I. 2005/1909 art. 2Sch.
- Sch. 12 para. 17(2)(3)(8)(9) coming into force by S.I. 2005/1909 art. 2Sch.
- Sch. 12 para. 18(1) coming into force by S.I. 2005/1909 art. 2Sch.
- Sch. 12 para. 18(2)(a)(b) coming into force by S.I. 2005/1909 art. 2Sch.
- Sch. 12 para. 18(2)(c)(3) coming into force by S.I. 2005/1909 art. 2Sch.
- Sch. 12 para. 2(1)para. 2(4)(b) coming into force by S.I. 2005/2812 art. 2(1)Sch. 1
- Sch. 12 para. 8 coming into force by S.I. 2005/2812 art. 2(1)Sch. 1
- Sch. 12 para. 18(1)para. 18(2)(c)(3) coming into force by S.I. 2005/2812 art. 2(1)Sch. 1
- Sch. 12 para. 13 coming into force by S.I. 2005/2812 art. 2(2)Sch. 2
- Sch. 12 para. 17(1) coming into force by S.I. 2006/1951 art. 2(2)(h)
- Sch. 12 para. 17(4)-(6) coming into force by S.I. 2006/1951 art. 2(2)(i)
- Sch. 12 para. 4 coming into force by S.I. 2006/266 art. 2(2)Sch.
- Sch. 12 para. 6 coming into force by S.I. 2006/266 art. 2(2)Sch.
- Sch. 12 para. 12 coming into force by S.I. 2006/266 art. 2(2)Sch.
- Sch. 12 para. 1(1) coming into force by S.I. 2006/2911 art. 2Sch.
- Sch. 12 para. 1(2) coming into force by S.I. 2006/2911 art. 2Sch.
- Sch. 12 para. 14(1) coming into force by S.I. 2006/2911 art. 2Sch.
- Sch. 12 para. 14(2)para. 14(5)(a) coming into force by S.I. 2006/2911 art. 2Sch.
- Sch. 12 para. 15 omitted by 2011 c. 5 Sch. 12 para. 173

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

– Blanket amendment words substituted by S.I. 2011/1043 art. 36

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12(3)(aa) inserted by S.I. 2018/631 Sch. para. 40(2)(a)
- s. 12(3)(da) inserted by S.I. 2018/631 Sch. para. 40(2)(c)
- s. 19A inserted by 2008 c. 26 s. 74
- s. 19A words substituted by S.I. 2010/439 Sch. para. 9(4)(a)
- s. 19A heading words substituted by S.I. 2010/439 Sch. para. 9(4)(b)
- s. 22(11)(aa) inserted by S.I. 2018/631 Sch. para. 42 (comes into force 2.00am on the 14/10/2018)
- s. 23(9)(aa) inserted by S.I. 2018/631 Sch. para. 43 (comes into force 2.00am on the 14/10/2018)
- s. 24(11)(aa) inserted by S.I. 2018/631 Sch. para. 44(3) (comes into force 2.00am on the 14/10/2018)
- s. 25(7)(aa) inserted by S.I. 2018/631 Sch. para. 45 (comes into force 2.00am on the 14/10/2018)
- s. 29(11)(12) inserted by S.I. 2018/631 Sch. para. 46(3) (comes into force 2.00am on the 14/10/2018)
- s. 30(9)(10) inserted by S.I. 2018/631 Sch. para. 47(3) (comes into force 2.00am on the 14/10/2018)
- s. 31(10)(11) inserted by S.I. 2018/631 Sch. para. 48(3) (comes into force 2.00am on the 14/10/2018)
- s. 33(2)(da) inserted by 2009 c. 20 Sch. 6 para. 119
- s. 34(2A)(2B) inserted by S.I. 2018/631 Sch. para. 50 (comes into force 2.00am on the 14/10/2018)
- s. 35(6A)-(6C) inserted by S.I. 2018/631 Sch. para. 51(3) (comes into force 2.00am on the 14/10/2018)
- s. 36(1)(ba) inserted by S.I. 2018/631 Sch. para. 52(a) (comes into force 2.00am on the 14/10/2018)
- s. 38(2)(ba)(bb) inserted by S.I. 2018/631 Sch. para. 53(2) (comes into force 2.00am on the 14/10/2018)
- s. 38(2A) inserted by S.I. 2018/631 Sch. para. 53(3) (comes into force 2.00am on the 14/10/2018)
- s. 40(4)(c)-(e) substituted for s. 40(c) by S.I. 2018/631 Sch. para. 54(4) (comes into force 2.00am on the 14/10/2018)
- s. 40(4)(aa)(ab) inserted by S.I. 2018/631 Sch. para. 54(3) (comes into force 2.00am on the 14/10/2018)
- s. 42(1A)(1B) inserted by S.I. 2018/631 Sch. para. 55(2) (comes into force 2.00am on the 14/10/2018)
- s. 43(2A) inserted by S.I. 2018/631 Sch. para. 56(2)
- s. 43(3A) inserted by S.I. 2018/631 Sch. para. 56(3)
- s. 45(5)(aa) inserted by S.I. 2018/631 Sch. para. 58(3) (comes into force 2.00am on the 14/10/2018)
- s. 45(5A) inserted by S.I. 2018/631 Sch. para. 58(4) (comes into force 2.00am on the 14/10/2018)
- s. 46(5A) inserted by S.I. 2018/631 Sch. para. 59(2) (comes into force 2.00am on the 14/10/2018)
- s. 46(7)(c) and word added by S.I. 2005/3050 Sch. 1 para. 5(b)
- s. 46(7)(c) words substituted by S.I. 2019/700 reg. 25(2)
- s. 46(9) inserted by S.I. 2018/631 Sch. para. 59(3) (comes into force 2.00am on the 14/10/2018)
- s. 48A inserted by S.I. 2018/631 Sch. para. 60 (comes into force 2.00am on the 14/10/2018)
- s. 56(3)(d)(e) word omitted by S.I. 2018/631 Sch. para. 62(4)(b)
- s. 57(1A) inserted by S.I. 2018/631 Sch. para. 63(3)
- s. 59(5A) added by S.I. 2005/3050 Sch. 1 para. 6
- s. 59(5A) words substituted by S.I. 2019/700 reg. 25(3)

- Sch. 3 para. 7(4) inserted by 2006 c. 49 s. 51(1)
- Sch. 3 para. 1(5)(ba) inserted by 2013 c. 32 Sch. 12 para. 83
- Sch. 3 para. 4(4A) inserted by 2013 c. 32 Sch. 12 para. 85
- Sch. 5 para. 16(2)(c) and word inserted by S.I. 2010/439 art. 5(2)(b)
- Sch. 9 para. 1(2A) inserted by S.I. 2018/631 Sch. para. 67(b) (comes into force 2.00am on the 14/10/2018)
- Sch. 10 para. 11(3) inserted by 2010 c. 4 Sch. 1 para. 478(2)(b)

Commencement Orders yet to be applied to the Railways Act 2005

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2008/113 art. 2 commences (2007 c. 24)
- S.I. 2009/107 art. 2-5 Sch. 1-5 Commencement Order
- S.I. 2009/3318 art. 2-4 commences (2009 c. 20)
- S.I. 2011/2329 art. 23 commences (2011 c. 5)