



# Railway Heritage Act 1996

## 1996 CHAPTER 42

An Act to make further provision for and in connection with the preservation of railway records and artefacts. [18th July 1996]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Modifications etc. (not altering text)

C1 Act function transferred (1.4.2013) by [The Public Bodies \(Abolition of the Railway Heritage Committee\) Order 2013 \(S.I. 2013/64\)](#), arts. 1(2), 2(2) (with art. 8)

### Commencement Information

I1 Act not in force at Royal assent; Act wholly in force at 18.9.1996 see [s. 8\(3\)](#)

## 1 Bodies to which Act applies.

[<sup>F1</sup>(1)] The following shall be regarded as bodies to which this Act applies, namely—

- <sup>F2</sup>(a) .....
- <sup>F2</sup>(b) .....
- (c) any company which was formerly a wholly owned subsidiary of the Board;
- (d) any publicly owned railway company;
- (e) any company which was formerly a publicly owned railway company;
- [<sup>F3</sup>(f) the [<sup>F4</sup>Secretary of State];]
- (g) any company which is wholly owned by the [<sup>F5</sup>Secretary of State];
- (h) any franchisee; and
- (i) any franchise operator.

[<sup>F6</sup>(2)] The Secretary of State may, by order made by statutory instrument, modify subsection (1) by adding a body or a description of body to the list of bodies to which this Act applies.

*Changes to legislation: There are currently no known outstanding effects for the Railway Heritage Act 1996. (See end of Document for details)*

- (3) Before making an order under subsection (2), the Secretary of State must consult the bodies that appear to him to be the ones that will become bodies to which this Act applies on the coming into force of the order.
- (4) A statutory instrument containing an order under subsection (2) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

- F1** S. 1 renumbered as s. 1(1) (21.11.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 13(2)**; S.I. 2005/2812, art. 2(2), Sch. 2
- F2** S. 1(1)(a)(b) repealed (21.11.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/2812, art. 2(2), Sch. 2
- F3** S. 1(f) substituted (1.2.2001) by 2000 c. 38, s. 215, **Sch. 16 para. 55(1)(2)**; S.I. 2001/57, art. 3, **Sch. 2 Pt. I** (subject to transitional provisions and savings in Sch. 2 Pt. II (as amended (22.1.2001) by S.I. 2001/115, art. 2(1))
- F4** Words in s. 1(1)(f) substituted (21.11.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 13(2)(a)**; S.I. 2005/2812, art. 2(2), Sch. 2
- F5** Words in s. 1(1)(g) substituted (21.11.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 13(2)(b)**; S.I. 2005/2812, art. 2(2), Sch. 2
- F6** S. 1(2)(3)(4) inserted (21.11.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 13(3)**; S.I. 2005/2812, art. 2(2), Sch. 2

## <sup>F7</sup>2 Establishment of committee.

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#### Textual Amendments

- F7** S. 2 repealed (1.4.2013) by The Public Bodies (Abolition of the Railway Heritage Committee) Order 2013 (S.I. 2013/64), arts. 1(2), **2(3)(a)** (with art. 8)

## 3 Designation of records and artefacts.

- (1) It shall be a function of the [<sup>F8</sup>Board of Trustees]—
- (a) to designate those records or artefacts, or those classes or descriptions of record or artefact, which in the opinion of the [<sup>F8</sup>Board of Trustees] are of sufficient interest to warrant preservation; and
  - (b) to notify every body to which this Act applies of the records or artefacts, or the classes or descriptions of record or artefact, so designated.
- (2) The function conferred by paragraph (a) of subsection (1) above includes power to revoke or amend designations previously made; and paragraph (b) of that subsection shall be construed accordingly.
- (3) Subject to subsection (4) below, references in this section to records or artefacts are references to records kept, or artefacts made, for purposes connected with railways.
- (4) References in this section to records do not include references to records which are public records within the meaning of the <sup>M1</sup>Public Records Act 1958.

*Changes to legislation: There are currently no known outstanding effects for the Railway Heritage Act 1996. (See end of Document for details)*

#### Textual Amendments

**F8** Words in s. 3(1) substituted (1.4.2013) by [The Public Bodies \(Abolition of the Railway Heritage Committee\) Order 2013 \(S.I. 2013/64\)](#), arts. 1(2), **2(3)(b)** (with art. 8)

#### Marginal Citations

**M1** 1958 c. 51.

## 4 Notice of proposed disposal of record or artefact.

- (1) Where a body to which this Act applies proposes to dispose of a designated record or artefact to any person to any extent, it shall give notice to the [<sup>F9</sup>Board of Trustees] containing details of the proposed disposal.
- (2) If the [<sup>F9</sup>Board of Trustees] is content both with the person to whom the record or artefact is proposed to be disposed of and with the terms of the proposed disposal (including any terms relating to payment), it shall consent to the disposal.
- (3) If the [<sup>F9</sup>Board of Trustees] is content with that person but not with those terms, it shall give directions to the body with respect to the terms (including any terms relating to payment) on which the body may offer to dispose of the record or artefact to that person to the extent proposed.
- (4) If the [<sup>F9</sup>Board of Trustees] is not content with that person, it shall give directions to the body—
  - (a) specifying the person or persons to whom the body may offer to dispose of the record or artefact to the extent proposed and, where there are two or more such persons, specifying the order in which the offers must be made; and
  - (b) with respect to the terms (including any terms relating to payment) on which the body must make the offer or offers.
- (5) In subsections (2) to (4) above “terms relating to payment” includes terms as to the basis on which the amount or terms of payment are to be settled.
- (6) Nothing in this section shall apply to, and nothing in section 5 below shall preclude, any disposal of a designated record or artefact by a body to which this Act applies if—
  - (a) at the time of the disposal, the body has not been notified of the designation;
  - (b) the disposal is made in accordance with a transfer scheme under [<sup>F10</sup>the Transport Act 2000 [<sup>F11</sup>or the Railways Act 2005]]; or
  - (c) the disposal is not so made but is a disposal to another body to which this Act applies;

but where such a body makes such a disposal as is mentioned in paragraph (c) above, it shall, within the period of two months beginning with the day of the disposal, give notice to the [<sup>F9</sup>Board of Trustees] of the disposal.

#### Textual Amendments

**F9** Words in s. 4 substituted (1.4.2013) by [The Public Bodies \(Abolition of the Railway Heritage Committee\) Order 2013 \(S.I. 2013/64\)](#), arts. 1(2), **2(3)(c)** (with art. 8)

**F10** Words in s. 4(6)(b) substituted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 53**; S.I. 2001/57, art. 3, **Sch. 2 Pt. I** (subject to transitional provisions and savings in **Sch. 2 Pt. II**)

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**F11** Words in s. 4(6)(b) inserted (21.11.2005) by [Railways Act 2005 \(c. 14\), s. 60\(2\), Sch. 12 para. 13\(5\); S.I. 2005/2812, art. 2\(2\), Sch. 2](#)

## 5 Disposal of record or artefact.

- (1) A body to which this Act applies may dispose of a designated record or artefact if, and only if—
- (a) the [<sup>F12</sup>Board of Trustees] has consented to the disposal under section 4(2) above; or
  - (b) the disposal is made in pursuance of an offer made by the body in accordance with directions given under section 4(3) or (4) above; or
  - (c) the body has given notice of the disposal under section 4(1) above and has made one or more offers in accordance with directions given under section 4(3) or (4) above, but the offer has not been accepted, or (as the case may be) none of the offers has been accepted, within the requisite period; or
  - (d) the body has given notice of the disposal under section 4(1) above, but the [<sup>F12</sup>Board of Trustees] has neither consented under section 4(2) above, nor given directions under section 4(3) or (4) above, within the requisite period;
- and in this subsection “the requisite period”, in relation to an offer or notice, means the period of six months beginning with the day on which the offer or notice was made or given.
- (2) Any disposal made in contravention of subsection (1) above shall be void.
- (3) Subject to paragraph 7 of Schedule 1 to the <sup>M2</sup>Public Records Act 1958 and any Orders in Council made under that paragraph, nothing in that Schedule shall cause any records disposed of in accordance with subsection (1) above to become, by reason of that or any subsequent disposal, public records within the meaning of that Act.
- (4) Any records disposed of in accordance with subsection (1) above which at any time are for the time being in the custody of the Secretary of State for Scotland may be treated for the purposes of section 5(1) of the <sup>M3</sup>Public Records (Scotland) Act 1937 as records belonging to Her Majesty.

### Textual Amendments

**F12** Words in s. 5(1) substituted (1.4.2013) by [The Public Bodies \(Abolition of the Railway Heritage Committee\) Order 2013 \(S.I. 2013/64\), arts. 1\(2\), 2\(3\)\(d\) \(with art. 8\)](#)

### Marginal Citations

**M2** 1958 c.51.  
**M3** 1937 c.43.

## 6 Guidance and information.

- (1) In exercising its functions under this Act the [<sup>F13</sup>Board of Trustees] shall have regard to such guidance as may from time to time be given by the Secretary of State; and any such guidance may make different provision for different cases or descriptions of case.

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- (2) The [<sup>F13</sup>Board of Trustees] may require a body to which this Act applies to furnish the [<sup>F13</sup>Board of Trustees] with such information as the [<sup>F13</sup>Board of Trustees] reasonably considers necessary to enable it to exercise any of its functions under this Act.

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**Textual Amendments**

- F13** Words in s. 6 substituted (1.4.2013) by [The Public Bodies \(Abolition of the Railway Heritage Committee\) Order 2013 \(S.I. 2013/64\)](#), arts. 1(2), **2(3)(e)** (with art. 8)

## 7 Interpretation.

- (1) In this Act—

[<sup>F14</sup>“Board of Trustees” means the Board of Trustees of the Science Museum established under section 9 of the National Heritage Act 1983;]

“designated”, in relation to a record or artefact, means designated, or of a class or description designated, by the [<sup>F15</sup>Board of Trustees] under section 3 above, and “designation” shall be construed accordingly;

“disposal”, in relation to a designated record or artefact, includes—

- (a) a lease or loan of the record or artefact for a period which exceeds twelve months, or for any period to a person to whom the record or artefact has been leased or loaned at any time in the preceding twelve months;
- (b) the creation of any security over the record or artefact,

and “dispose” shall be construed accordingly.

- (2) In this Act expressions which are also used in the <sup>M4</sup>Railways Act 1993 have the same meanings as in that Act.

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**Textual Amendments**

- F14** Words in s. 7 inserted (1.4.2013) by [The Public Bodies \(Abolition of the Railway Heritage Committee\) Order 2013 \(S.I. 2013/64\)](#), arts. 1(2), **2(3)(f)(i)** (with art. 8)
- F15** Words in s. 7 substituted (1.4.2013) by [The Public Bodies \(Abolition of the Railway Heritage Committee\) Order 2013 \(S.I. 2013/64\)](#), arts. 1(2), **2(3)(f)(ii)** (with art. 8)

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**Marginal Citations**

- M4** 1993 c.43.

## 8 Short title, repeal, commencement and extent.

- (1) This Act may be cited as the Railway Heritage Act 1996.
- (2) Section 125 of the Railways Act 1993 (the provisions of which are with modifications re-enacted by this Act) is hereby repealed.
- (3) This Act shall come into force at the end of the period of two months beginning with the day on which it is passed.
- (4) This Act does not extend to Northern Ireland.

**Changes to legislation:**

There are currently no known outstanding effects for the Railway Heritage Act 1996.