

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Railways and Transport Safety Act 2003, Part 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 4

#### BRITISH TRANSPORT POLICE AUTHORITY

##### PART 1

##### MEMBERSHIP

##### *Appointment*

- 1 (1) The Secretary of State—
  - (a) shall appoint the members of the Authority, and
  - (b) shall ensure that the number of members is an odd number neither lower than 11 nor higher than 17.
- (2) The Secretary of State may by order amend sub-paragraph (1)(b) so as to substitute a different number for a number specified.
- (3) An order under sub-paragraph (2) may not be made unless the Secretary of State has consulted the Authority.

##### **Commencement Information**

**II** Sch. 4 para. 1 in force at 1.7.2004 by S.I. 2004/1572, art. 3(iii)

- 2 (1) The Secretary of State shall so far as is reasonably practicable ensure that the membership of the Authority includes—
  - (a) at least four persons who have knowledge of and experience in relation to the interests of persons travelling by railway,
  - (b) at least four persons who have knowledge of and experience in relation to the interests of persons providing railway services,
  - (c) a person who has knowledge of and experience in relation to the interests of employees of persons providing railways services,
  - <sup>F1</sup>(d) .....
  - (e) a person who has knowledge of the interests of persons in Scotland and who is appointed following consultation with the Scottish Ministers,
  - (f) a person who has knowledge of the interests of persons in Wales and who is appointed following consultation with the National Assembly for Wales, and
  - (g) a person who has knowledge of the interests of persons in England.
- (2) A person may be appointed so as to satisfy, or to contribute to satisfying, more than one paragraph of sub-paragraph (1).
- (3) But a person may not be appointed so as to—

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- (a) contribute to satisfying sub-paragraph (1)(b), and
- (b) satisfy sub-paragraph (1)(c).

(4) In appointing members of the Authority the Secretary of State shall have regard to the desirability of appointing persons who have experience of and have shown capacity in relation to matters relevant to the policing of the railways.

**Textual Amendments**

**F1** Sch. 4 para. 2(1)(d) repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

**Commencement Information**

**I2** Sch. 4 para. 2 in force at 1.7.2004 by S.I. 2004/1572, **art. 3(iii)**

*Tenure*

- 3
- (1) A member of the Authority shall hold and vacate office in accordance with the terms of his appointment (subject to the provisions of this Schedule).
  - (2) A member of the Authority may resign by notice to the Secretary of State, which must be—
    - (a) in writing, and
    - (b) copied to the Authority.
  - (3) The Secretary of State may dismiss a member of the Authority if—
    - (a) he is absent from meetings of the Authority during a period of more than three months without permission of the Authority,
    - (b) he is convicted of an offence, or
    - (c) the Secretary of State thinks that the member is unable, unfit or unwilling to perform his functions as a member (whether because of illness or otherwise).

**Commencement Information**

**I3** Sch. 4 para. 3 in force at 1.7.2004 by S.I. 2004/1572, **art. 3(iii)**

*Chairman and deputy chairman*

- 4
- (1) The Secretary of State shall appoint a member of the Authority as its chairman.
  - (2) The chairman shall perform such functions as may be assigned to him by the Secretary of State.

**Commencement Information**

**I4** Sch. 4 para. 4 in force at 1.7.2004 by S.I. 2004/1572, **art. 3(iii)**

- 5
- (1) The Secretary of State may appoint a member of the Authority as its deputy chairman.
  - (2) The deputy chairman—
    - (a) may act for the chairman when he is unable to act or unavailable, and

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- (b) shall perform such other functions as may be assigned or delegated to him by the chairman.

**Commencement Information**

**I5** Sch. 4 para. 5 in force at 1.7.2004 by S.I. 2004/1572, art. 3(iii)

- 6 The Secretary of State may not appoint as chairman or deputy chairman of the Authority a member who—
- (a) is an officer or employee of a body which is required to enter into a police services agreement, <sup>F2</sup>...
- <sup>F2</sup>(b) .....

**Textual Amendments**

**F2** Sch. 4 para. 6(b) and word repealed (1.12.2006) 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. 2006/2911, art. 2, Sch.

**Commencement Information**

**I6** Sch. 4 para. 6 in force at 1.7.2004 by S.I. 2004/1572, art. 3(iii)

*Disqualification*

- 7 (1) A person under the age of 21 shall not be eligible for appointment as a member of the Authority.
- (2) A person shall not be eligible for appointment as a member of the Authority while he—
- (a) is an officer or employee of the Authority,
- (b) is a constable,
- (c) is an officer or employee of a police authority within the meaning of section 101 of the Police Act 1996 (c. 16) (interpretation), or
- (d) is an officer or employee of a police authority within the meaning of section 50 of the Police (Scotland) Act 1967 (c. 77) (interpretation).
- (3) A person shall not be eligible for appointment as a member of the Authority if he is the subject of—
- (a) a bankruptcy restrictions order (or interim order),
- (b) a disqualification order under the Company Directors Disqualification Act 1986 (c. 46) or under [<sup>F3</sup>the Company Directors Disqualification (Northern Ireland) Order 2002], or
- (c) an order under section 429(2)(b) of the Insolvency Act 1986 (c. 45) (disability imposed on revoking administration order under County Courts Act 1984).
- (4) A person shall not be eligible for appointment as a member of the Authority if his estate has been sequestrated in Scotland or if, under Scots law, he has made a composition or arrangement with, or granted a trust deed for, his creditors.
- (5) If a person is convicted of an offence for which he is sentenced to imprisonment for a term of at least three months, he shall not be eligible for appointment as a

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member of the Authority during the period of five years beginning with the date of the conviction.

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**Textual Amendments**

- F3** Words in [Sch. 4 para. 7\(3\)\(b\)](#) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 217](#) (with art. 10)

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**Commencement Information**

- I7** [Sch. 4 para. 7](#) in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

- 8 If a member of the Authority becomes ineligible for appointment his membership shall lapse.

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**Commencement Information**

- I8** [Sch. 4 para. 8](#) in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

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