
STATUTORY INSTRUMENTS

1994 No. 2032

TRANSPORT

The Railway Heritage Scheme Order 1994

<i>Made</i>	- - - -	<i>1st August 1994</i>
<i>Laid before Parliament</i>		<i>10th August 1994</i>
<i>Coming into force</i>	- -	<i>1st September 1994</i>

The Secretary of State, in exercise of the powers conferred on him by section 125(1), (4) and (8) of the Railways Act 1993⁽¹⁾, and (in respect of articles 1 and 2 and the Schedule) after consultation with the British Railways Board and such other persons as the Secretary of State considered appropriate in accordance with section 125(5) of that Act, hereby makes the following Order:

1. This Order may be cited as the Railway Heritage Scheme Order 1994 and shall come into force on 1st September 1994.
2. The scheme set out in the Schedule to this Order shall have effect.
3. 2nd September 1994 is appointed as the date as from which section 144 of the Transport Act 1968⁽²⁾ (transfer and disposal of historical records and relics) shall cease to have effect in relation to transfers or other disposals by the Board of any such historical records or relics, or other documents or objects, as are mentioned in that section.

Signed by authority of the Secretary of State for Transport

1st August 1994

Goschen
Parliamentary Under-Secretary of State,
Department of Transport

(1) 1993 c. 43.

(2) 1968 c. 73. Section 144 was modified by section 67(2) and (3) of, and paragraph 5 of Schedule 4 to, the London Regional Transport Act 1984 (c. 32).

SCHEDULE

Article 2

THE RAILWAY HERITAGE SCHEME

Interpretation

1.—(1) In this scheme “the Committee” means the Railway Heritage Committee established under paragraph 2(1).

(2) Any reference in this scheme to a numbered paragraph is a reference to the paragraph bearing that number in this scheme, and any reference to a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in the paragraph in which the reference occurs.

Establishment of Railway Heritage Committee

2.—(1) A committee, to be known as the Railway Heritage Committee, is hereby established.

(2) The Committee shall consist of a chairman, and not less than six other members, appointed by the Board with the approval of the Secretary of State.

(3) The Board shall secure that, so far as reasonably practicable, the members of the Committee shall at all times include—

- (a) at least one person for the time being appointed under section 2(1) of the Public Records Act 1958(3);
- (b) at least one person for the time being appointed under section 1(1) or (4) of the Public Registers and Records (Scotland) Act 1948(4);
- (c) at least one person who appears to the Board, having regard to the views of the Board of Trustees of the Science Museum, to represent the interests of the National Railway Museum at York;
- (d) at least two persons (not employed by the same employer) each of whom is employed by one of the following, namely—
 - (i) the Board;
 - (ii) a wholly owned subsidiary of the Board;
 - (iii) a publicly owned railway company.

(4) The chairman of the Committee shall be a person who does not fall within any of the categories of person mentioned in sub-paragraphs (a) to (d) of sub-paragraph (3).

Duration and termination of membership of the Committee

3.—(1) Subject to the following provisions of this paragraph, a member of the Committee shall be appointed on such terms as to duration and termination of membership as the Board shall, with the approval of the Secretary of State, determine, and shall, on ceasing to be a member, be eligible for re-appointment.

(2) A member of the Committee may at any time resign his membership by giving notice to the Board.

(3) The Board may, with the approval of the Secretary of State, at any time terminate the membership of any member of the Committee by giving notice to the member in question.

(3) 1958 c. 51.
(4) 1948 c. 57.

Proceedings

4.—(1) Subject to the following provisions of this paragraph, the Committee may determine their own procedure.

(2) The Committee shall meet when convened by the chairman, and in any case shall meet at least once a year.

(3) Without prejudice to the discretion of the chairman to call a meeting of the Committee whenever he thinks fit, he shall call a meeting when requested to do so by not less than half the members of the Committee.

(4) In the event that the chairman of the Committee does not attend a meeting of the Committee, another member may, with the agreement of the Committee, act as chairman for the purposes of that meeting.

(5) Where, in respect of any matter, the Committee are unable to reach a decision because of an equality of votes, the chairman or, in his absence, any person acting as chairman pursuant to sub-paragraph (4), shall have a casting vote.

(6) The validity of any proceedings of the Committee shall not be affected by any vacancy amongst the members or by any defect in the appointment of a member.

(7) The Committee shall keep minutes of the proceedings at every meeting of the Committee.

Administration and expenses

5.—(1) The Board shall provide the Committee with such administrative and secretarial assistance as the Committee may reasonably require.

(2) The Board shall reimburse any out-of-pocket expenses duly incurred by any member of the Committee in the performance of his functions.

Records of the Committee

6.—(1) The Committee shall keep records of—

- (a) the classes or descriptions of record or artefact which they designate, and the persons whom they notify of those classes or descriptions, pursuant to section 125(2)(a) of the Railways Act 1993;
- (b) particulars of any directions given by the Committee pursuant to section 125(2)(b) or (c) of that Act and the persons to whom such directions are given.

(2) The records referred to in sub-paragraph (1), and the minutes kept by the Committee pursuant to paragraph 4(7), shall be open to public inspection at such place and at such times as the Committee may determine.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to the Railway Heritage Scheme (“the Scheme”) set out in the Schedule. The Scheme establishes a Railway Heritage Committee (“the Committee”) having the functions, under

section 125 of the Railways Act 1993 “the Act”), of designating those classes or descriptions of records and artefacts which they consider to be of sufficient interest to warrant preservation, and of giving directions to the British Railways Board (“the Board”) and their wholly owned subsidiaries and to publicly owned railway companies, specifying the persons to whom, and the terms on which, any such historical record or artefact must be offered in the event of a proposed disposal.

Paragraph 2 of the Scheme makes provision with respect to the persons who are to be appointed as members of the Committee, and paragraph 3 concerns the duration and termination of membership.

Paragraph 4 makes provision with respect to the proceedings of the Committee (including as to the holding of meetings and the keeping of minutes). Paragraph 5 requires the Board to provide the Committee with administrative and secretarial assistance and to reimburse expenses incurred by members of the Committee.

Paragraph 6 requires the Committee to keep records of designations made, and directions given, under section 125 of the Act, and requires such records and minutes of the Committee’s meetings to be kept open to public inspection.

Article 3 of the Order appoints 2nd September 1994 as the day from which section 144 of the Transport Act 1968 (transfer and disposal of historical records and relics) is to cease to have effect in relation to disposals by the Board.