

SCHEDULES

SCHEDULE 14

Section 204.

STRATEGIC RAIL AUTHORITY

PART I

MEMBERS AND STAFF

Tenure of members

- 1 (1) Subject to the following provisions of this paragraph, members of the Authority shall hold and vacate office as members in accordance with the terms of their appointments.
- (2) A member of the Authority shall be eligible for re-appointment on ceasing to be a member.
- (3) A member of the Authority may at any time resign from membership by giving notice to the Secretary of State.
- (4) The Secretary of State may terminate the appointment of a person as a member of the Authority if satisfied—
- (a) that the person has been absent from meetings of the Authority for a period of more than three months without the permission of the Authority,
 - (b) that the person has been adjudged bankrupt, that the person's estate has been sequestrated or that the person has made a composition or arrangement with, or granted a trust deed for, creditors, or
 - (c) that the person is unable or unfit to carry out the functions of a member.

Member appointed to chair Authority and deputy

- 2 (1) Subject to the following provisions of this paragraph—
- (a) the member appointed to chair the Authority, and
 - (b) any member appointed to act as deputy to that member,
- shall hold and vacate office as such in accordance with the terms of their appointments.
- (2) A member appointed to chair the Authority, or to act as deputy to that member, shall be eligible for re-appointment on ceasing to hold office as such (if still a member of the Authority).
- (3) A member so appointed may at any time resign from office as such by giving notice to the Secretary of State.
- (4) A member so appointed shall vacate office as such on ceasing to be a member of the Authority.

Status: This is the original version (as it was originally enacted).

- (5) When a member—
- (a) is appointed to chair the Authority or to act as deputy to that member, or
 - (b) ceases to hold office as such,
- the Secretary of State may vary the terms of the member's appointment as a member of the Authority so as to alter the date of cessation of membership.

Remuneration, pensions etc. for members

- 3 (1) The Authority shall pay to its members—
- (a) any such remuneration, and
 - (b) any such travelling and other allowances,
- as may be determined by the Secretary of State.
- (2) The Authority shall, if required to do so by the Secretary of State—
- (a) pay such pension, allowances or gratuities as may be determined by the Secretary of State to or in respect of a person who is or has been a member of the Authority,
 - (b) make such payments as may be determined by the Secretary of State towards provision for the payment of a pension, allowances or gratuities to or in respect of a person who is or has been a member of the Authority, or
 - (c) provide and maintain such schemes (whether contributory or not) as may be determined by the Secretary of State for the payment of pensions, allowances or gratuities to or in respect of persons who are or have been members of the Authority.
- (3) If, when a person ceases to hold office as a member of the Authority, the Secretary of State determines that there are special circumstances which make it right that the person should receive compensation, the Authority shall pay such compensation as may be determined by the Secretary of State.

Staff

- 4 (1) The Authority may employ such persons (in addition to the chief executive) as it may determine.
- (2) The terms of employment of employees of the Authority shall be such as the Authority may determine.
- 5 (1) The Authority may, in particular—
- (a) pay such pensions, allowances or gratuities as it may determine to or in respect of persons who are or have been employees of the Authority,
 - (b) make such payments as it may determine towards provision for the payment of pensions, allowances or gratuities to or in respect of such persons, or
 - (c) provide and maintain such schemes (whether contributory or not) as it may determine for the payment of pensions, allowances or gratuities to or in respect of such persons.
- (2) References in sub-paragraph (1) to pensions, allowances or gratuities include pensions, allowances or gratuities by way of compensation in respect of loss of employment or loss or diminution of emoluments.

Status: This is the original version (as it was originally enacted).

- 6 (1) The persons to whom section 1 of the Superannuation Act 1972 applies (persons to or in respect of whom benefits may be provided by schemes under that section) shall include employees of the Authority; and, accordingly, in Schedule 1 to that Act, at the appropriate point in the list of “Other Bodies”, insert—
- “The Strategic Rail Authority.”
- (2) If a person who is, by reference to employment by the Authority, a participant in a scheme under section 1 of the Superannuation Act 1972 becomes a member of the Authority, the Minister for the Civil Service may determine that the person’s term of office as such shall be treated for the purposes of the scheme as employment by the Authority.
- (3) The Authority shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (1) or (2) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.
- (4) The Minister for the Civil Service may, to such extent and subject to such conditions as he thinks fit, delegate to the Authority the function of administering a scheme under section 1 of the Superannuation Act 1972, so far as relating to employees of the Authority.
- (5) If he does so, the Authority may, to such extent and subject to such conditions as it may determine, authorise the exercise of that function by, or by employees of, any person.
- (6) Where a person is authorised under sub-paragraph (5) to exercise that function, anything done or omitted to be done by or in relation to him (or an employee of his) in, or in connection with, the exercise or purported exercise of the function shall be treated for all purposes as done or omitted to be done by or in relation to the Authority.
- (7) Sub-paragraph (6) does not apply for the purposes of—
- (a) any criminal proceedings against the authorised person (or an employee of his), or
 - (b) any contract between him and the Authority, so far as relating to the function.

PART II

FUNDING

Government grants

- 7 The Secretary of State may make to the Authority grants of such amounts, on such terms, as he may determine.

Borrowing

- 8 (1) The Authority is entitled to borrow in accordance with the following provisions of this paragraph, but not otherwise.
- (2) Subject to sub-paragraph (5), the Authority may borrow from the Secretary of State such sums in sterling as it may require for meeting its obligations and carrying out its functions.

Status: This is the original version (as it was originally enacted).

- (3) Subject to sub-paragraphs (4) and (5), the Authority may borrow temporarily in sterling (by way of overdraft or otherwise) from persons other than the Secretary of State such sums as it may require for meeting its obligations and carrying out its functions.
- (4) Borrowing under sub-paragraph (3) requires the consent of the Secretary of State which will not be given without the approval of the Treasury.
- (5) The Authority may not borrow if the effect would be—
 - (a) to take the aggregate amount outstanding in respect of the principal of sums borrowed by it over its borrowing limit, or
 - (b) to increase the amount by which the aggregate amount so outstanding exceeds that limit.
- (6) The Authority's borrowing limit is—
 - (a) £3 billion, or
 - (b) such greater sum as the Secretary of State may, with the approval of the Treasury, specify by order made by statutory instrument.
- (7) An order under sub-paragraph (6)(b) shall not be made unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the House of Commons.

Terms of government loans

- 9 (1) The approval of the Treasury is needed for the making of any loan to the Authority by the Secretary of State.
- (2) Any loan made to the Authority by the Secretary of State shall be repaid to the Secretary of State at such times and by such methods, and interest on the loan shall be paid to him at such rates and at such times, as he may with the approval of the Treasury from time to time determine.
- (3) If in any financial year the Secretary of State makes a loan to the Authority, he shall—
 - (a) prepare an account, and
 - (b) send that account to the Comptroller and Auditor General before the end of September in the following financial year.
- (4) The account shall show—
 - (a) the amount outstanding at the end of the previous financial year in respect of the principal of sums lent by the Secretary of State to the Authority,
 - (b) the amount of the sums lent by the Secretary of State to the Authority in the current financial year,
 - (c) the amount of any loan repayments made to the Secretary of State by the Authority in that financial year, and
 - (d) the amount outstanding at the end of that financial year in respect of the principal of sums lent by the Secretary of State to the Authority;
 and the form of the account and the manner of preparing it shall be such as the Treasury may direct.
- (5) The Comptroller and Auditor General shall examine, certify and report on each account sent to him under this paragraph and shall lay copies of it and of his report before each House of Parliament.

Status: This is the original version (as it was originally enacted).

Government guarantees

- 10 (1) The Secretary of State may, with the approval of the Treasury, guarantee, in such manner and on such conditions as he may consider appropriate—
- (a) the repayment of the principal of,
 - (b) the payment of interest on, and
 - (c) the discharge of any other financial obligation in connection with,
- any sum which the Authority borrows from any person other than the Secretary of State.
- (2) Where the Secretary of State gives a guarantee under this paragraph he shall, as soon after giving it as is reasonably practicable, lay a statement of the guarantee before each House of Parliament.
- (3) Where any sum is paid out for fulfilling a guarantee under this paragraph, the Secretary of State shall, as soon as reasonably practicable after the end of each financial year—
- (a) beginning with that in which the sum is paid out, and
 - (b) ending with that in which all liability in respect of the principal of the sum and in respect of interest on it is finally discharged,
- lay before each House of Parliament a statement relating to that sum.
- (4) Where any sums are paid out for fulfilling a guarantee under this paragraph, the Authority shall make to the Secretary of State, at such times and in such manner as he may from time to time direct—
- (a) payments of such amounts as he may so direct in or towards repayment of the sums so paid out, and
 - (b) payments of interest, at such rate as he may so direct, on what is outstanding for the time being in respect of sums so paid out.
- (5) The approval of the Treasury shall be required for the giving of a direction under sub-paragraph (4).

Accounts and audit

- 11 (1) The Authority shall—
- (a) keep proper accounts and proper accounting records, and
 - (b) prepare in respect of each financial year a statement of accounts giving a true and fair view of the state of affairs and the income and expenditure of the Authority.
- (2) Every statement of accounts prepared under sub-paragraph (1)(b) shall comply with any requirement which the Secretary of State has, with the approval of the Treasury, notified in writing to the Authority and which relates to—
- (a) the information to be contained in the statement,
 - (b) the manner in which that information is to be presented, or
 - (c) the methods and principles according to which the statement is to be prepared.
- 12 (1) The accounts of the Authority relating to each financial year shall be audited by the Comptroller and Auditor General who shall send a copy of his report on them to the Authority; and for this purpose “accounts” includes the statement of accounts prepared under paragraph 11(1)(b) in respect of the financial year.

Status: This is the original version (as it was originally enacted).

- (2) The Authority shall send—
- (a) a copy of the accounts audited under sub-paragraph (1), and
 - (b) the report made on them by the Comptroller and Auditor General,
- to the Secretary of State who shall lay a copy of each of them before each House of Parliament.

Direction requiring payment to Secretary of State

- 13 (1) The Secretary of State may, after consultation with the Treasury, give a direction to the Authority requiring it to pay to him an amount equal to the whole or such part as may be specified in the direction of any sum, or any sum of a description, so specified which is or has been received by the Authority.
- (2) Where it appears to the Secretary of State that the Authority has a surplus, whether on capital or revenue account, he may, after consultation with the Treasury, direct the Authority to pay to him such amount not exceeding the amount of that surplus as may be specified in the direction.
- (3) The Secretary of State shall consult the Authority before giving a direction under this paragraph.

Taxation

- 14 (1) The Secretary of State may make regulations for the purpose of eliminating, or reducing to such extent as may be prescribed, the Authority's liability to tax in respect of—
- (a) income and chargeable gains, or
 - (b) any prescribed class of income or chargeable gains.
- (2) The regulations may, in particular, provide—
- (a) for any elimination or reduction of liability to tax conferred by virtue of sub-paragraph (1) to be subject to prescribed conditions (including conditions requiring prescribed activities of the Authority to be carried out by persons other than the Authority), and
 - (b) for transactions entered into by the Authority not to be invalidated merely by reason of a contravention of any such conditions.
- (3) The regulations may—
- (a) for purposes connected with any elimination or reduction of liability to tax conferred by virtue of sub-paragraph (1), apply or modify any provision made by or under the Corporation Tax Acts (including provision made by Schedule 26),
 - (b) make different provision for different cases, and
 - (c) include such incidental, consequential, supplementary and transitional provision and savings as the Secretary of State may consider appropriate.
- (4) Regulations under this paragraph—
- (a) shall be made by statutory instrument, and
 - (b) require the consent of the Treasury.

- (5) No regulations shall be made under this paragraph unless a draft of the statutory instrument containing the regulations has been laid before, and approved by a resolution of, the House of Commons.

Interpretation

15 In this Part—

“accounting records” includes all books, papers and other records of the Authority relating to, or to matters dealt with in, the accounts required to be kept by the Authority, and

“financial year” means a period beginning with 1st April (or, in the case of the first financial year of the Authority, with the day on which the Authority is established) and ending with the next 31st March.

PART III

FINANCIAL FRAMEWORK AND INFORMATION

Financial framework

- 16 (1) The Secretary of State shall prepare, and may from time to time revise, a document to be known as the Authority’s financial framework.
- (2) The Authority’s financial framework shall specify rules and principles according to which the Authority is to exercise its functions in relation to—
- (a) financial matters, and
 - (b) matters relating to its employees.
- (3) The Authority shall not exercise any of its functions in a manner which is inconsistent with the Authority’s financial framework.
- (4) A transaction entered into by the Authority is not invalidated merely by reason of a contravention by the Authority of sub-paragraph (3); and this sub-paragraph applies whether or not any person who entered into the transaction with the Authority enquired whether the Authority was acting in contravention of that sub-paragraph.

Information

- 17 The Authority shall give to the Secretary of State information, advice and assistance about any matter in respect of which any function of the Authority is exercisable if the Authority considers it appropriate, or is requested by the Secretary of State, to do so.

Status: This is the original version (as it was originally enacted).

PART IV

PROCEDURE

Introductory

- 18 Subject to the following provisions of this Part, the Authority may regulate its own procedure (including quorum).

Committees and sub-committees

- 19 (1) The Authority may establish committees and any committee of the Authority may establish sub-committees.
- (2) The members of committees and sub-committees may include persons who are not members of the Authority.

Delegation of functions

- 20 (1) Anything authorised or required by or under any enactment to be done by the Authority may be done—
- (a) by any member or employee who has been authorised for the purpose, whether generally or specially, by the Authority,
 - (b) by any committee or sub-committee which has been so authorised, or
 - (c) by any wholly owned subsidiary of the Authority which has been so authorised.
- (2) A person may not act in relation to any matter delegated under sub-paragraph (1)(a) if in any way directly or indirectly interested in it.

Members' interests

- 21 (1) Where any matter brought up for consideration at a meeting of the Authority or a committee or sub-committee is one in which any person who is a member of it is in any way directly or indirectly interested, the person shall disclose the nature of the interest to the meeting; and where such a disclosure is made—
- (a) the disclosure shall be recorded in the minutes of the meeting, and
 - (b) the person shall not take any part in any deliberation or decision with respect to that matter.
- (2) Sub-paragraph (1) shall only apply to a person not present at a meeting if the person was aware that the matter would be brought up for consideration at the meeting.
- (3) For the purposes of sub-paragraph (1), a general notification given at a meeting of the Authority to the effect that a person—
- (a) has an interest in a specified company, firm or other organisation, and
 - (b) is to be regarded as interested in any matter involving that company, firm or other organisation,
- shall be regarded as a sufficient disclosure of the interest in relation to any such matter.

Status: This is the original version (as it was originally enacted).

- (4) A person need not attend in person at a meeting in order to make a disclosure required under this paragraph if reasonable steps are taken to secure that the disclosure is made by a notice which is read and considered at the meeting.
- (5) The Secretary of State may remove a disability under this paragraph subject to appropriate conditions.
- (6) The power of the Secretary of State under sub-paragraph (5) includes power to remove, either indefinitely or for any period, a disability which would otherwise attach to any person, or persons of any description, by reason of such interests, and in respect of such matters, as may be specified or described by the Secretary of State.
- (7) Nothing in this paragraph precludes any person from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to the Secretary of State for the exercise of the power conferred by sub-paragraph (5).

Vacancies and defective appointments

- 22 The validity of any proceedings of the Authority, or of a committee or sub-committee, shall not be affected by a vacancy amongst the members or by a defect in the appointment of a member.

Minutes

- 23 (1) Minutes shall be kept of proceedings of the Authority and of committees and sub-committees.
- (2) Minutes of any such proceedings shall be evidence of those proceedings if they are signed by a person purporting to have chaired the proceedings to which the minutes relate or of any subsequent proceedings in the course of which the minutes were approved as a correct record.
- (3) Where minutes of any such proceedings have been signed as mentioned in sub-paragraph (2), those proceedings shall, unless the contrary is shown, be deemed to have been validly convened and constituted.

Execution and proof of instruments

- 24 (1) The application of the seal of the Authority shall be authenticated by the signature of any member or employee of the Authority who has been authorised for the purpose, whether generally or specially, by the Authority.
- (2) Any document which the Authority is authorised or required by or under any enactment to serve, make or issue may be signed on behalf of the Authority by any member or employee of the Authority who has been authorised for the purpose, whether generally or specially, by the Authority.
- (3) Every document purporting to be an instrument made or issued by or on behalf of the Authority and to be duly executed under the seal of the Authority, or to be signed or executed by a person authorised by the Authority for the purpose, shall be received in evidence and be treated, without further proof, as being so made or issued unless the contrary is shown.

Status: This is the original version (as it was originally enacted).

- (4) In sub-paragraph (1) the reference to the signature of a person includes a reference to a facsimile of a signature reproduced by any process; and “signed” in sub-paragraphs (2) and (3) shall be construed accordingly.

PART V

CONSEQUENTIAL AMENDMENTS

Documentary Evidence Act 1868 (c. 37)

- 25 The Documentary Evidence Act 1868 shall have effect as if—
- (a) the Authority were mentioned in the first column of the Schedule to that Act,
 - (b) any member or employee of the Authority authorised to act on behalf of the Authority were specified in the second column of that Schedule in connection with the Authority, and
 - (c) the regulations referred to in that Act included any document issued by or under the authority of the Authority.

Public Records Act 1958 (c. 51)

- 26 In the First Schedule to the Public Records Act 1958 (definition of public records), in Part I of the Table at the end of paragraph 3, in the second column, after “Civil Aviation Authority.” insert—

“Strategic Rail Authority.”

Parliamentary Commissioner Act 1967 (c. 13)

- 27 In Schedule 2 to the Parliamentary Commissioner Act 1967 (which lists the bodies subject to the jurisdiction of the Parliamentary Commissioner), insert (at the appropriate place in alphabetical order)—

“Strategic Rail Authority.”

House of Commons Disqualification Act 1975 (c. 24)

- 28 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), insert (at the appropriate place in alphabetical order)—

“The Strategic Rail Authority.”

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 29 In Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified), insert (at the appropriate place in alphabetical order)—

“The Strategic Rail Authority.”

Status: This is the original version (as it was originally enacted).

Freedom of Information Act 2000 (c. 36)

30 In Part VI of Schedule 1 to the Freedom of Information Act 2000 (public authorities), insert (at the appropriate place in alphabetical order)—

“The Strategic Rail Authority.”