

**Changes to legislation:** There are currently no known outstanding effects for the Railways Act 1993, Cross Heading: The London Regional Transport Act 1984. (See end of Document for details)

## SCHEDULES

### SCHEDULE 12 **U.K.**

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### Commencement Information

- II** Sch. 12 is partly in force; Sch. 12 not in force at Royal Assent, see s. 154(2); Sch. 12 in force at 6.1.1994 for specified purposes by S.I. 1993/3237, art.1; Sch. 12 in force at 1.4.1994 for specified purposes by S.I. 1994/571, art. 5

#### *The London Regional Transport Act 1984*

- 14 (1) Section 2 of the <sup>M1</sup>London Regional Transport Act 1984 (provision of passenger transport services for Greater London) shall be amended in accordance with the following provisions of this paragraph.
- (2) In subsection (1) (which requires London Regional Transport, in conjunction with the Board, to provide or secure the provision of public passenger transport services in Greater London), before the words “in conjunction with the Railways Board” there shall be inserted the words “(if and to the extent that the Railways Board continues to be under a duty by virtue of section 3 of the <sup>M2</sup>Transport Act 1962 to provide railway services in Greater London) ”.
- (3) At the beginning of subsection (3) (duty of London Regional Transport and the Board to co-operate for the purpose of co-ordinating services etc) there shall be inserted the words “ If and so long as the Railways Board continues to be under a duty by virtue of section 3 of the <sup>M3</sup>Transport Act 1962 to provide railway services in Greater London, ”.
- (4) After that subsection there shall be inserted—
- “(3A) It shall be the duty of London Regional Transport (either acting directly, or acting indirectly through subsidiaries of theirs) and the Franchising Director to co-operate with one another in the exercise and performance of their respective functions for the purpose—
- (a) of co-ordinating the passenger transport services for persons travelling within, to, or from Greater London—
- (i) which are provided by London Regional Transport or their subsidiaries; and
- (ii) which are provided under franchise agreements, or whose provision is secured by the Franchising Director pursuant to section 30, 37 or 38 of the Railways Act 1993; and
- (b) of securing or facilitating the proper discharge of London Regional Transport’s duty under subsection (1) above;

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and to afford to one another such information as to the services mentioned in paragraph (a) above as may reasonably be required for those purposes.”

- (5) In subsection (4) (power of London Regional Transport and the Board to enter into arrangements for the purposes of the co-operation required by the section)—
- (a) for the words “subsection (3) above” there shall be substituted the words “subsection (3) or, as the case may be, subsection (3A) above—
- (a)”;
- and
- (b) after the words “the Railways Board” there shall be inserted the words “or
- (b) London Regional Transport and the Franchising Director,”.
- (6) After that subsection there shall be inserted—
- “(4A) The references in subsections (3A) and (4) above to the respective functions of London Regional Transport and the Franchising Director shall be taken, in the case of the functions of the Franchising Director, as a reference to—
- (a) his functions under sections 23 to 31 of the Railways Act 1993 (franchising of passenger services); and
- (b) the duties imposed upon him by sections 37 and 38 of that Act (discontinuance of railway passenger services) to secure the provision of services.”

#### Commencement Information

**II** Sch. 12 para. 14 wholly in force at 1.4.1994; para. 14 not in force at Royal Assent see s. 154(2); para. 14(1)-(3) in force at 6.1.1994 by S.I. 1993/3237, art. 2(2); Sch. 12 para. 14 in force at 1.4.1994 insofar as not already in force by S.I. 1994/ 571, art. 5

#### Marginal Citations

**M1** 1984 c. 32.  
**M2** 1962 c. 46.  
**M3** 1962 c. 46.

- 15 In section 7 of that Act (planning of passenger transport services for Greater London) in subsection (4) (which specifies the persons with whom London Regional Transport are to consult in preparing statements under that section)—
- (a) after paragraph (a), there shall be inserted—
- “(aa) the Franchising Director;”;
- (b) for the word “and” at the end of paragraph (c) there shall be substituted—
- “(cc) such other persons as the Secretary of State may specify in a direction given to London Regional Transport; and”.
- 16 In section 31 of that Act (duty of Board to consult London Regional Transport as to fares and services in London) for the words “The Railways Board shall” there shall be substituted the words “ If and so long as the Railways Board continues to be under a duty by virtue of section 3 of the <sup>M4</sup>Transport Act 1962 to provide railway services in Greater London, the Board shall ”.

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**Marginal Citations**

M4 1962 c. 46.

17 After that section there shall be inserted—

**“31A Duty of Franchising Director to consult London Regional Transport as to fares and services in London.**

The Franchising Director shall from time to time consult with London Regional Transport as to—

- (a) the general level and structure of the fares to be charged for the carriage of passengers by railway on journeys wholly within Greater London on services—
  - (i) which are, or are to be, provided under franchise agreements; or
  - (ii) whose provision the Franchising Director is under a duty to secure, by virtue of section 30, 37 or 38 of the Railways Act 1993; and
- (b) the general level of the provision to be made for such journeys.”

18 (1) Section 40 of that Act shall have effect with the following amendments.

(2) Without prejudice to the continuing validity of appointments made before the coming into force of this sub-paragraph, for subsection (2) (appointment of chairman and members by the Secretary of State) there shall be substituted—

“(2) The Committee shall consist of—

- (a) a chairman, appointed by the Secretary of State after consultation with the Rail Regulator; and
- (b) such other members (not exceeding thirty) as the Secretary of State may appoint after consultation with the Rail Regulator and the chairman.”

(3) In subsection (4), there shall be omitted—

- (a) the words “ Subject to subsection (6) below, ”; and
- (b) paragraph (c) (which confers functions with respect to matters affecting the services and facilities provided by the Board or any subsidiary of theirs) and the word “ or ” immediately preceding it.

(4) In subsection (5)—

- (a) in paragraph (b) (which provides that a matter falls to be considered by the committee if it has been referred to it by certain persons or bodies), for the words “by London Regional Transport or by the Railways Board” there shall be substituted the words “ or by London Regional Transport ”; and
- (b) the words following paragraph (c) (which relate to services provided by the Board or its subsidiaries) shall be omitted.

(5) Subsection (6) (which precludes the committee from considering charges for services and questions relating to the discontinuance or reduction of railway services) shall be omitted.

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- (6) In subsection (7), paragraph (b) (which requires copies of the committee’s minutes, requirements and recommendations in the case of certain matters affecting the Board to be sent to the Board) shall be omitted.
- (7) In subsection (8) (power of the Secretary of State to give directions to certain bodies) the words “or (as the case may require) to the Railways Board” shall be omitted.
- (8) In subsection (9) (requirement for certain bodies and persons to give notice of certain decisions to the committee) the words “the Railways Board” shall be omitted.
- (9) In subsection (10) (committee to make annual report to the Secretary of State), after the words “Secretary of State” where first occurring there shall be inserted the words “ and the Rail Regulator ”.
- (10) In subsection (11) (certain companies not to be treated as subsidiaries of certain bodies), the words “or the Railways Board” shall be omitted.
- 19 Section 41 of that Act (which provides for the committee to be treated as an Area Transport Users’ Consultative Committee for certain purposes and which makes other provision in connection therewith) shall cease to have effect.
- 20 In section 59 of that Act (which confers power on London Borough Councils and the Common Council to enter into certain agreements with the Board) for the words “the Railways Board” there shall be substituted—
- “(a) the Railways Board,  
 (b) the Franchising Director, or  
 (c) any person who is the holder of a passenger licence, a network licence or a station licence, within the meaning of Part I of the Railways Act 1993.”.
- 21 In section 68 of that Act (interpretation) the following definitions shall be inserted at the appropriate places—
- (a) ““franchise agreement” has the same meaning as in Part I of the Railways Act 1993; ”; and  
 (b) “ “the Franchising Director” means the Director of Passenger Rail Franchising; ”.
- 22 (1) In Schedule 3 to that Act, in paragraph 5 (Secretary of State to provide the committee with funds with which to meet certain expenses) after sub-paragraph (2) there shall be added—
- “(3) The Committee shall prepare and send to the Secretary of State not less than two months, or such other period as the Secretary of State may specify, before the beginning of each financial year a statement of the expenses which they expect to incur in respect of that year for the purposes of, or in connection with, the carrying on of their functions.
- (4) The Secretary of State shall consider any statement sent to him under sub-paragraph (3) above and shall either approve the statement or approve it with such modifications as he considers appropriate.”
- (2) In paragraph 9 of that Schedule, at the end of sub-paragraph (3) (which requires minutes to be kept of the proceedings of every meeting of the committee) there shall be added the words “ ; and copies of those minutes shall be sent to the Secretary of State, the Rail Regulator and the Central Rail Users’ Consultative Committee. ”

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- (3) In sub-paragraph (4) of that paragraph (power of committee to determine own procedure) after the words “Subject to the preceding provisions of this paragraph” there shall be inserted the words “ and the provisions of paragraph 11A below ” and after paragraph 11 of that Schedule there shall be inserted—

*“ Admission of public to meetings*

11A (1) Subject to sub-paragraph (2) below, meetings of the Committee shall be open to the public.

(2) The public shall be excluded during any item of business where—

- (a) it is likely, were members of the public to be present during that item, that information furnished in confidence to the Committee by the Rail Regulator or the Franchising Director would be disclosed in breach of the obligation of confidence;
- (b) the Committee have resolved that, by reason of the confidential nature of the item or for other special reasons stated in the resolution, it is desirable in the public interest that the public be excluded; or
- (c) it is likely, were members of the public to be present during that item, that there would be disclosed to them—

- (i) any matter which relates to the affairs of an individual,  
or

- (ii) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate,

where public disclosure of that matter would or might, in the opinion of the committee, seriously and prejudicially affect the interests of that individual or body.

(3) The Committee shall give such notice—

- (a) of any meeting of the Committee which is open to the public,  
and
- (b) of the business to be taken at that meeting (other than items during which the public is to be excluded),

as they consider appropriate for the purpose of bringing the meeting to the attention of interested members of the public.”.

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