Changes to legislation: *Transport Act 2000, Part I is up to date with all changes known to be in force on or before 02 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

SCHEDULE 17

TRANSFERS TO SRA FROM [[F1]THE OFFICE OF RAIL AND ROAD]

Textual Amendments

F1 Words in Sch. 17 heading substituted (E.W.S.) (16.10.2015) by The Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), reg. 1(2), **Sch. para. 4(p)(v)**

PART I

FUNCTIONS RELATING TO LICENCES

Introductory

1 The [M1]Railways Act 1993 has effect subject to the following amendments.

Commencement Information

I1 Sch. 17 Pt. I wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in Sch. 2 Pt. II)

Marginal Citations

M1 1993 c. 43.

Exemptions

2 (1) Section 7 (exemptions from requirement for operator of railway asset to be authorised by licence) is amended as follows.

[F1](2) . . . . . .

[F1](3) . . . . . .

[F1](4) . . . . . .

[F1](5) . . . . . .

(6) In subsection (7), for “subsection (6) above” substitute “ this section ”.

[F2](7) . . . . . .

[F2](8) . . . . . .

Changes to legislation: *Transport Act 2000, Part I is up to date with all changes known to be in force on or before 02 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F1 Sch. 17 para. 2(2)-(5) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

F2 Sch. 17 para. 2(7)(8) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

Commencement Information

I2 Sch. 17 Pt. I wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in Sch. 2 Pt. II)

Consumer protection conditions

F3 3 . . . . . .

Textual Amendments

F3 Sch. 17 para. 3 repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

Grant

4 (1) Section 8 (licences) is amended as follows.

(2) In subsection (1)—

F4 (a) . . . . . .

(b) in paragraph (b) (grant by Regulator with consent of, or in accordance with general authority given by, Secretary of State), for the words after "consent" substitute " , or in accordance with a general authority, of the Secretary of State given after consultation with the Authority, ".

(3) In subsection (2) (general authority may require Regulator to consult, or obtain approval of, Secretary of State), for the words after "above" substitute—

"(a) shall include a requirement for the Regulator before granting a licence to consult the Authority about, or a requirement for him before doing so to obtain the approval of the Authority to, any conditions to be included in the licence which relate to consumer protection; and

(b) may include a requirement for the Regulator either to consult the Secretary of State, or a requirement to obtain his approval before granting a licence;

but a failure to comply with such a requirement shall not affect the validity of the licence. "

(4) In subsection (6) (certain licences not capable of being surrendered without consent of Regulator), for "without the consent of the Regulator" substitute " unless the Regulator and the Authority consent to the surrender ".

(5) In subsection (7) (grantor of licence to give copies)—

F5 (a) . . . . . .

(b) in paragraph (b), after "Regulator," insert " to the Authority and ".

Textual Amendments

F4 Sch. 17 para. 4(2)(a) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

F5 Sch. 17 para. 4(5)(a) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

Commencement Information

I3 Sch. 17 Pt. I wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in Sch. 2 Pt. II)

Assignment

5 (1) Section 11 (assignment of licences) is amended as follows.

(2) In subsection (2) (requirement of consent of whichever of the relevant authorities is specified), for the words after "consent of" substitute—

"(a) the Secretary of State, if he is specified for the purpose in the licence; or

(b) the Regulator and the Authority, in any other case."

(3) Omit subsection (3) (definition of "relevant authorities").

(4) In subsection (4) (consent may be given subject to conditions imposed by person giving consent), for "the person giving the consent thinks fit to impose" substitute " are imposed by the person or persons giving the consent ".

Commencement Information

I4 Sch. 17 Pt. I wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in Sch. 2 Pt. II)

Modification

6 (1) Section 12 (modification by agreement) is amended as follows.

F6(2) . . . . . .

(3) In subsection (2) (notice by Regulator)—

F7(a) . . . . . .

(b) after "and shall" insert " , before making the modifications, ".

F8(4) . . . . . .

F8(5) . . . . . .

Textual Amendments

F6 Sch. 17 para. 6(2) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

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F7 Sch. 17 para. 6(3)(a) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

F8 Sch. 17 para. 6(4)(5) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

Commencement Information

I5 Sch. 17 Pt. I wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in Sch. 2 Pt. II)

7 (1) Section 13 (modification references to Competition Commission) is amended as follows.

F9(2) . . . . . .

F9(3) . . . . . .

F9(4) . . . . . .

(5) In subsection (3) (matters which may be specified in reference or variation)—

F10(a) . . . . . .

(b) for "his" (in both places) substitute " its ".

(6) In subsection (4) (notice of reference or variation)—

F11(a) . . . . . .

(b) for "he" substitute " it ".

F12(7) . . . . . .

(8) In subsection (6) (assistance to Commission)—

F13(a) . . . . . .

(b) for "his possession" substitute " the possession of the appropriate authority ",

(c) for "his opinion" substitute " the opinion of the appropriate authority ", and

(d) for "his power" substitute " the power of the appropriate authority ".

Textual Amendments

F9 Sch. 17 para. 7(2)-(4) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

F10 Sch. 17 para. 7(5)(a) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

F11 Sch. 17 para. 7(6)(a) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

F12 Sch. 17 para. 7(7) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

F13 Sch. 17 para. 7(8)(a) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

Commencement Information

I6 Sch. 17 Pt. I wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in Sch. 2 Pt. II)

8 (1) Section 14 (reports on modification references) is amended as follows.

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F14(2) . . . . . .

(3) In subsection (5) (publication by Regulator)—

F15(a) . . . . . .

(b) for "he" substitute " it ".

F16(4) . . . . . .

F16(5) . . . . . .

Textual Amendments

F14 Sch. 17 para. 8(2) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

F15 Sch. 17 para. 8(3)(a) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

F16 Sch. 17 para. 8(4)(5) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

Commencement Information

I7 Sch. 17 Pt. I wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in Sch. 2 Pt. II)

9 (1) Section 15 (modification following report) is amended as follows.

(2) In subsection (1) (duty of Regulator to modify)—

(a) for "Where" substitute " This section applies where ", and

(b) omit the words following paragraph (d).

(3) After that subsection insert—

"(1A) Where the report is made to the Regulator he shall, subject to the following provisions of this section and to section 15A below, make such modifications of the conditions of the licence as appear to him requisite for the purpose of remedying or preventing the adverse effects specified in the report.

(1B) Where the report is made to the Authority it shall, subject to the following provisions of this section and to section 15A below, require the Regulator to make such modifications of the conditions of the licence as appear to it requisite for the purpose of remedying or preventing the adverse effects specified in the report."

(4) In subsection (2) (Regulator to have regard to modifications specified in report)—

(a) after "making" insert " , or requiring the making of, ", and

F17(b) . . . . . .

(5) In subsection (3) (notice by Regulator), for "this section" substitute " subsection (1A) above ".

F18(6) . . . . . .

F18(7) . . . . . .

F18(8) . . . . . .

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Textual Amendments

F17 Sch. 17 para. 9(4)(b) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

F18 Sch. 17 para. 9(6)-(8) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

Commencement Information

I8 Sch. 17 Pt. I wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in Sch. 2 Pt. II)

[F19]10 . . . . . .

Textual Amendments

F19 Sch. 17 para. 10 repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

Enforcement

11 (1) Section 55 (orders for securing compliance) is amended as follows.

(2) After subsection (5) insert—

"(5ZA) The Authority shall not make a final order, or make or confirm a provisional order, in relation to a licence holder or person under closure restrictions unless—

(a) it has given notice to the Regulator specifying a period within which he may give notice to it if he considers that the most appropriate way of proceeding is under the [M2]Competition Act 1998;

(b) that period has expired; and

(c) the Regulator has not given notice to the Authority within that period that he so considers (or, if he has, he has withdrawn it)."

[F20](3) . . . . . .

(4) In subsection (11), for "(5A)" substitute " (5ZA) ".

Textual Amendments

F20 Sch. 17 para. 11(3) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

Commencement Information

I9 Sch. 17 Pt. I wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in Sch. 2 Pt. II)

Marginal Citations

M2 1998 c. 41.

12 In section 56 (procedural requirements), after subsection (2) insert—

"(2A) Where the Regulator serves a copy of a notice under subsection (1) above on a licence holder, he shall also serve a copy on the Authority; and where the Authority so serves a copy of such a notice, it shall also serve a copy on the Regulator."

Commencement Information

I10 Sch. 17 Pt. I wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in Sch. 2 Pt. II)

Investigation

F21 13 . . . . . .

Textual Amendments

F21 Sch. 17 para. 13 repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

F22 14 . . . . . .

Textual Amendments

F22 Sch. 17 para. 14 repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

Registers

15 In section 72(2)(a) (matters about licences to be entered in register maintained by Regulator)—

(a) in sub-paragraph (iii) (modifications and revocations of licences), insert at the end " and every requirement to modify conditions of a licence imposed on the Regulator by the Authority ",

(b) in sub-paragraph (iv) (revocation of licence exemptions), insert at the end " and every requirement to revoke a licence exemption imposed on the Regulator by the Authority ",

(c) in sub-paragraph (vii) (enforcement orders etc.), for "which relates" substitute " made by the Regulator in relation ", and

(d) after that sub-paragraph insert—

"(viii) every scheme made by the Secretary of State under section 7A(4) above or paragraph 2 of Schedule 28 to the Transport Act 2000;".

Commencement Information

I11 Sch. 17 Pt. I wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in Sch. 2 Pt. II)

16 In section 73(2) (matters which Authority is to enter in register maintained by it)—

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(a) in paragraph (e) (provisions of enforcement orders etc.), for "which relates to" substitute " made by the Authority in relation to a licence or ", [F23]...

[F23](b) . . . . . .

Textual Amendments

F23 Sch. 17 para. 16(b) and preceding word repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

Commencement Information

I12 Sch. 17 Pt. I wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in Sch. 2 Pt. II)

Changes to legislation:
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View outstanding changes

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. 34

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

- s. 146(1)(defn.)(a)(b) by 2000 c. 38 s. 274 Sch. 31 Pt. 2
- s. 19(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 9(1C)(b) (as inserted) by S.I. 2019/1245 reg. 25 (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 86(8) inserted by 2024 c. 13 Sch. 29 para. 2
- s. 131A(2)(a) words omitted by 2017 c. 21 Sch. 2 para. 13(a)(i)
- s. 131A(2)(b) omitted by 2017 c. 21 Sch. 2 para. 13(a)(ii)
- s. 131A(4) omitted by 2017 c. 21 Sch. 2 para. 13(b)
- s. 131A(5)(b) words omitted by 2017 c. 21 Sch. 2 para. 13(c)(i)
- s. 131A(5)(c) words omitted by 2017 c. 21 Sch. 2 para. 13(c)(ii)
- s. 132B(1)(a) omitted by 2017 c. 21 Sch. 2 para. 19
- Sch. 9 para. 3(3)(ri) inserted by 2024 c. 13 Sch. 30 para. 27(a)
- Sch. 16 para. 34(4)(a)para. 34(4)(b)(c) repealed by 2005 c. 14 Sch. 13 Pt. 1