



# Railways Act 2005

## 2005 CHAPTER 14

### PART 1

#### TRANSFER OF FUNCTIONS AND RAILWAY STRATEGY

##### *Transfer of functions*

#### **1 Transfer etc. of SRA functions and abolition**

- (1) Schedule 1 (which transfers consumer protection functions of the SRA to the ORR, transfers other functions of the SRA to the Secretary of State and to devolved authorities and also abolishes some functions of the SRA) has effect.
- (2) The Secretary of State may make a scheme for the transfer of property, rights and liabilities from—
  - (a) the Strategic Rail Authority, or
  - (b) a company which is wholly owned by that Authority,to a person specified in subsection (3) or to two or more of those persons.
- (3) Those persons are—
  - (a) the Secretary of State;
  - (b) the Scottish Ministers;
  - (c) [<sup>F1</sup>the Welsh Ministers];
  - (d) the Office of Rail Regulation;
  - (e) the [<sup>F2</sup>Passengers' Council] established by section 19(1); and
  - (f) a company which is wholly owned by a person falling within any of paragraphs (a) to (d) or is jointly owned by more than one of them.
- (4) But a transfer of—
  - (a) rights and liabilities arising under a Scottish franchise agreement, or
  - (b) property created or vested in any person by such an agreement,may be made by a transfer scheme under subsection (2) only to the Scottish Ministers.

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*Changes to legislation: There are currently no known outstanding effects for the Railways Act 2005, Cross Heading: Transfer of functions. (See end of Document for details)*

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- (5) Before making a scheme under subsection (2) the Secretary of State must consult every person to whom property, rights or liabilities would be transferred under the proposed scheme.
- (6) Schedule 2 (which contains supplemental provisions about transfer schemes) has effect in relation to schemes under subsection (2).
- (7) If the Secretary of State considers it appropriate to do so in connection with or in anticipation of the commencement of any provision of this Act, or of the abolition of the Strategic Rail Authority, he may—
- (a) terminate the appointment of any person as chairman or member of the Strategic Rail Authority; and
  - (b) direct a reduction, pending its abolition, in the minimum membership of the Authority.
- (8) The Secretary of State may by order make such modifications of any provision of—
- (a) Part 3 of the Transport Act 1980 (c. 34) (railway pensions),
  - (b) Schedule 11 to the 1993 Act (pensions), or
  - (c) section 244 of the 2000 Act (indexation of pensions),
- as appear to him to be necessary or expedient in consequence of the provisions of this section or of any scheme made under this section.
- (9) The power under subsection (8) to make modifications by order is subject to the affirmative resolution procedure.
- (10) Where, after consulting the Strategic Rail Authority, the Secretary of State is satisfied—
- (a) that all such transfers have been provided for as will secure that the dissolution of the Authority will not extinguish any of its liabilities, and
  - (b) that it is no longer necessary, for any other reason, for that Authority to continue to exist,
- the Secretary of State may by order provide for it to cease to exist.

#### **Textual Amendments**

- F1** Words in s. 1(3)(c) substituted (13.6.2018) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(2)(b)(x), **Sch. para. 35**
- F2** Words in s. 1(3)(e) substituted (25.2.2010) by [The Passengers' Council \(Non-Railway Functions\) Order 2010 \(S.I. 2010/439\)](#), art. 1, **Sch. para. 9(2)**

#### **Commencement Information**

- I1** S. 1(1) in force at 8.6.2005 for specified purposes by [S.I. 2005/1444](#), art. 2(1), **Sch. 1**
- I2** S. 1(1) in force at 26.6.2005 for specified purposes by [S.I. 2005/1444](#), art. 2(2), **Sch. 2**
- I3** S. 1(1) in force at 24.7.2005 for specified purposes by [S.I. 2005/1909](#), art. 2, **Sch.**
- I4** S. 1(1) in force at 16.10.2005 for specified purposes by [S.I. 2005/2812](#), art. 2(1), **Sch. 1**
- I5** S. 1(1) in force at 1.12.2006 for specified purposes by [S.I. 2006/2911](#), art. 2, **Sch.**
- I6** S. 1(2) in force at 8.6.2005 by [S.I. 2005/1444](#), art. 2(1), **Sch. 1**
- I7** S. 1(3)(a)-(d)(f) in force at 8.6.2005 by [S.I. 2005/1444](#), art. 2(1), **Sch. 1**
- I8** S. 1(3)(e) in force at 24.7.2005 by [S.I. 2005/1909](#), art. 2, **Sch.**
- I9** S. 1(4)-(9) in force at 8.6.2005 by [S.I. 2005/1444](#), art. 2(1), **Sch. 1**
- I10** S. 1(10) in force at 1.8.2006 by [S.I. 2006/1951](#), art. 2(2)(a)

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**Changes to legislation:** There are currently no known outstanding effects for the Railways Act 2005, Cross Heading: Transfer of functions. (See end of Document for details)

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## 2 Transfer of safety functions to ORR

Schedule 3 (which makes provision for and in connection with the transfer to the ORR of safety functions conferred by or under the Health and Safety at Work etc. Act 1974 (c. 37)) has effect.

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### Commencement Information

- I11** S. 2 in force at 7.2.2006 for specified purposes by S.I. 2006/266, art. 2(1)(a)  
**I12** S. 2 in force at 1.4.2006 for specified purposes by S.I. 2006/266, art. 2(2), Sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Railways Act 2005, Cross Heading:  
Transfer of functions.