

Status: Point in time view as at 01/04/2001.

Changes to legislation: Transport Act 2000, SCHEDULE 28 is up to date with all changes known to be in force on or before 01 June 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 28

Section 253.

TRANSITIONALS AND SAVINGS ABOUT RAILWAYS

First appointments to Authority

- 1 (1) The Secretary of State shall offer to the person who immediately before the coming into force of section 201 is the chairman of the Board appointment under section 202 as the member of the Authority who is to chair it from the time when the Authority is established.
- (2) The Secretary of State shall offer to the other persons who immediately before the coming into force of section 201 are members of the Board appointment under section 202 as members of the Authority from the time when the Authority is established.
- (3) The Secretary of State shall (in spite of section 203(2)) offer to the person who immediately before the coming into force of section 201 is the Franchising Director appointment as the chief executive of the Authority from the time when the Authority is established; and, if appointed, the terms of his appointment shall (in spite of paragraph 4(2) of Schedule 14) be such as may be determined by the Secretary of State.
- (4) Unless any person to whom an appointment is offered under sub-paragraph (1), (2) or (3) refuses to accept it, he shall be appointed pursuant to the offer.
- (5) A person may be both a member of the Board and a member of the Authority.
- (6) For so long as there is a member of the Authority who was appointed to the Board after consultation with the Scottish Ministers, or the National Assembly for Wales, paragraph (a), or paragraph (b), of section 202(3) shall be deemed to be complied with.

Consumer protection conditions

- 2 (1) The Secretary of State may make in relation to a licence or licence exemption granted before the coming into force of Part I of Schedule 17 a scheme making such provision as appears to him to be appropriate in consequence of the amendments made by that Part of that Schedule.
- (2) The scheme may include modifications of—
 - (a) the licence or licence exemption, and
 - (b) any agreements or other arrangements or other documents relating to the person (or any of the persons) to whom it was granted,(in particular so that references to the Regulator have effect as references to the Authority).

Status: Point in time view as at 01/04/2001.

Changes to legislation: *Transport Act 2000, SCHEDULE 28 is up to date with all changes known to be in force on or before 01 June 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)*

- (3) The scheme may include provision for things done by the Regulator before the time when the scheme comes into force to be treated after that time as if done by the Authority.
- (4) Before making a scheme under this paragraph the Secretary of State must consult—
 - (a) the Authority,
 - (b) the Regulator,
 - (c) the person or persons to whom the licence or licence exemption was granted, and
 - (d) any such other persons as the Secretary of State considers appropriate.
- (5) The amendments made by Part I of Schedule 17 apply in relation to any licence or licence exemption granted before the coming into force of that Part of that Schedule only from the coming into force of a scheme made under this paragraph in relation to the licence or licence exemption.

Franchising

- 3 (1) Any services which, immediately before the coming into force of section 212, are being provided under a franchise agreement shall be treated as having been designated under subsection (1) of section 23 of the ^{M1}Railways Act 1993 (as amended by subsection (1) of section 212) on the coming into force of section 212.
- (2) The designation treated as made by sub-paragraph (1) may be varied or revoked as provided by subsection (2A) of section 23 (as inserted by subsection (2) of section 212) but is not required to be published by subsection (2B) of section 23 (as so inserted).

Marginal Citations

M1 1993 c. 43.

- 4 The fact that a statement of policy has not been published by the Secretary of State under section 26(5) of the Railways Act 1993, as inserted by section 212, does not affect the validity of any direction given under section 26(1) of that Act.

Bye-laws

- 5 (1) The repeal of section 67 of the ^{M2}Transport Act 1962 does not affect that section, or any provision of that section, as applied by any other enactment.
- (2) Any bye-laws made (or having effect as if made) under—
 - (a) section 67 of the ^{M3}Transport Act 1962, or
 - (b) section 129 of the ^{M4}Railways Act 1993,
 which are in force immediately before the coming into force of the repeals of those sections shall continue in force; but the Authority may vary or revoke any bye-laws continued in force by this sub-paragraph.

Marginal Citations

M2 1962 c. 46.

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

Changes to legislation: Transport Act 2000, SCHEDULE 28 is up to date with all changes known to be in force on or before 01 June 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)

M3 1962 c. 46.

M4 1993 c. 43.

Penalties

- 6 (1) The amendments made by section 225 do not have effect in relation to contraventions occurring before the coming into force of that section.
- (2) In its continued application (in relation to such contraventions) after that section comes into force, section 55(8) of the ^{M5}Railways Act 1993 shall have effect to authorise the imposition of a requirement to pay a monetary penalty to the Authority (rather than to the appropriate authority).
- (3) Any requirement to pay a monetary penalty imposed by a final order made before the date on which section 225 comes into force shall, so far as not complied with before that date, have effect on and after that date as a requirement to pay the penalty to the Authority (rather than to the appropriate authority).

Marginal Citations

M5 1993 c. 43.

- 7 (1) The fact that no order has been made under section 57A(3) of the ^{M6}Railways Act 1993, as inserted by section 225(1), does not affect the validity of any determination of the amount of a penalty under section 57A.
- (2) The fact that no order has been made under section 55(7B) of the ^{M7}Railways Act 1993, as inserted by section 225(2), does not affect the validity of any determination of the amount of any sum payable in accordance with a final or provisional order.

Marginal Citations

M6 1993 c. 43.

M7 1993 c. 43.

- 8 The fact that a statement of policy has not been published by the Authority or Regulator under section 57B of the Railways Act 1993, as inserted by section 225, does not affect—
- (a) the validity of any decision to impose a penalty, or any determination of the amount of a penalty, under section 57A, or
- (b) the inclusion in a final or provisional order of any requirement to pay a sum or any determination of the amount of any sum payable in accordance with such an order.

Compliance orders

- 9 The amendments made by section 226 do not apply in a case in which—
- (a) a provisional order has been made, or
- (b) any steps towards the making of a final order have been taken, before the coming into force of that section.

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

Changes to legislation: Transport Act 2000, SCHEDULE 28 is up to date with all changes known to be in force on or before 01 June 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)

Section 56 of the Transport Act 1962

- 10 Where provision is made for subsections (4) to (6) of section 56 of the ^{M8}Transport Act 1962 (functions of Rail Passengers' Council and Rail Passengers' Committees) to apply in relation to any services or any facilities connected with any services—
- (a) sections 76 and 77 of the ^{M9}Railways Act 1993 shall not apply in relation to them unless the services are being provided under a franchise agreement, but
 - (b) those subsections shall not apply in relation to them if the services are being so provided.

Marginal Citations

- M8** 1962 c. 46.
M9 1993 c. 43.

Review of access charges

- 11 (1) This paragraph applies if, before this Act is passed, notice has been given by the Regulator of his conclusions on an access charges review (within the meaning of Schedule 4A to the Railways Act 1993, as inserted by Schedule 24 to this Act) but the conclusions have not been implemented.
- (2) The conclusions may be implemented after the time by which they are to be implemented in accordance with the access agreement.
- (3) The procedure for the implementation of the conclusions shall be as provided for by paragraphs 4 to 16 of Schedule 4A to the Railways Act 1993 (and not as provided for by the access agreement).

Closures

- 12 Where the Regulator has not made his decision with respect to a proposed closure before the time when section 234 comes into force, anything done by or in relation to him before that time in connection with any of the functions transferred from him to the Secretary of State by that section shall be treated after that time as if done by or in relation to the Secretary of State.
- 13 Section 239 does not apply in the case of a proposed closure of which notice has been given before that section comes into force.

Register

- 14 (1) The Regulator shall give to the Authority details of the provision which he has caused to be entered in the register maintained by him under section 72 of the ^{M10}Railways Act 1993 by virtue of paragraph (c) of subsection (2) of that section before the coming into force of the repeal of that paragraph by this Act.
- (2) The Authority shall cause to be entered in the Register maintained by it under section 73 of that Act any details given to it under sub-paragraph (1).

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

Changes to legislation: Transport Act 2000, SCHEDULE 28 is up to date with all changes known to be in force on or before 01 June 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)

Marginal Citations

M10 1993 c. 43.

Code for protection of disabled rail users

- 15 (1) The code of practice under section 70 of the Railways Act 1993 which is current at the time when the repeal by this Act of that section comes into force shall be taken to have been prepared and published by the Authority under section 71B of that Act.
- (2) The Regulator shall give to the Authority details of any consultation undertaken by him under section 70(2) of that Act before that time in relation to future revisions of that code; and that consultation shall be taken to have been undertaken by the Authority under section 71B(2) of that Act.

Penalty fares

- 16 (1) Any functions conferred on the Regulator by regulations under section 130 of the Railways Act 1993 which are in force immediately before the coming into force of paragraph 30 of Schedule 17 shall be treated after that paragraph comes into force as if conferred on the Authority.
- (2) Any rules made by the Regulator under or by virtue of that section which have effect immediately before the coming into force of that paragraph have effect after that paragraph comes into force as if made by the Authority.

Supplementary

- 17 (1) Nothing in this Schedule limits section 276.
- (2) Nothing in this Schedule limits the operation of sections 16 and 17 of the ^{M11}Interpretation Act 1978 (effect of repeals).

Marginal Citations

M11 1978 c. 30.

Status:

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

Changes to legislation:

Transport Act 2000, SCHEDULE 28 is up to date with all changes known to be in force on or before 01 June 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.