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PROSPECTIVE

SCHEDULE

Change of name of the Office of Rail Regulation: consequential amendments

PART 1

Amendments to primary legislation

Other enactments

4. In the following enactments and in the headings referred to, for a reference to the Office of Rail Regulation substitute a reference to the Office of Rail and Road—

- (a) section 13(1A) and (12) of the Transport Act 1962**(1)** (the Boards' powers of manufacture and production);
- (b) Schedule 2 to the Parliamentary Commissioner Act 1967**(2)** (departments etc. subject to investigation);
- (c) the following provisions of the Health and Safety at Work etc. Act 1974**(3)**—
 - (i) section 15(3B)**(4)** (health and safety regulations),
 - (ii) section 18**(5)** (authorities responsible for enforcement of the relevant statutory provisions),
 - (iii) section 43A**(6)** (railway safety levy), and
 - (iv) section 50(1A)(a)**(7)** (regulations under the relevant statutory provisions);
- (d) Part II of Schedule 1 to the House of Commons Disqualification Act 1975**(8)** (bodies of which all members are disqualified);
- (e) section 1 of the Level Crossings Act 1983**(9)** (safety arrangements at level crossings);
- (f) section 101(2)(b) of the Telecommunications Act 1984**(10)** (general restrictions on disclosure of information);

(1) 1962 c.46. Subsection (1A) was inserted by the Railways Act 1993, section 128. Subsections (1A) and (12) were amended by the Railways and Transport Safety Act 2003, paragraph 19(a) of Schedule 2.

(2) 1967 c.13. Schedule 2 was substituted by S.I. 2011/2986.

(3) 1974 c.37.

(4) Section 15(3B) was inserted by the Energy Act 2013 (c.32), paragraphs 5(1) and (2) of Schedule 12.

(5) Section 18 was amended by the Employment Protection Act 1975 (c.71) paragraph 8 of Schedule 15 and Schedule 18, the Energy Act 2013, paragraph 6 of Schedule 12, and S.I. 2008/960.

(6) Section 43A was inserted by section 105(1) of the Railways and Transport Safety Act 2003. It was subsequently amended by the Railways Act 2005, paragraph 12 of Schedule 3.

(7) Section 50(1A) was inserted by the Railways Act 2005, paragraph 13 of Schedule 3.

(8) 1975 c.24. The words "the Office of Rail Regulation" were inserted by the Railways and Transport Safety Act 2003, paragraph 21(a) of Schedule 2.

(9) 1983 c.16. Section 1 was amended by the Road Traffic Regulation Act 1984 (c.27), Schedule 13, the Transport and Works Act 1992 (c.42), section 51, the Railways Act 2005, paragraph 6(2) of Schedule 12, the Road Safety Act 2006 (c.49), sections 50, 59 and Schedule 7, and S.I. 1997/487.

(10) 1984 c.12. Paragraph (b) was amended by the Water Act 1989 (c.15), paragraph 68 of Schedule 25, the Electricity Act 1989 (c.29), paragraph 29 of Schedule 16, the Railways Act 1993 (c.43), paragraph 13(1) of Schedule 12, the Utilities Act 2000 (c.27), section 3(2), the Railways and Transport Safety Act 2003, paragraph 19(g) of Schedule 2, the Communications Act 2003 (c.21), paragraph 72(4) of Schedule 17, the Water Act 2003 (c.37), paragraph 23(a) of Schedule 7, S.I. 1992/231, S.I. 1996/275, S.I. 1998/915, S.I. 2001/4050 and S.I. 2014/892.

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- (g) section 74(2)(a) of the Airports Act 1986**(11)** (restriction on disclosure of information);
- (h) section 9E(2)(d) of the Company Directors Disqualification Act 1986**(12)** (disqualification for competition infringement: interpretation);
- (i) Schedule 15 to the Water Industry Act 1991**(13)** (disclosure of information);
- (j) Schedule 24 to the Water Resources Act 1991**(14)** (disclosure of information);
- (k) section 37(2) of the Deregulation and Contracting Out Act 1994**(15)** (power to repeal certain health and safety provisions);
- (l) the following provisions of the Channel Tunnel Rail Link Act 1996**(16)**—
 - (i) section 17**(17)** (access agreements),
 - (ii) the cross-heading before section 21,
 - (iii) section 21**(18)** (duties as to exercise of regulatory functions), and
 - (iv) section 21A**(19)** (fees);
- (m) section 54(1)(e)**(20)** of the Competition Act 1998**(21)** (regulators);
- (n) the following provisions of the Greater London Authority Act 1999**(22)** and, in the case of section 228, the heading preceding it—
 - (i) section 199(1)**(23)** (licence exemptions and facility exemptions),
 - (ii) section 200(1) and (2)**(24)** (railway access contracts),
 - (iii) section 228**(25)** (same person as PPP arbiter and Office of Rail Regulation: duties of staff),
 - (iv) section 235(2)(b)**(26)** (restrictions on disclosure of information),
 - (v) section 252B(1)(b)**(27)** (references to Committee in relation to railways),

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- (11)** 1986 c.31. Section 74(2)(a) was amended by the Water Act 1989, paragraph 76 of Schedule 25, the Electricity Act 1989, paragraph 33 of Schedule 16, the Railways Act 1993, paragraph 23(1) of Schedule 22, the Railways and Transport Safety Act 2003, paragraph 19(i) of Schedule 2, the Utilities Act 2000, section 3(2), the Water Act 2003, paragraph 24(a) of Schedule 7, [S.I. 1992/231](#), [S.I. 1996/275](#), [S.I. 1998/915](#), [S.I. 2011/1043](#) and [S.I. 2014/892](#).
 - (12)** 1986 c.46. Section 9E was inserted by the Enterprise Act 2002, section 204(2). Subsection (2)(d) was amended by the Railways and Transport Safety Act 2003, paragraph 19(j) of Schedule 2.
 - (13)** 1991 c.56. The entry in Schedule 15 for “The Office of Rail Regulation” was substituted for the entry “The Rail Regulator” (as inserted by the Railways Act 1993, paragraph 30(a) of Schedule 12) by the Railways and Transport Safety Act 2003, paragraph 19(l) of Schedule 2.
 - (14)** 1991 c.57. The entry in Schedule 24 for “The Office of Rail Regulation” was substituted for the entry “The Rail Regulator” (as inserted by the Railways Act 1993, paragraph 31(a) of Schedule 12) by the Railways and Transport Safety Act 2003, paragraph 19(m) of Schedule 2.
 - (15)** 1994 c.40. Section 37(2) was amended by the Railways Act 2005, paragraph 12(2) of Schedule 12, the Energy Act 2013, paragraphs 71(3) of Schedule 12, and [S.I. 2008/960](#).
 - (16)** 1996 c.61.
 - (17)** Section 17 was amended by the Railways and Transport Safety Act 2003, paragraph 19(o) of Schedule 2, and the Channel Tunnel Rail Link (Supplementary Provisions) Act 2008 (c.5), section 2.
 - (18)** Section 21 was amended by the Competition Act 1998, paragraph 16(2) of Schedule 10, the Enterprise Act 2002, paragraph 35(2)(b) of Schedule 25, the Railways and Transport Safety Act 2003, paragraphs 19(o) and 22(a) and (b) of Schedule 2, the Channel Tunnel Rail Link (Supplementary Provisions) Act 2008, section 3, and [S.I. 2014/892](#).
 - (19)** Section 21A was inserted by the Channel Tunnel Rail Link (Supplementary Provisions) Act 2008, section 4.
 - (20)** Subsection 1(e) was amended by the Enterprise Act 2002, paragraph 38(41)(a) of Schedule 25, and the Railways and Transport Safety Act 2003, paragraph 19(p) of Schedule 2.
 - (21)** 1998 c.41.
 - (22)** 1999 c.29.
 - (23)** Section 199(1) was amended by the Railways and Transport Safety Act 2003, paragraph 19(q) of Schedule 2.
 - (24)** Section 200(1) and (2) was amended by the Railways and Transport Safety Act 2003, paragraph 19(q) of Schedule 2.
 - (25)** Section 228 was amended by the Railways and Transport Safety Act 2003, paragraphs 19(q), 20 and 23 of Schedule 2.
 - (26)** Section 235(2)(b) was amended by the Railways and Transport Safety Act 2003, paragraph 19(q), the Railways Act 2005, paragraph 14(1) and (5)(b) of Schedule 12, [S.I. 2005/3029](#) and [S.I. 2014/892](#).
 - (27)** Section 252B was inserted by the Railways Act 2005, paragraph 3 of Schedule 6. Subsection (1)(b) was subsequently amended by [S.I. 2010/439](#).

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- (vi) section 252C(5)(**28**) (action on investigation under section 252B), and
- (vii) paragraph 15(2)(a) of Schedule 18(**29**) (London Transport Users' Committee);
- (o) section 105(5)(h) of the Utilities Act 2000(**30**) (general restrictions on disclosure of information);
- (p) the following provisions of, and headings in, the Transport Act 2000(**31**)—
 - (i) the heading to section 215,
 - (ii) section 216(**32**) (assumption of certain functions of Office of Rail Regulation) and the heading preceding it,
 - (iii) paragraph 3(2)(k)(**33**) of Schedule 9 (air traffic: information),
 - (iv) paragraph 13(3)(a)(**34**) of Schedule 10 (competition test: functions and agreements relating to buses),
 - (v) the heading to Schedule 17 (transfers to SRA from Office of Rail Regulation), and
 - (vi) the heading to Part II of Schedule 26 (transfers to SRA from Franchising Director, Secretary of State and Office of Rail Regulation);
- (q) the following provisions of the Enterprise Act 2002(**35**)—
 - (i) section 136(7)(e) and (8)(**36**) (investigations and reports on market investigation references), and
 - (ii) section 168(4)(h) and (j), and (5)(i)(**37**) (regulated markets);
- (r) section 24(5)(c) of the Legislative and Regulatory Reform Act 2006(**38**) (functions to which sections 21 and 22 apply);
- (s) the following provisions of the Regulatory Enforcement and Sanctions Act 2008(**39**)—
 - (i) section 73(2)(c) (functions to which section 72 applies), and
 - (ii) Schedule 5 (designated regulators);
- (t) the following provisions of the Crossrail Act 2008(**40**)—
 - (i) section 22 (objective of ORR in relation to Crossrail),
 - (ii) section 23 (duty of ORR to publish reports),
 - (iii) section 30(5) (duty to co-operate), and
 - (iv) section 54 (arbitration);
- (u) paragraph 4(2) of Schedule 6 of the Civil Aviation Act 2012(**41**) (restrictions on disclosing information);
- (v) the following provisions of the Enterprise and Regulatory Reform Act 2013(**42**)—

(28) Section 252C was inserted by the Railways Act 2005, paragraph 3 of Schedule 6.

(29) Paragraph 15(2)(a) was amended by the Railways and Transport Safety Act 2003, paragraph 19(q) of Schedule 2.

(30) 2000 c.27. Subsection (5)(h) was amended by the Railways and Transport Safety Act 2003, paragraph 19(s) of Schedule 2.

(31) 2000 c.38.

(32) Section 216 was amended by the Railways and Transport Safety Act 2003, paragraph 19(t)(ii) of Schedule 2.

(33) Sub-paragraph (2)(k) was amended by the Railways and Transport Safety Act 2003, paragraph 19(t)(iii) of Schedule 2.

(34) Sub-paragraph (3)(a) was amended by the Railways and Transport Safety Act 2003, paragraph 19(t)(iv) of Schedule 2.

(35) 2002 c.40.

(36) Section 136(7)(e) and (8) were amended by the Railways and Transport Safety Act 2003, paragraph 19(u) of Schedule 2.

(37) Section 168(4)(h) and (j) and (5)(i) were amended by the Railways and Transport Safety Act 2003, paragraph 19(u) of Schedule 2.

(38) 2006 c.51.

(39) 2008 c.13.

(40) 2008 c.18.

(41) 2012 c.19.

(42) 2013 c.24.

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- (i) section 52(4)(d) (power to remove concurrent competition functions of sectoral regulators),
- (ii) section 53(2)(c) (orders under section 52: procedural requirements), and
- (iii) paragraph 16(7)(d) of Schedule 4 (the Competition and Markets Authority);
- (w) the following provisions of the Energy Act 2013⁽⁴³⁾—
 - (i) section 84(6) (investigations),
 - (ii) section 89(8)(h) (provision of information or advice to relevant authorities),
 - (iii) section 90(2)(a)(ii) (arrangements with government departments etc.), and
 - (iv) paragraph 10(2)(h) of Schedule 9 (protected information: permitted disclosures and restrictions on use);
- (x) sections 10(1), 11(1), 12(1) and 13(1) of the Infrastructure Act 2015⁽⁴⁴⁾ (monitor); and
- (y) paragraph 8(1)(i) of Schedule 3 to the Consumer Rights Act 2015⁽⁴⁵⁾ (enforcement of the law on unfair contract terms and notices).

Commencement Information

- II** Sch. para. 4 in force at 16.10.2015, see [reg. 1\(2\)](#)

⁽⁴³⁾ 2013 c.32.

⁽⁴⁴⁾ 2015 c.7.

⁽⁴⁵⁾ 2015 c.15.

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Changes and effects yet to be applied to :

- Sch. para. 4 coming into force by [S.I. 2015/1682 reg. 1\(2\)](#)