



Infrastructure Act 2015

2015 CHAPTER 7

PART 1

STRATEGIC HIGHWAYS COMPANIES

Oversight

9 Watchdog

- (1) The Passengers' Council must carry out activities to protect and promote the interests of users of highways for which a strategic highways company is the highway authority.
- (2) Those activities may include investigating, publishing reports or giving advice to the Secretary of State on—
 - (a) how a strategic highways company's exercise of its functions or achievement of its objectives under a Road Investment Strategy affects users of highways for which it is the highway authority, and
 - (b) any other matters—
 - (i) relating to highways for which a strategic highways company is the highway authority, and
 - (ii) which the Council considers to be of interest to users of such highways.
- (3) The Secretary of State may by regulations provide that those activities may not relate to a matter—
 - (a) to the extent specified;
 - (b) subject to compliance with specified conditions.
- (4) The Secretary of State must consult the Council before making regulations under subsection (3).
- (5) The Secretary of State must, in exercising functions under this Part, have regard to any advice given to him or her by the Council under this section.

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- (6) The Council may by agreement with a local highway authority carry out activities to protect and promote the interests of users of highways for which the authority is the highway authority.
- (7) Those activities may include investigating, publishing reports or giving advice to the local highway authority on any matters—
 - (a) relating to highways for which the authority is the highway authority, and
 - (b) which the authority and the Council consider to be of interest to users of such highways.
- (8) In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general), at the appropriate place insert— “ The Passengers' Council. ”

Commencement Information

- I1** S. 9 partly in force; s. 9 in force for specified purposes at Royal Assent, see s. 57(1)(a)
- I2** S. 9 in force at 5.3.2015 in so far as not already in force by S.I. 2015/481, reg. 2(a)

10 Monitor

- (1) [F1The Office of Rail and Road] must carry out activities to monitor how a strategic highways company exercises its functions.
- (2) Those activities may include investigating, publishing reports or giving advice to the Secretary of State on—
 - (a) whether, how and at what cost a strategic highways company has achieved its objectives under a Road Investment Strategy,
 - (b) objectives for a future Road Investment Strategy, and
 - (c) the effect of directions and guidance given by the Secretary of State to a strategic highways company under this Part.
- (3) The Office may direct a strategic highways company to provide such information as the Office considers necessary for the purpose of carrying out activities under subsection (1).
- (4) A direction under subsection (3) may specify the form and manner in which the information is to be provided.
- (5) A direction under subsection (3) may not require—
 - (a) production of a document which the strategic highways company could not be compelled to produce in civil proceedings, or
 - (b) provision of information which the company could not be compelled to give in evidence in such proceedings.
- (6) The strategic highways company must comply with a direction under subsection (3).
- (7) The Secretary of State must, in exercising functions under this Part, have regard to any advice given to him or her by the Office under this section.
- (8) The Secretary of State must lay a report published by the Office under this section before Parliament.

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- (9) In Part 2 (Office of Rail Regulation) of the Railways and Transport Safety Act 2003, after section 15 insert—

“15A Change of name

- (1) The Secretary of State may by regulations make provision for the body established by section 15 to be known by a different name.
- (2) Regulations under this section may amend this Act or any other enactment, whenever passed or made.
- (3) Regulations under this section are to be made by statutory instrument.
- (4) A statutory instrument which contains regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

Textual Amendments

- F1** Words in s. 10(1) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. Pt. 1 para. 4(x)**

Commencement Information

- I3** S. 10 partly in force; s. 10 in force for specified purposes at Royal Assent, see s. 57(1)(a)
I4 S. 10 in force at 5.3.2015 in so far as not already in force by [S.I. 2015/481](#), **reg. 2(a)**

11 Monitor: compliance and fines

- (1) If [^{F2}the Office of Rail and Road] is satisfied that a strategic highways company has contravened or is contravening—
 - (a) section 3(6) (compliance with the Road Investment Strategy), or
 - (b) section 6(3) (compliance with directions and regard to guidance),the Office may take one or more of the steps mentioned in subsection (2).
- (2) The Office may—
 - (a) give notice to the company as to the contravention and the steps the company must take in order to remedy it;
 - (b) require the company to pay a fine to the Secretary of State.

Textual Amendments

- F2** Words in s. 11(1) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. Pt. 1 para. 4(x)**

Commencement Information

- I5** S. 11 in force at 5.3.2015 by [S.I. 2015/481](#), **reg. 2(a)**

12 Monitor: general duties

- (1) [^{F3}The Office of Rail and Road] must exercise its functions under sections 10 and 11 in the way that it considers most likely to promote—

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- (a) the performance, and
 - (b) the efficiency,
- of the strategic highways company.
- (2) The Office must also, in exercising those functions, have regard to—
- (a) the interests of users of highways,
 - (b) the safety of users of highways,
 - (c) the economic impact of the way in which the strategic highways company achieves its objectives,
 - (d) the environmental impact of the way in which the strategic highways company achieves its objectives,
 - (e) the long-term maintenance and management of highways, and
 - (f) the principles in subsection (3).
- (3) The principles are that—
- (a) regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent, and
 - (b) regulatory activities should be targeted only at cases in which action is needed.

Textual Amendments

F3 Words in s. 12(1) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. Pt. 1 para. 4(x)**

Commencement Information

I6 S. 12 in force at 5.3.2015 by [S.I. 2015/481](#), **reg. 2(a)**

13 Monitor: guidance

- (1) The Secretary of State may from time to time give [^{F4}the Office of Rail and Road] guidance as to the manner in which it is to carry out its activities under section 10.
- (2) The Secretary of State and the Treasury, acting jointly, must give the Office guidance as to the circumstances in which the payment of a fine under section 11 should be required.
- (3) The Office must have regard to guidance given to it under this section.
- (4) Guidance under this section must be published by the Secretary of State in such manner as he or she considers appropriate.

Textual Amendments

F4 Words in s. 13(1) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. Pt. 1 para. 4(x)**

Commencement Information

I7 S. 13 in force at 5.3.2015 by [S.I. 2015/481](#), **reg. 2(a)**

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14 Periodic reports by the Secretary of State

- (1) The Secretary of State must from time to time prepare and publish reports on the manner in which a strategic highways company exercises its functions.
- (2) The Secretary of State must lay a report prepared under subsection (1) before Parliament.

Commencement Information

18 S. 14 in force at 5.3.2015 by S.I. 2015/481, reg. 2(a)

Changes to legislation:

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