

*Changes to legislation:* There are currently no known outstanding effects for the Railways and Transport Safety Act 2003, SCHEDULE 6. (See end of Document for details)

## SCHEDULES

### SCHEDULE 6 **U.K.**

Section 103

#### CONVENTION ON INTERNATIONAL CARRIAGE BY RAIL

#### **PROVISION WHICH MAY BE INCLUDED IN REGULATIONS MADE UNDER OR BY VIRTUE OF SECTION 103 **U.K.****

##### *Introduction*

- 1 (1) In this Schedule “regulations” means regulations which are made—
- (a) in connection with the Convention specified in section 103(1), and
  - (b) under section 103(1) <sup>F1</sup>....
- (2) An expression used in this Schedule and in the Convention has the same meaning in this Schedule as in the Convention.
- (3) In this Schedule—
- “court” includes “tribunal”, and
  - “legal proceedings” includes arbitration.

##### **Textual Amendments**

- F1** Words in Sch. 6 para. 1(1)(b) repealed (31.12.2020) by The European Union Withdrawal (Consequential Modifications) (EU Exit) Regulations 2020 (S.I. 2020/1447), reg. 1(3), Sch. (with reg. 9(2))

##### **Commencement Information**

- I1** Sch. 6 para. 1 in force at 30.3.2004 by S.I. 2004/827, art. 3(hh)

##### *General*

- 2 Regulations may—
- (a) make provision enabling a right or duty arising under the Convention to be enforced;
  - (b) deal with any matter arising out of or related to the Convention;
  - (c) supplement or amplify a provision of the Convention;
  - (d) amend an enactment;
  - (e) apply, disapply or modify the effect of an enactment;
  - (f) confer jurisdiction on a court;
  - (g) confer a function (which may include a discretionary function) on the Secretary of State or a person appointed in accordance with the regulations;
  - (h) impose a duty to co-operate with a person exercising a function under the Convention or the regulations;

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- (i) enable a fee to be charged in connection with an inspection or the exercise of another function under the Convention or the regulations;
- (j) require a person to provide information to the Secretary of State or another person;
- (k) make provision about the disclosure of information;
- (l) make provision about the admission of railway vehicles or other railway material to international traffic, which may include provision—
  - (i) which concerns the movement or treatment of vehicles or other material following admission;
  - (ii) which concerns the movement or treatment of passengers following admission;
- (m) make provision which applies generally or only in specific circumstances;
- (n) make different provision for different circumstances;
- (o) include consequential provision (which may include provision amending or repealing an enactment);
- (p) include transitional, supplemental or incidental provision.

**Commencement Information**

**I2** Sch. 6 para. 2 in force at 30.3.2004 by S.I. 2004/827, art. 3(hh)

*Changes to Convention*

- 3 (1) Regulations may make provision about modification of the Convention in accordance with its provisions.
- (2) In particular, the regulations may—
- (a) provide for a reference to the Convention to be treated following modification (whether occurring before or after the reference first takes effect) as a reference to the Convention as modified;
  - (b) make different provision in respect of modification by decision of a committee and modification by decision of the General Assembly;
  - (c) provide for a suspension under Article 35(4) of the Convention to be disregarded except in so far as it relates to the United Kingdom;
  - (d) give effect to a transitional provision made by or under the Convention;
  - (e) make transitional provision in relation to a modification of the Convention.
- (3) In this paragraph a reference to modification of the Convention includes a reference to—
- (a) the validation of a technical standard, and
  - (b) the adoption of a uniform technical prescription.

**Commencement Information**

**I3** Sch. 6 para. 3 in force at 30.3.2004 by S.I. 2004/827, art. 3(hh)

- 4 Regulations may make provision about the publication of—
- (a) a change to the list of parties to the Convention;
  - (b) a declaration, objection or reservation by a party to the Convention;

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- (c) the suspension of part of the Convention in relation to a party;
- (d) a modification of the Convention (including the validation of a technical standard or the adoption of a uniform technical prescription).

**Commencement Information**

**I4** Sch. 6 para. 4 in force at 30.3.2004 by S.I. 2004/827, art. 3(hh)

*Imposition of conditions*

- 5
- (1) Regulations may specify conditions which must be satisfied before a person may—
    - (a) exercise a right under the Convention, or
    - (b) do something to which the Convention applies.
  - (2) The conditions may, in particular, relate to—
    - (a) the making of an application;
    - (b) the determination of an application by the Secretary of State or another person;
    - (c) the payment of a fee;
    - (d) the provision of information;
    - (e) the display of a sign on a rail vehicle;
    - (f) the attendance of a constable.

**Commencement Information**

**I5** Sch. 6 para. 5 in force at 30.3.2004 by S.I. 2004/827, art. 3(hh)

*Sanctions*

- 6
- (1) Regulations may provide a criminal or other sanction in connection with a duty arising under the Convention or the regulations.
  - (2) But regulations may not create a criminal offence which—
    - (a) is punishable with imprisonment, or
    - (b) is punishable on summary conviction with a fine exceeding the statutory maximum or level 5 on the standard scale.
  - (3) Sub-paragraph (2) shall not apply to an offence created in reliance on section 2(2) of the European Communities Act 1972 (c. 68).
  - (4) Sub-paragraph (2) shall also not apply to an offence created by way of or in connection with a provision which—
    - (a) applies (with or without modification) a provision made in reliance on an Act other than this Act,
    - (b) is similar to provision made in reliance on an Act other than this Act, or
    - (c) is made partly in reliance on this Act and partly in reliance on another Act.

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**Commencement Information**

**I6** Sch. 6 para. 6 in force at 30.3.2004 by S.I. 2004/827, art. 3(hh)

*Related legal proceedings*

- 7 (1) Regulations may make provision designed to prevent double recovery.
- (2) In particular, regulations may require or enable a court to—
- (a) have regard to the result or possible result of other proceedings, whether in the United Kingdom or elsewhere and whether actual or potential;
  - (b) make an award wholly or partly conditional on the result of other proceedings.

**Commencement Information**

**I7** Sch. 6 para. 7 in force at 30.3.2004 by S.I. 2004/827, art. 3(hh)

*Enforcement of judgments*

- 8 (1) Regulations may make provision about the enforcement of judgments.
- (2) The regulations may, in particular, make provision about the application of Part I of the Foreign Judgments (Reciprocal Enforcement) Act 1933 (c. 13).

**Commencement Information**

**I8** Sch. 6 para. 8 in force at 30.3.2004 by S.I. 2004/827, art. 3(hh)

*Special drawing rights*

- 9 (1) Regulations may make provision for the conversion of special drawing rights into sterling in connection with the application of the Convention or the regulations to legal proceedings.
- (2) Regulations may, in particular—
- (a) make provision by reference to determinations of the International Monetary Fund;
  - (b) require or enable a matter to be certified by or on behalf of the Treasury;
  - (c) provide for the proof and treatment of a certificate under paragraph (b);
  - (d) enable a fee to be charged for the issue of a certificate under paragraph (b).

**Commencement Information**

**I9** Sch. 6 para. 9 in force at 30.3.2004 by S.I. 2004/827, art. 3(hh)

*Saving*

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

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- (a) section 103(1), <sup>F2</sup> ...
- <sup>F2</sup>(b) .....

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**Textual Amendments**

**F2** Sch. 6 para. 10(b) and word repealed (31.12.2020) by [The European Union Withdrawal \(Consequential Modifications\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1447\)](#), reg. 1(3), **Sch.** (with reg. 9(2))

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**Commencement Information**

**I10** Sch. 6 para. 10 in force at 30.3.2004 by [S.I. 2004/827](#), **art. 3(hh)**

**Changes to legislation:**

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