

SCHEDULE 1

CONSEQUENTIAL AMENDMENTS

Railways Act 1993 (c. 43)

143.—(1) The Railways Act 1993 is amended as follows.

(2) In section 25 (public sector operators not to be franchisees), for subsection (2) substitute—

“(2) Expressions used in sub-paragraphs (i) to (iv) of subsection (1)(e) that are defined for the purposes of the Companies Acts (see section 1174 of, and Schedule 8 to, the Companies Act 2006) have the same meaning in those sub-paragraphs.”.

(3) In section 59(7) (meaning and effect of railway administration order), for the definition of “the court” substitute—

““the court”, in relation to a protected railway company, means the court—

- (a) having jurisdiction to wind up the company, or
- (b) that would have such jurisdiction apart from section 221(2) or 441(2) of the Insolvency Act 1986 (exclusion of winding up jurisdiction in case of companies having principal place of business in, or incorporated in, Northern Ireland);”.

(4) In section 65 (interpretation of railway administration order provisions), for subsection (1) substitute—

“(1) In the railway administration order provisions of this Act—

“company” means—

- (a) a company registered under the Companies Act 2006, or
- (b) an unregistered company; and

“unregistered company” means a company that is not registered under that Act.”.

(5) In section 114(1) (Secretary of State etc not to be regarded as shadow director of certain railway companies)—

- (a) for “the Companies Act 1985 or the Companies (Northern Ireland) Order 1986” substitute “the Companies Acts (as defined in section 2(1) of the Companies Act 2006)”;
- (b) for “that Act or Order” substitute “those Acts (see section 251 of that Act)”.

(6) In section 151(1) (general interpretation)—

- (a) in the definition of “body corporate” for “section 740 of the Companies Act 1985” substitute “section 1173(1) of the Companies Act 2006”;
- (b) in the definitions of “subsidiary” and “wholly owned subsidiary” for “section 736 of the Companies Act 1985” substitute “section 1159 of the Companies Act 2006”.

(7) In Part 1 of Schedule 6 (railway administration orders: modifications of Insolvency Act 1986)

- (a) in paragraph 1(b) for “is an unregistered company” substitute “is not a company registered under the Companies Act 2006 in England and Wales or Scotland”;
- (b) in paragraph 4(b) for “memorandum or articles of association” substitute “articles of association”;
- (c) in paragraphs 7(4)(1) and 8(2), for paragraphs (a) and (b) substitute—
 - “(a) where the company—

(1) Paragraph 7(4) was amended by the Railways and Transport Safety Act 2003 (c.20), Schedule 2, paragraphs 1 and 18.

(2) Paragraph 8 was amended by the Railways and Transport Safety Act 2003 (c.20), Schedule 2, paragraphs 1 and 18.

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

- (i) is registered under the Companies Act 2006, or
 - (ii) is subject to a requirement imposed by regulations under section 1043 or 1046 of the Companies Act 2006 (unregistered UK companies or overseas companies) to deliver any documents to the registrar of companies,

the words “to the Office of Rail Regulation, the appropriate national authority and the registrar of companies”; and
- (b) where paragraph (a) above does not apply, the words “to the Office of Rail Regulation and the appropriate national authority”.”;
- (d) in paragraph 9, in the substituted subsection (2A), for paragraph (e) substitute—
 - “(e) where the company—
 - (i) is registered under the Companies Act 2006, or
 - (ii) is subject to a requirement imposed by regulations under section 1043 or 1046 of the Companies Act 2006 (unregistered UK companies or overseas companies) to deliver any documents to the registrar of companies,

the registrar of companies.”;
- (e) in paragraph 10(5)(3), in the substituted subsection (6)—
 - (i) for “an office copy” substitute “a copy”;
 - (ii) for paragraph (c) substitute—
 - “(c) where the company—
 - (i) is registered under the Companies Act 2006, or
 - (ii) is subject to a requirement imposed by regulations under section 1043 or 1046 of the Companies Act 2006 (unregistered UK companies or overseas companies) to deliver any documents to the registrar of companies,

to the registrar of companies.”.

(3) Paragraph 10(5) was amended by the Railways and Transport Safety Act 2003 (c.20), Schedule 2, paragraphs 1 and 18.