



Railways and Transport Safety Act 2003

CHAPTER 20

RAILWAYS AND TRANSPORT SAFETY ACT 2003

PART 1

INVESTIGATION OF RAILWAY ACCIDENTS

Introduction

- 1 Meaning of “railway” and “railway property”
- 2 Meaning of railway accident” and railway incident”

The Rail Accident Investigation Branch

- 3 Establishment
- 4 General aims
- 5 Assistance to others
- 6 Annual report

Investigation by Branch

- 7 Investigations
- 8 Investigator’s powers
- 9 Regulations

Investigation by industry

- 10 Requirement to investigate

Accident regulations

- 11 Accident regulations

Status: Point in time view as at 31/10/2009.

Changes to legislation: Railways and Transport Safety Act 2003 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)

General

- 12 Crown application
- 13 Regulations
- 14 Extent

PART 2

OFFICE OF RAIL REGULATION

- 15 Establishment
- 16 Transfer of functions
- 17 Extent

PART 3

BRITISH TRANSPORT POLICE

Police Authority

- 18 The British Transport Police Authority
- 19 Exercise of functions

Police Force

- 20 Establishment of Police Force
- 21 Chief Constable
- 22 Deputy Chief Constable
- 23 Assistant Chief Constables
- 24 Constables
- 25 Special constables
- 26 Cadets
- 27 Civilian employees
- 28 Exercise of powers by civilians
- 29 Terms of employment
- 30 Trade union membership

Jurisdiction

- 31 Jurisdiction
- 32 Prosecution

Police Services Agreements

- 33 Police services agreement
- 34 Compulsory police services agreement
- 35 Arbitration by Secretary of State

Regulation of Police Force

- 36 Police regulations: general
- 37 Police regulations: special constables
- 38 Police regulations: cadets
- 39 British Transport Police Federation
- 40 Regulations: approval in draft
- 41 Police regulations: direction to Authority
- 42 Police regulations by Secretary of State
- 43 Regulations: further appeal

Status: Point in time view as at 31/10/2009.

Changes to legislation: Railways and Transport Safety Act 2003 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)

- 44 Equipment regulations
- 45 Regulation of procedure and practice
- 46 Conditions of service: Transport Police Conference
- 47 Code of practice: Authority
- 48 Code of practice: Chief Constable
- 49 Service outside Police Force

Planning

- 50 Policing objectives: Authority
- 51 Policing objectives: Secretary of State
- 52 Railways policing plan
- 53 Performance targets
- 54 Performance directions
- 55 Three-year strategy plan

Information, &c.

- 56 Reports by Chief Constable
- 57 Annual report by Authority
- 58 Other reports to Secretary of State
- 59 Statistics
- 60 Inquiry
- 61 Inquiry: supplemental
- 62 Public consultation

Inspection

- 63 Inspection
- 64 Action after adverse inspection report
- 65 Remedial direction
- 66 Action plan
- 67 Senior appointment: delegation of function

Miscellaneous

- 68 Offences
- 69 Part III of the Road Traffic Offenders Act 1988 (c. 53)
- 70 International assistance
- 71 Exercise of functions by Secretary of State

General

- 72 Crown application
- 73 Consequential, transitional and incidental provision
- 74 Regulations and orders
- 75 Interpretation
- 76 Index of defined expressions
- 77 Extent

PART 4

SHIPPING: ALCOHOL AND DRUGS

Offences

- 78 Professional staff on duty

Status: Point in time view as at 31/10/2009.

Changes to legislation: Railways and Transport Safety Act 2003 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)

- 79 Professional staff off duty
- 80 Non-professionals
- 81 Prescribed limit

Enforcement

- 82 Penalty
- 83 Specimens, &c.
- 84 Detention pending arrival of police
- 85 Arrest without warrant
- 86 Right of entry

General

- 87 Consequential repeal
- 88 Orders and regulations
- 89 Interpretation
- 90 Crown application, &c.
- 91 Territorial application

PART 5

AVIATION: ALCOHOL AND DRUGS

Offences

- 92 Being unfit for duty
- 93 Prescribed limit
- 94 Aviation functions

Enforcement

- 95 Penalty
- 96 Specimens, &c.
- 97 Arrest without warrant
- 98 Right of entry

General

- 99 Regulations
- 100 Crown application
- 101 Military application
- 102 Territorial application

PART 6

MISCELLANEOUS

- 103 Convention on International Carriage by Rail
- 104 Office of Rail Regulation: general duties
- 105 Railways safety levy
- 106 Railway security services
- 107 Road traffic: testing for drink and drugs
- 108 Traffic regulation on long distance routes
- 109 Road traffic: fixed penalty
- 110 Seat belts: delivery drivers
- 111 Highways: snow and ice

Status: Point in time view as at 31/10/2009.

Changes to legislation: Railways and Transport Safety Act 2003 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)

- 112 Shipping legislation: application to structures, craft, &c.
- 113 Maritime security services
- 114 Railways in London: transfers
- 115 Railways in London: information

PART 7

GENERAL

- 116 Schedules 1 and 4: sequestration, &c. in Scotland
- 117 Interpretation: enactment
- 118 Repeals
- 119 Money
- 120 Commencement
- 121 Extent
- 122 Short title

SCHEDULES

SCHEDULE 1 — Office of Rail Regulation

Constitution

- 1 (1) The Office of Rail Regulation shall consist of a...
- 2 The Secretary of State may dismiss a member of the...

Staff

- 3 (1) The Office shall appoint a Chief Executive.
- 4 (1) The Office may appoint other employees.
- 5 Service as an employee of the Office is employment in...

Proceedings

- 6 The Office may establish one or more committees (which may...
- 7 The Office may delegate a function to—
- 8 The Office shall— (a) determine arrangements for the conduct of...
- 9 (1) The Office may do anything which it thinks necessary...
- 10 The validity of any proceedings of the Office shall not...

Money

- 11 The Office may with the approval of the Secretary of...
- 12 (1) This paragraph applies where an employee of the Office...
- 13 If the Secretary of State thinks that special circumstances of...
- 14 The Office may incur expenditure in connection with advisory or...
- 15 Expenditure incurred by the Office in connection with the performance...
- 16 The Office may not borrow money.

Conflict of interest

- 17 (1) Before appointing a person as a member of the...
- 18 (1) Procedural arrangements made by the Office under paragraph 8...

Status: Point in time view as at 31/10/2009.

Changes to legislation: Railways and Transport Safety Act 2003 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)

SCHEDULE 2 — Abolition of Rail Regulator: Consequential Amendments

Part 1 — RAILWAYS ACT 1993 (C. 43)

- 1 The Railways Act 1993 shall be amended as follows.
- 2 Section 1 and Schedule 1 (the Rail Regulator) shall cease...
- 3 Subject to the following paragraphs of this Schedule, in the...
- 4 In section 7 (exemptions from section 6)—
- 5 In section 8(4)(a) and (b) (licences) after “he” insert “...
- 6 In section 9(3)(f) (conditions of licences) after “he” and “him”...
- 7 In section 15(4A) (modification following report)— (a) omit “he or”,...
- 8 In section 15C(3) (sections 15A and 15B: supplementary)—
- 9 In section 20(3)(b) (exemption of railway facilities from sections 17,...
- 10 In section 21(5) (model clauses for access contracts)—
- 11 In section 55(5ZA)(a) (orders for securing compliance) for the second...
- 12 In section 57A(5)(a) (penalties) for the second “it” substitute “...
- 13 In section 57B (statement of policy)— (a) in subsection (3)...
- 14 In section 74 (reports)— (a) in subsection (1) for “after...
- 15 In section 76(5A) (matters referred to the Authority by the...
- 16 In section 77(4A) (matters referred to the Authority by a...
- 17 In section 151(1) (general interpretation) omit the definition of “the...
- 18 In Part I of Schedule 6 (railway administration orders) for...

Part 2 — OTHER ACTS

General

- 19 In the following enactments for a reference to the Rail...
- 20 In addition to the amendments effected by paragraph 19, the...

House of Commons Disqualification Act 1975 (c. 24)

- 21 In Schedule 1 to the House of Commons Disqualification Act...

Channel Tunnel Rail Link Act 1996 (c. 61)

- 22 In sections 21 and 22 of the Channel Tunnel Rail...

Greater London Authority Act 1999 (c. 29)

- 23 For section 228(1) of the Greater London Authority Act 1999...

Financial Services and Markets Act 2000 (c. 8)

- 24 In the table in Part I of Schedule 19 to...

SCHEDULE 3 — Abolition of Rail Regulator: Savings, &c.

- 1 Section 16 shall not affect the validity of anything done...
- 2 Anything done by or in relation to the Rail Regulator...
- 3 Anything (including any legal proceedings) which at commencement is in...
- 4 A reference in any enactment, instrument or other document to...
- 5 (1) Section 16 is without prejudice to any personal right...
- 6 Section 16 is without prejudice to any function, property, right...
- 7 In this Schedule “commencement” means the coming into force of...

SCHEDULE 4 — British Transport Police Authority

Part 1 — MEMBERSHIP

Status: Point in time view as at 31/10/2009.

Changes to legislation: Railways and Transport Safety Act 2003 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)

Appointment

- 1 (1) The Secretary of State— (a) shall appoint the members...
- 2 (1) The Secretary of State shall so far as is...

Tenure

- 3 (1) A member of the Authority shall hold and vacate...

Chairman and deputy chairman

- 4 (1) The Secretary of State shall appoint a member of...
- 5 (1) The Secretary of State may appoint a member of...
- 6 The Secretary of State may not appoint as chairman or...

Disqualification

- 7 (1) A person under the age of 21 shall not...
 - 8 If a member of the Authority becomes ineligible for appointment...
- Part 2 — PROCEEDINGS

Standards of conduct

- 9 (1) The Authority shall make a code of practice establishing...

Staff

- 10 The Authority may— (a) appoint staff; (b) delegate a function...
- 11 In particular, the Authority shall appoint— (a) a Treasurer with...

Committees

- 12 The Authority may— (a) establish a committee (which may include...

Procedure

- 13 The Authority shall determine its practice and procedure (subject to...
- 14 (1) The Authority shall conduct its proceedings in public.

Validity of proceedings

- 15 The validity of proceedings of the Authority shall not be...
- Part 3 — MONEY AND PROPERTY

The British Transport Police Fund

- 16 The Authority shall establish a fund to be known as...
- 17 The Authority shall— (a) maintain accounts of the British Transport...
- 17A The Comptroller and Auditor General shall examine, certify and report...
- 18 All expenditure of the Authority shall be made by way...

Budget

- 19 (1) The Authority shall before each financial year set a...
- 20 The Authority shall make an estimate of the likely ratio...

Status: Point in time view as at 31/10/2009.

Changes to legislation: Railways and Transport Safety Act 2003 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)

Members: remuneration, allowances, &c.

- 21 (1) The Authority shall publish arrangements for the making of...

General staff: remuneration, allowances, &c.

- 22 (1) The Authority may make payments to or in respect...

Constables, &c.: remuneration, allowances, &c.

- 23 (1) The Authority may make payments to or in respect...

Pensions

- 24 (1) This paragraph applies in relation to any pension scheme...
25 (1) The Authority may with the consent of the Secretary...
26 The Authority may make payments— (a) under a scheme in...

Income

- 27 The Secretary of State may make a payment to the...
28 The Authority may accept money or other property, by way...
29 The Authority may borrow money only from or with the...
30 All money received by the Authority shall be paid into...

Property

- 31 The Authority may acquire, develop or dispose of property.

Financial year

- 32 The financial year of the Authority shall be the period...
Part 4 — MISCELLANEOUS

Status

- 33 (1) The Authority shall not be regarded as the servant...

SCHEDULE 5 — British Transport Police: Consequential Amendments>

British Transport Commission Act 1949 (c. xxix)

- 1 Section 53 of the British Transport Commission Act 1949 (constables)...

Railways Act 1993 (c. 43)

- 2 Sections 132 and 133 of (and Schedule 10 to) the...

Anti-terrorism, Crime and Security Act 2001 (c. 24)

- 3 Paragraphs 6 and 25 of Schedule 7 to the Anti-terrorism,...

General

- 4 (1) In the enactments specified in sub-paragraph (2) and, in...

SCHEDULE 6 — Convention on International Carriage by Rail
PROVISION WHICH
MAY BE INCLUDED

Status: Point in time view as at 31/10/2009.

Changes to legislation: Railways and Transport Safety Act 2003 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)

IN REGULATIONS
MADE UNDER OR
BY VIRTUE OF
SECTION 103

Introduction

- 1 (1) In this Schedule “regulations” means regulations which are made
—...

General

- 2 Regulations may— (a) make provision enabling a right or duty...

Changes to Convention

- 3 (1) Regulations may make provision about modification of the
Convention...
4 Regulations may make provision about the publication of—

Imposition of conditions

- 5 (1) Regulations may specify conditions which must be satisfied before...

Sanctions

- 6 (1) Regulations may provide a criminal or other sanction in...

Related legal proceedings

- 7 (1) Regulations may make provision designed to prevent double
recovery....

Enforcement of judgments

- 8 (1) Regulations may make provision about the enforcement of
judgments....

Special drawing rights

- 9 (1) Regulations may make provision for the conversion of special...

Saving

- 10 This Schedule is without prejudice to the generality of—

SCHEDULE 7 — Road Traffic: Testing for Drink and Drugs

- 1 For section 6 of the Road Traffic Act 1988 (c....
2 In section 7(3) of that Act (provision of specimen for...
3 In section 9(1) of that Act (protection for hospital patients)—...
4 In section 10(1) of that Act (detention of persons affected...
5 In section 11 of that Act (interpretation)—
6 In section 184(1)(f) of that Act (application of sections 5...
7 In Schedule 1 to the Road Traffic Offenders Act 1988...
8 In Schedule 2 to that Act (prosecution and punishment of...
9 In section 34A(1D)(a) of the Army Act 1955 (c. 18)...
10 In section 34A(1D)(a) of the Air Force Act 1955 (c....

Status: Point in time view as at 31/10/2009.

Changes to legislation: Railways and Transport Safety Act 2003 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)

- 11 In section 12A(1D)(a) of the Naval Discipline Act 1957 (c....
- 12 In section 34(6) of the Police and Criminal Evidence Act...
- 13 In section 32(8)(a) of the Armed Forces Act 2001 (c....

SCHEDULE 8 — Repeals

Status:

Point in time view as at 31/10/2009.

Changes to legislation:

Railways and Transport Safety Act 2003 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.