

Status: Point in time view as at 01/04/2001.

Changes to legislation: Transport Act 2000, SCHEDULE 18 is up to date with all changes known to be in force on or before 18 May 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)

SCHEDULES

SCHEDULE 18

Section 217.

TRANSFER TO SRA OF BR’S FUNCTIONS RELATING TO TRANSPORT POLICE

Commencement Information

- I1** Sch. 18 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)

PART I

FUNCTIONS

British Transport Commission Act 1949 (c.xxix)

- 1 The British Transport Commission Act 1949 has effect subject to the following amendments.

Commencement Information

- I2** Sch. 18 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)

- 2 (1) Section 53 (transport police), in its application to England and Wales, is amended as follows.
- (2) In subsection (1)—
- (a) for “British Railways Board” substitute “ Strategic Rail Authority ”, and
 - (b) for “that Board” substitute “ that Authority ”.
- (3) In subsection (1A)—
- (a) for “British Railways Board” substitute “ Strategic Rail Authority ”, and
 - (b) for “that Board” substitute “ that Authority ”.
- (4) In subsection (2) (as substituted by section 25(2) of the ^{M1}British Railways Act 1978)
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- (a) in paragraph (c), for “Commission” substitute “ Authority ”, and
 - (b) in paragraph (e), for the words from “which authority” to “is hereby” substitute “ which authority any justice or the Chief Constable of the British Transport Police Force is hereby ”.
- (5) In subsection (3)—
- (a) for “British Railways Board” (in each place) substitute “ Strategic Rail Authority ”, and

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(b) for “that Board” (in both places) substitute “ that Authority ”.

Commencement Information

I3 Sch. 18 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 1978 c. xxi.

- 3 (1) Section 53, in its application to Scotland, is amended as follows.
- (2) In subsection (1)—
- (a) after the definition of “the approved scheme” insert—
- ““the Authority” means the Strategic Rail Authority;”,
- and
- (b) in the definition of “the Boards” omit “the British Railways Board”.
- (3) In subsection (2)—
- (a) for “any one or more” insert “ the Authority or either or both ”, and
- (b) after “recommended to him” insert “ by the Authority or ”.
- (4) In subsection (4)(a)—
- (a) in sub-paragraph (i), for “any” substitute “ the Authority or either ”, and
- (b) in sub-paragraph (ii), for “British Railways Board” substitute “ the Authority ”.
- (5) In subsection (5)—
- (a) for “Any one or more” substitute “ The Authority or either or both ”,
- (b) after the first “except with the consent of” insert “ the Authority or, as the case may be, ”, and
- (c) for “British Railways Board” substitute “ the Authority ”.

Commencement Information

I4 Sch. 18 Pt. III 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)

British Transport Commission Act 1962 (c.xlii)

- 4 (1) Section 43 of the British Transport Commission Act 1962 (constables) is amended as follows.
- (2) Omit subsection (1).
- (3) In subsection (2), for “the said section 53” substitute “ section 53 (constables) of the Act of 1949 ”.

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Commencement Information

- I5** Sch. 18 Pt. III 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)

Police and Criminal Evidence Act 1984 (c.60)

- 5 In section 6 of the Police and Criminal Evidence Act 1984 (stop and search powers: statutory undertakers etc.), in subsection (1A) (transport police), for “by the British Railways Board” substitute “by the Strategic Rail Authority”.

Commencement Information

- I6** Sch. 18 Pt. III 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)

Channel Tunnel Act 1987 (c. 53)

- 6 (1) Section 14 of the Channel Tunnel Act 1987 (arrangements for policing of tunnel system) is amended as follows.
- (2) In subsection (2) (power of Board to provide constables or other assistance), for “Railways Board” substitute “Strategic Rail Authority”.
- (3) In subsection (5) (payments by Kent police authority)—
- (a) for “Railways Board” substitute “Strategic Rail Authority”, and
 - (b) for “Board” substitute “Authority”.

Modifications etc. (not altering text)

- C1** Sch. 18 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)

Railways Act 1993 (c.43)

- 7 The Railways Act 1993 has effect subject to the following amendments.

Commencement Information

- I7** Sch. 18 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 In section 132 (scheme for organisation etc. of transport police), in subsection (1), in subsection (2) (in both places) and in subsections (3) and (4), for “Board” substitute “Authority”.

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Commencement Information

- I8** Sch. 18 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 In section 133(1) (terms and conditions of employment of transport police)—
- (a) omit “continue to”, and
 - (b) for “Board” substitute “ Authority ”.

Commencement Information

- I9** Sch. 18 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)

- 10 In paragraph 3(2) of Schedule 10 (power of Secretary of State, after consultation with Board and others, to amend existing scheme for organisation of transport police), for “Board” (in both places) substitute “ Authority ”.

Commencement Information

- I10** Sch. 18 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)

PART II

ASSOCIATED PROPERTY, RIGHTS AND LIABILITIES

- 11 All the property, rights and liabilities of the Board relating to the transport police force are by virtue of this paragraph transferred to the Authority.

Commencement Information

- I11** Sch. 18 Pt. II 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)

- 12 Nothing in this Part affects the validity of anything done by or in relation to the Board in connection with the transport police force.

Commencement Information

- I12** Sch. 18 Pt. II 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)

- 13 There may be continued by or in relation to the Authority anything (including legal proceedings) relating to the transport police force which is in the process of being done by or in relation to the Board when this Schedule comes into force.

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Commencement Information

I13 Sch. 18 Pt. II 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)

- 14 Anything done by the Board for the purpose of or in connection with the transport police force which is in effect immediately before the property, rights and liabilities of the Board relating to the transport police force are transferred to the Authority shall be treated as if done by the Authority.

Commencement Information

I14 Sch. 18 Pt. II 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)

- 15 The Authority shall be substituted for the Board in private Acts, instruments made under Acts, other documents and legal proceedings relating to the transport police force.

Commencement Information

I15 Sch. 18 Pt. II 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 Where a transport police officer or other person employed by the Board for the purposes of the transport police force becomes an employee of the Authority by virtue of this section—
- (a) for the purposes of Part XI of the ^{M2}Employment Rights Act 1996, he shall not be regarded as having been dismissed by virtue of the transfer, and
 - (b) for the purposes of that Act, his period of employment with the Board counts as a period of employment with the Authority and the change of employment does not break the continuity of the period of employment.

Commencement Information

I16 Sch. 18 Pt. II 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 1996 c. 18.

- 17 In this Part of this Schedule—
- “the property, rights and liabilities relating to the transport police force” means the property, rights and liabilities comprised in the part of the Board’s undertaking which constitutes the transport police force (including, in particular, rights and liabilities relating to transport police officers and other persons employed by the Board for the purposes of the transport police force),
- “the transport police force” means the British Transport Police Force, and

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“transport police officers” means the constables appointed under section 53 of the ^{M3}British Transport Commission Act 1949.

Commencement Information

I17 Sch. 18 Pt. II 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

M3 1949 c. xxix.

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