
STATUTORY INSTRUMENTS

2004 No. 1572 (C.63)

TRANSPORT

**The Railways and Transport Safety Act
2003 (Commencement No. 3) Order 2004**

Made - - - - 18th June 2004

The Secretary of State, in exercise of the power conferred upon him by section 120(1) of the Railways and Transport Safety Act 2003⁽¹⁾ hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Railways and Transport Safety Act 2003 (Commencement No. 3) Order 2004.

(2) In this Order, “the 2003 Act” means the Railways and Transport Safety Act 2003.

Commencement of provisions

2. The following provisions of the 2003 Act shall come into force on 19th June 2004—

- (a) sub-section (1) of section 34 (Compulsory police services agreement); and
- (b) section 74 (Regulations and orders).

3. The following provisions of the 2003 Act shall come into force on 1st July 2004—

- (a) section 18 (The British Transport Police Authority);
- (b) section 19 (Exercise of functions);
- (c) section 20 (Establishment of Police Force);
- (d) section 21 (Chief Constable);
- (e) section 22 (Deputy Chief Constable);
- (f) section 23 (Assistant Chief Constables);
- (g) section 24 (Constables);
- (h) section 25 (Special constables);
- (i) section 26 (Cadets);
- (j) section 27 (Civilian employees);

(1) 2003 c. 20.

- (k) section 28 (Exercise of powers by civilians);
- (l) section 29 (Terms of employment);
- (m) section 30 (Trade union membership);
- (n) section 31 (Jurisdiction);
- (o) section 32 (Prosecution);
- (p) section 33 (Police services agreement);
- (q) sub-sections (2), (3) and (4) of section 34 (Compulsory police services agreement);
- (r) section 35 (Arbitration by Secretary of State);
- (s) section 36 (Police regulations: general);
- (t) section 37 (Police regulations: special constables);
- (u) section 38 (Police regulations: cadets);
- (v) section 39 (British Transport Police Federation);
- (w) section 40 (Regulations: approval in draft);
- (x) section 41 (Police regulations: direction to Authority);
- (y) section 42 (Police regulations by Secretary of State);
- (z) section 43 (Regulations: further appeal);
- (aa) section 44 (Equipment regulations);
- (bb) section 45 (Regulation of procedure and practice);
- (cc) section 46 (Conditions of service: Transport Police Conference);
- (dd) section 47 (Code of practice: Authority);
- (ee) section 48 (Code of practice: Chief Constable);
- (ff) section 49 (Service outside Police Force);
- (gg) section 50 (Police objectives: Authority);
- (hh) section 51 (Police objectives: Secretary of State);
- (ii) section 52 (Railways policing plan);
- (jj) section 53 (Performance targets);
- (kk) section 54 (Performance directions);
- (ll) section 55 (Three-year strategy plan);
- (mm) section 56 (Reports by Chief Constable);
- (nn) section 57 (Annual report by Authority);
- (oo) section 58 (Other reports to Secretary of State);
- (pp) section 59 (Statistics);
- (qq) section 60 (Inquiry);
- (rr) section 61 (Inquiry: supplemental);
- (ss) section 62 (Public consultation);
- (tt) section 63 (Inspection);
- (uu) section 64 (Action after adverse inspection report);
- (vv) section 65 (Remedial direction);
- (ww) section 66 (Action plan);
- (xx) section 67 (Senior appointment: delegation of function);

- (yy) section 68 (Offences);
 - (zz) section 69 (Part III of the Road Traffic Offenders Act 1988 (c. 53));
 - (aaa) section 70 (International assistance);
 - (bbb) section 71 (Exercise of functions by Secretary of State);
 - (ccc) section 72 (Crown application);
 - (ddd) section 73 (Consequential, transitional and incidental provision);
 - (eee) section 75 (Interpretation);
 - (fff) section 76 (Index of defined expressions);
 - (ggg) section 77 (Extent);
 - (hhh) section 118 (repeals) so far as it relates to the provisions of Schedule 8 brought into force by paragraph (kkk);
 - (iii) Schedule 4 (British Transport Police Authority);
 - (jjj) Schedule 5 (British Transport Police: Consequential Amendments);
 - (kkk) In Schedule 8 (Repeals), the entries relating to the British Transport Commission Act 1949(2), sections 132 and 133 of, and Schedule 10 to, the Railways Act 1993(3), paragraphs 7 to 10 of Schedule 18 to the Transport Act 2000(4) and the Anti-terrorism, Crime and Security Act 2001(5).
4. The following provisions of the 2003 Act shall come into force on 5th July 2004—
- (a) section 118 (repeals), so far as it relates to the provision of Schedule 8 brought into force by paragraph (b).
 - (b) Schedule 8 (repeals), so far as it relates to Section 1 of the Railways Act 1993.

Signed by authority of the Secretary of State for Transport

18th June 2004

Tony McNulty
Parliamentary Under Secretary of State,
Department for Transport

(2) 1949 c.xxix.
(3) 1993 c. 43.
(4) 2000 c. 38.
(5) 2001 c. 24.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force a number of provisions of the Railways and Transport Safety Act 2003 (c. 20) as follows—

- On 19th June 2004, the provisions contained in article 2;
- On 1st July 2004, the provisions contained in article 3; and
- On 5th July 2004, the provisions contained in article 4.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Railways and Transport Safety Act 2003 have been brought into force by a commencement order made before the date of this order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 78	30th March 2004	2004/827
section 79	30th March 2004	2004/827
sections 80(4) and 80(5)	30th March 2004	2004/827
section 81	30th March 2004	2004/827
section 82	30th March 2004	2004/827
section 83 for the purposes of bringing into force the part of paragraph 1 of Schedule 7 relating to section 6A(1) of the Road Traffic Act 1988(b) for the purpose of enabling the Secretary of State to approve a device for indicating whether the proportion of alcohol in a person's breath or blood is likely to exceed the limits prescribed in sections 81(1) and 93(2) and (3) of the 2003 Act	29th March 2004	2004/827
section 83 in so far as it did not come into force on 29th March 2004	30th March 2004	2004/827
section 84	30th March 2004	2004/827
section 85	30th March 2004	2004/827
section 86	30th March 2004	2004/827

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 87	30th March 2004	2004/827
section 88	30th March 2004	2004/827
section 89	30th March 2004	2004/827
section 90	30th March 2004	2004/827
section 91	30th March 2004	2004/827
section 92	30th March 2004	2004/827
section 93	30th March 2004	2004/827
section 94	30th March 2004	2004/827
section 95	30th March 2004	2004/827
section 96 for the purposes of bringing into force the part of paragraph 1 of Schedule 7 relating to section 6A(1) of the Road Traffic Act 1988(b) for the purpose of enabling the Secretary of State to approve a device for indicating whether the proportion of alcohol in a person's breath or blood is likely to exceed the limits prescribed in sections 81(1) and 93(2) and (3) of the 2003 Act	29th March 2004	2004/827
section 96 in so far as it did not come into force on 29th March 2004	30th March 2004	2004/827
section 97	30th March 2004	2004/827
section 98	30th March 2004	2004/827
section 99	30th March 2004	2004/827
section 100	30th March 2004	2004/827
section 101	30th March 2004	2004/827
section 102	30th March 2004	2004/827
section 103	30th March 2004	2004/827
section 106	30th March 2004	2004/827
section 107 for the purposes of bringing into force the part of paragraph 1 of Schedule 7 relating to section 6A(1) of the Road Traffic Act 1988(b) for the purpose of enabling the Secretary of State to approve a device for indicating whether	29th March 2004	2004/827

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
the proportion of alcohol in a person's breath or blood is likely to exceed the limits prescribed in sections 81(1) and 93(2) and (3) of the 2003 Act		
section 107 in so far as it did not come into force on 29th March 2004	30h March 2004	2004/827
section 109	30th March 2004	2004/827
section 111	31st October 2003	2003/2681
section 113	30th March 2004	2004/827
section 115	31st October 2003	2003/2681
section 117	30th March 2004	2004/827
section 118 so far as it relates to the provisions in Schedule 8 relating to section 11(2) of the Road Traffic Act 1988 ⁽⁶⁾ , section 76(2), of the Road Traffic Offenders Act 1988 ⁽⁷⁾ and section 117 of the Merchant Shipping Act 1995 ⁽⁸⁾	30th March 2004	2004/827
section 119	30th March 2004	2004/827
Schedule 6	30th March 2004	2004/827
The part of paragraph 1 of Schedule 7 relating to section 6A(1) of the Road Traffic Act 1988 for the purpose of enabling the Secretary of State to approve a device for indicating whether the proportion of alcohol in a person's breath or blood is likely to exceed the limits prescribed in sections 81(1) and 93(2) and (3).	29th March 2004	2004/827
Schedule 7 in so far at it does not come into force on 29th March	30th March 2004	2004/827
Schedule 8 so far as it relates to section 11(2) of the Road	30th March 2004	2004/827

⁽⁶⁾ 1988 c. 52.

⁽⁷⁾ 1988 c. 53.

⁽⁸⁾ 1995 c. 21.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Traffic Act 1988, section 76(2)(a) of the Road Traffic Offenders Act 1988 and section 117 of the Merchant Shipping Act 1995.		

The following provisions of the Railways and Transport Safety Act 2003 will be brought into force by a commencement order made before the date of this order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 15	5th July 2004	2004/827
section 16	5th July 2004	2004/827
section 17	5th July 2004	2004/827
section 116 for the purposes relating to a person becoming liable to dismissal under paragraph 2(d) of Schedule 1	5th July 2004	2004/827
section 118 so far as it relates to the provisions in Schedule 8 relating to the House of Commons Disqualification Act 1975 ⁽⁹⁾ sections 15(4A), 15C(3), 21(5) 57B, 74(8) 151(1) of, and Schedule 1 to, the Railways Act 1993 ⁽¹⁰⁾ and section 251(2) of, and paragraph 45 of Schedule 27 to, the Transport Act 2000 ⁽¹¹⁾	5th July 2004	2004/827
Schedule 1	5th July 2004	2004/827
Schedule 2	5th July 2004	2004/827
Schedule 3	5th July 2004	2004/827
Schedule 8 so far as it relates to the House of Commons Disqualification Act 1975, sections 15(4A), 15C(3), 21(5), 57B, 74(8), 151(1) of, and Schedule 1 to, the Railways Act 1993 and section 251(2) of, and paragraph 45 of Schedule 27 to, the Transport Act 2000	5th July 2004	2004/827

⁽⁹⁾ 1975 c. 24.

⁽¹⁰⁾ 1993 c. 43.

⁽¹¹⁾ 2000 c. 38.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.