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SCHEDULES

SCHEDULE 16

TRANSFER TO SRA OF FRANCHISING DIRECTOR’S FUNCTIONS

Railways Act 1993 (c. 43)

- 8 The Railways Act 1993 has effect subject to the following amendments.
- 9 In section 4(5)(c) (Regulator to have regard to financial position of Franchising Director in discharging his functions), for “Franchising Director in discharging his” substitute “Authority in discharging its”.
- 10 In section 8(8) (duty to consult Franchising Director before making regulations about licence applications), for “Franchising Director” substitute “Authority”.
- 11 (1) Section 17 (access agreements: directions requiring facility owners to enter into contracts for use of their railway facilities) is amended as follows.
- (2) In subsection (3), for “Franchising Director” (in each place) substitute “Authority”.
- (3) In subsection (4)—
- (a) for “Franchising Director” (in both places) substitute “Authority”, and
- (b) for “him” (in both places) substitute “the Authority”.
- 12 In section 18 (access agreements: contracts requiring approval of Regulator), in subsection (4), for “Franchising Director” (in each place) substitute “Authority”.
- 13 (1) Section 19 (access agreements: contracts for use, on behalf of the Franchising Director, of installations comprised in network) is amended as follows.
- (2) In subsections (1) and (4), and in the sidenote, for “Franchising Director” substitute “Authority”.
- (3) In subsection (7)—
- (a) for “Franchising Director” (in both places) substitute “Authority”, and
- (b) for “him” (in both places) substitute “the Authority”.
- 14 (1) Section 23 (passenger services to be subject to franchise agreements) is amended as follows.
- (2) In subsection (1), for “Franchising Director” substitute “Authority”.
- (3) In subsection (2)—
- (a) for “Franchising Director” substitute “Authority”, and
- (b) for “his” substitute “its”.
- (4) In subsection (3), in the definition of “franchise agreement”, for “Franchising Director” substitute “Authority”.

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- 15 In section 24(3) (duty of Secretary of State to consult Franchising Director about exemptions from designation as franchise services), for “Franchising Director” substitute “Authority”.
- 16 (1) Section 26 (invitations to tender for franchises) is amended as follows.
- (2) In subsection (1), for “Franchising Director” substitute “Authority”.
- (3) In subsections (2) and (3)—
- (a) for “Franchising Director” substitute “Authority”, and
- (b) for “he” substitute “it”.
- 17 (1) Section 27 (transfer of franchise assets and shares) is amended as follows.
- (2) In subsections (1) and (2)—
- (a) for “Franchising Director” substitute “Authority”, and
- (b) for “himself” substitute “itself”.
- (3) In subsections (3), (4) and (8), for “Franchising Director” substitute “Authority”.
- (4) In subsection (9)—
- (a) for “Franchising Director” substitute “Authority”,
- (b) for “his” substitute “its”, and
- (c) for “himself” substitute “itself”.
- (5) In subsection (10)—
- (a) for “Franchising Director” (in each place) substitute “Authority”, and
- (b) for “he” substitute “it”.
- 18 (1) Section 28 (fares and approved discount fare schemes) is amended as follows.
- (2) In subsection (2)—
- (a) for “Franchising Director” substitute “Authority”,
- (b) for “he” (in both places) substitute “it”, and
- (c) for “his” substitute “its”.
- (3) In subsection (4), for “Franchising Director” substitute “Authority”.
- 19 In section 29 (other terms and conditions of franchise agreements), in subsection (1) (in both places) and in subsection (5), for “Franchising Director” substitute “Authority”.
- 20 (1) Section 34 (Passenger Transport Authorities and Executives: franchising) is amended as follows.
- (2) In subsection (4)—
- (a) for “Franchising Director” substitute “Authority”, and
- (b) for “him” substitute “the Authority”.
- (3) In subsection (5)—
- (a) for “Franchising Director” substitute “Authority”,
- (b) for “his” (in both places) substitute “the Authority's,” and
- (c) for “him” substitute “the Authority”.
- (4) In subsection (6) and in subsection (7) (in both places), for “Franchising Director” substitute “Authority”.

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- (5) In subsection (8)—
 - (a) for “Franchising Director” (in both places) substitute “Authority”, and
 - (b) for “he” substitute “the Authority”.
- (6) In subsections (10) and (12) and in subsection (13) (in both places), for “Franchising Director” substitute “Authority”.
- (7) In subsection (14)—
 - (a) for “Franchising Director” (in each place) substitute “Authority”,
 - (b) for “him” substitute “the Authority”, and
 - (c) for “he” (in both places) substitute “the Authority”.
- (8) In subsection (15), for “Franchising Director” substitute “Authority”.
- (9) In subsection (16)—
 - (a) for “Franchising Director” (in both places) substitute “Authority”, and
 - (b) for “his” substitute “its”.
- (10) In subsection (17), for “Franchising Director” (in each place) substitute “Authority”.
- (11) In subsection (18)—
 - (a) for “Franchising Director” (in both places) substitute “Authority”, and
 - (b) for “he may apply” substitute “the Authority may apply”.
- (12) In subsection (19), for “Franchising Director” substitute “Authority”.
- 21 In section 35 (termination and variation of section 20(2) agreements by Franchising Director), for “Franchising Director” (in each place, including the sidenote) substitute “Authority”.
- 22 (1) Section 37 (proposals to discontinue non-franchised etc. passenger services) is amended as follows.
 - (2) In subsection (1), for “Franchising Director” (in both places) substitute “Authority”.
 - (3) In subsections (4) and (5)—
 - (a) for “Franchising Director” substitute “Authority”, and
 - (b) for “he” substitute “it”.
 - (4) In subsection (6)—
 - (a) for “Franchising Director” substitute “Authority”,
 - (b) for “he” substitute “it”, and
 - (c) for “him” (in both places) substitute “it”.
 - (5) In subsection (7), for “Franchising Director's” substitute “Authority's”.
 - (6) In subsection (8), for “Franchising Director” (in both places) substitute “Authority”.
 - (7) In subsection (10)—
 - (a) for “Franchising Director” substitute “Authority”, and
 - (b) for “he” substitute “it”.
- 23 (1) Section 38 (proposals to discontinue franchised etc. passenger services) is amended as follows.
 - (2) In subsection (1)—

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- (a) for “Franchising Director” (in both places) substitute “Authority”, and
 - (b) for “he” substitute “it”.
- (3) In subsection (2)—
- (a) for “Franchising Director” substitute “Authority”, and
 - (b) for “him” substitute “it”.
- (4) In subsection (3)—
- (a) for “Franchising Director” (in both places) substitute “Authority”, and
 - (b) for “he” substitute “it”.
- (5) In subsection (5)—
- (a) for “Franchising Director” substitute “Authority”, and
 - (b) for “him” (in both places) substitute “it”.
- (6) In subsection (6), for “Franchising Director” (in both places) substitute “Authority”.
- (7) In subsection (8), for “Franchising Director” substitute “Authority”.
- 24 (1) Section 39 (notification of proposals to change operational passenger networks) is amended as follows.
- (2) In subsection (1), for “Franchising Director” (in both places) substitute “Authority”.
- (3) In subsections (5) and (6)—
- (a) for “Franchising Director” substitute “Authority”, and
 - (b) for “he” substitute “it”.
- (4) In subsection (7)—
- (a) for “Franchising Director” substitute “Authority”,
 - (b) for “he” substitute “it”, and
 - (c) for “him” (in both places) substitute “it”.
- (5) In subsection (8), for “Franchising Director's” substitute “Authority's”.
- (6) In subsection (9), for “Franchising Director” (in both places) substitute “Authority”.
- (7) In subsection (11)—
- (a) for “Franchising Director” substitute “Authority”, and
 - (b) for “he” (in both places) substitute “it”.
- 25 (1) Section 40 (proposals to close passenger networks operated on behalf of Franchising Director) is amended as follows.
- (2) In subsection (1), for “Franchising Director” (in both places) substitute “Authority”.
- (3) In subsection (2)—
- (a) for “Franchising Director” substitute “Authority”, and
 - (b) for “him” substitute “the Authority”.
- (4) In subsection (5)—
- (a) for “Franchising Director” substitute “Authority”, and
 - (b) for “him” (in both places) substitute “it”.
- (5) In subsection (6), for “Franchising Director” (in both places) substitute “Authority”.

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- (6) In subsection (8) and in the sidenote, for “Franchising Director” substitute “Authority”.
- 26 (1) Section 41 (notification of proposals to close railway facilities used in connection with passenger services) is amended as follows.
- (2) In subsection (1), for “Franchising Director” (in both places) substitute “Authority”.
- (3) In subsections (4) and (5)—
- (a) for “Franchising Director” substitute “Authority”, and
- (b) for “he” substitute “it”.
- (4) In subsection (6)—
- (a) for “Franchising Director” substitute “Authority”,
- (b) for “he” substitute “it”, and
- (c) for “him” (in both places) substitute “it”.
- (5) In subsection (7), for “Franchising Director's” substitute “Authority's”.
- (6) In subsection (8), for “Franchising Director” (in both places) substitute “Authority”.
- (7) In subsection (10)—
- (a) for “Franchising Director” substitute “Authority”, and
- (b) for “he” (in both places) substitute “it”.
- 27 (1) Section 42 (proposals to close passenger railway facilities operated on behalf of Franchising Director) is amended as follows.
- (2) In subsection (1), for “Franchising Director” (in both places) substitute “Authority”.
- (3) In subsection (2)—
- (a) for “Franchising Director” substitute “Authority”, and
- (b) for “him” substitute “the Authority”.
- (4) In subsection (4)—
- (a) for “Franchising Director” substitute “Authority”, and
- (b) for “him” (in both places) substitute “it”.
- (5) In subsection (5), for “Franchising Director” (in both places) substitute “Authority”.
- (6) In subsection (7) and in the sidenote, for “Franchising Director” substitute “Authority”.
- 28 (1) Section 43 (closures: notification to, and functions of, Regulator and consultative committees).
- (2) In subsection (1)—
- (a) for “Franchising Director” substitute “Authority”,
- (b) for “he” substitute “it”, and
- (c) for “his” substitute “its”.
- (3) In subsections (3), (12) and (13), for “Franchising Director” substitute “Authority”.
- 29 In section 45(2) (closure conditions), for “Franchising Director” (in both places) substitute “Authority”.

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- 30 In subsections (2) and (4) of section 46 (variation of closure conditions), for “Franchising Director” substitute “Authority”.
- 31 For section 47 (which transfers to the Franchising Director, so as to make them exercisable concurrently with the Board, the functions of the Board under sections 119 to 124 of the Transport Act 1985) substitute—

“47 Withdrawal of bus substitution service

- (1) Where the Authority proposes to seek—
- (a) revocation of a condition requiring it to secure the provision of a bus substitution service, or
 - (b) variation of such a condition so as to permit the Authority to withdraw such a service from any locality or point,
- it shall, not less than six weeks before the date proposed for the withdrawal of the service, publish in two successive weeks in two local newspapers circulating in the area affected, and in such other manner as appears to it appropriate, a notice complying with subsection (2) below.
- (2) The notice shall—
- (a) give particulars of the proposed withdrawal of service, of any alternative services which it appears to the Authority will be available and of any proposals of the Authority for securing or augmenting the provision of alternative services; and
 - (b) state that objections to the revocation or variation may be lodged with the appropriate Rail Passengers' Committee within six weeks of a date specified in the notice.
- (3) The date so specified shall be the date on which the notice is last published in a local newspaper as required by subsection (1) above.
- (4) Copies of the notice published under subsection (1) above shall be sent to—
- (a) the Rail Passengers' Committee for the area in which any locality or point affected by the proposed withdrawal of service is situated; and
 - (b) the Passenger Transport Executive for any passenger transport area in which any such locality or point is situated.
- (5) Where the proposed withdrawal of service relates to a service which is subsidised by the Passenger Transport Executive for any passenger transport area under any agreement made with the Authority, the Authority shall not publish a notice with respect to the proposed withdrawal under subsection (1) above without the consent of—
- (a) the Executive; or
 - (b) the Secretary of State, who shall not give his consent before affording a reasonable opportunity to the Executive to make representations.
- (6) References in this section and section 47A below to a Rail Passengers' Committee shall be construed, in relation to the Greater London area within the meaning of section 2 above, as references to the London Transport Users' Committee.

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47A Objections to withdrawal of bus substitution service

- (1) Where a notice has been published by the Authority under section 47 above, any user of any service affected (and any body representing users of any such service) may within the period specified in the notice lodge an objection in writing with the Rail Passengers' Committee for the area in a locality or point affected by the proposed withdrawal of service is situated.
- (2) Where a Rail Passengers' Committee receives objections pursuant to a notice under section 47 above, it shall—
 - (a) immediately inform the Secretary of State and the Authority;
 - (b) consider the objection and any representations made by the Authority; and
 - (c) report to the Secretary of State as soon as possible on the hardship, if any, which they consider will be caused by the proposed withdrawal of service (and the report may contain proposals for alleviating that hardship).
- (3) Where objections with respect to any proposed withdrawal of service have been lodged with two or more Rail Passengers' Committees, they may—
 - (a) report to the Secretary of State jointly under this section; or
 - (b) agree that their functions under this sections shall be delegated to one any of them.
- (4) The Secretary of State may require a further report from any committee making a report to him under subsection (1) above.
- (5) Copies of every report under subsection (1) or (2) above shall be sent to the Rail Passengers' Council and to the Authority.
- (6) Where the proposed withdrawal of service—
 - (a) relates to a service which is subsidised by the Passenger Transport Executive for a passenger transport area, or
 - (b) would affect a locality or point in the passenger transport area of a Passenger Transport Executive,the Executive may, within the period specified in the notice for objecting to the withdrawal, send the Secretary of State a statement in writing that they oppose the withdrawal and of their reasons for opposing it (even if they consented to the publication of the notice).
- (7) Where the Passenger Transport Executive for any passenger transport area send such a statement to the Secretary of State they shall send a copy of it to the Authority.

47B Revocation or variation of bus substitution conditions

- (1) Where an objection to a proposed withdrawal of service is lodged in accordance with subsection (1) of section 47A above, the Secretary of State may revoke or vary the condition in question—
 - (a) when he has received the report required by subsection (3) of that section and any further report required by him under subsection (4)

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- of that section (unless he considers that any such report has been unreasonably delayed); and
- (b) after considering any statement under subsection (4) of that section.
- (2) Where the Secretary of State revokes or varies a condition under subsection (1), he may—
- (a) impose such conditions as he thinks fit, including a condition requiring the Authority to secure the provision of another bus substitution service; and
- (b) from time to time give such directions to the Authority as he thinks fit in connection with the withdrawal of the bus substitution service required by that condition;
- and such a condition may be varied or revoked as if it had been made under section 43 above.
- (3) Where no objections are lodged in accordance with section 47A above, the Secretary of State shall revoke or vary the condition in question in accordance with the Authority’s proposals.”
- 32 (1) Section 48 (experimental services) is amended as follows.
- (2) In subsection (2)—
- (a) for “Franchising Director” substitute “Authority”, and
- (b) for “he” substitute “it”.
- (3) In subsection (4)—
- (a) for “Franchising Director” substitute “Authority”,
- (b) for “he” substitute “the Authority”, and
- (c) for “him” substitute “the Authority”.
- (4) In subsection (6), for “Franchising Director” substitute “Authority”.
- (5) In subsection (7)—
- (a) for “Franchising Director” substitute “Authority”, and
- (b) for “he” substitute “it”.
- 33 In section 50(1) (exclusion of liability for breach of statutory duty), for “Franchising Director” substitute “Authority”.
- 34 (1) Section 54 (exercise of functions for purpose of encouraging investment in railways) is amended as follows.
- (2) In subsection (1)—
- (a) for “Franchising Director” substitute “Authority”, and
- (b) for “his, or (as the case may be) their,” substitute “their”.
- (3) In subsection (2)—
- (a) for “Franchising Director” (in both places) substitute “Authority”, and
- (b) for “franchising functions of his” substitute “any of its franchising functions”.
- (4) In subsection (3)—
- (a) for “Franchising Director” substitute “Authority”,
- (b) for “functions of his under” substitute “of the Authority’s functions under”,

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- (c) for “him” substitute “the Authority”, and
 - (d) for “his which” substitute “the Authority which”.
- 35 (1) Section 55 (orders for securing compliance) is amended as follows.
- (2) In subsections (1) to (7)—
 - (a) for “officer” (in each place) substitute “authority”, and
 - (b) for “he” and “him” (in each place) substitute “it”.
 - (3) In subsection (10)—
 - (a) for “officer” substitute “authority”, and
 - (b) for “Franchising Director” substitute “Authority”.
 - (4) In subsection (11), for “Franchising Director” substitute “Authority”.
 - (5) In the heading before section 55, for “*Franchising Director*” substitute “*Authority*”.
- 36 In section 56 (procedural requirements)—
 - (a) for “officer” (in each place) substitute “authority”,
 - (b) for “he” (in each place) substitute “it”, and
 - (c) for “his” (in each place) substitute “its”.
- 37 In section 57(7) (validity and effect of orders), for “officer” substitute “authority”.
- 38 (1) Section 58 (power to require information etc.) is amended as follows.
- (2) In subsection (1)—
 - (a) for “officer” (in both places) substitute “authority”, and
 - (b) for “his” substitute “its”.
 - (3) In subsection (2) (in each place) and in subsection (6), for “officer” substitute “authority”.
- 39 In section 60(1) (railway administration orders made on special petition), for “Franchising Director” substitute “Authority”.
- 40 In section 61 (restriction on making winding-up order in respect of protected railway company), for “Franchising Director” (in both places) substitute “Authority”.
- 41 In section 62 (restrictions on voluntary winding up and insolvency proceedings in case of protected railway companies), for “Franchising Director” (in each place) substitute “Authority”.
- 42 In section 69(4) (power of Regulator to provide Franchising Director with information relating to Franchising Director’s functions), for “Franchising Director” (in each place) substitute “Authority”.
- 43 In subsection (9) of section 72 (keeping of register by Regulator)—
 - (a) for “Franchising Director” (in both places) substitute “Authority”, and
 - (b) for “him” substitute “it”,and in the heading preceding that section, for “Franchising Director” substitute “Authority”.
- 44 (1) Section 73 (keeping of register by Franchising Director) is amended as follows.
- (2) In subsection (1)—
 - (a) for “Franchising Director” substitute “Authority”, and

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- (b) for “he” substitute “it”.
- (3) In subsection (2)—
 - (a) for “Franchising Director” (in both places) substitute “Authority”, and
 - (b) for “he” (in both places) substitute “it”.
- (4) In subsection (3) (in both places), in subsection (4), in subsection (6) (in both places) and in subsection (7) (in both places), for “Franchising Director” substitute “Authority”.
- (5) In the sidenote, for “Franchising Director” substitute “Authority”.
- 45 (1) Section 75 (annual reports of Franchising Director) is amended as follows.
 - (2) In subsection (1)—
 - (a) for “Franchising Director” substitute “Authority”,
 - (b) for “the first relevant financial year, and of each subsequent financial year,” substitute “each financial year,” and
 - (c) for “his” substitute “its”.
 - (3) In subsections (2) and (2A), in subsection (3) (in both places) and in the sidenote, for “Franchising Director” substitute “Authority”.
 - (4) In subsection (4), omit the definition of “first relevant financial year”.
- 46 In section 76 (general duties of Central Committee), in subsection (4)(b) (in both places) and in subsection (8), for “Franchising Director” substitute “Authority”.
- 47 In section 77 (general duties of consultative committees), in subsection (3)(b) (in both places), in subsection (8) (in both places) and in subsection (10), for “Franchising Director” substitute “Authority”.
- 48 (1) Section 80 (duty to furnish information to Franchising Director on request) is amended as follows.
 - (2) In subsection (1)—
 - (a) for “Franchising Director” (in both places) substitute “Authority”,
 - (b) for “he” (in both places) substitute “it”, and
 - (c) for “function of his” substitute “of its functions”.
 - (3) In subsection (3), in subsection (4) (in each place), in subsection (8) and in the sidenote, for “Franchising Director” substitute “Authority”.
- 49 (1) Section 118 (control of railways in time of hostilities, severe international tension or great national emergency) is amended as follows.
 - (2) In subsection (1), for “Franchising Director” substitute “Authority”.
 - (3) In subsection (3)—
 - (a) for “Franchising Director” substitute “Authority”, and
 - (b) for “him to carry out his” substitute “the carrying out of”.
 - (4) In subsection (5)—
 - (a) for “Franchising Director” substitute “Authority”, and
 - (b) omit “given to him” and “relating to him”.
 - (5) In subsection (9), for “Franchising Director” substitute “Authority”.

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- 50 (1) Section 135 (concessionary travel for railway staff etc.) is amended as follows.
- (2) In subsections (2) and (3), for “Franchising Director” substitute “Authority”.
- (3) In subsection (6)—
- (a) for “Franchising Director” substitute “Authority”, and
- (b) for “his” substitute “its”.
- (4) In subsection (7), for “Franchising Director” substitute “Authority”.
- 51 (1) Section 136 (grants and subsidies) is amended as follows.
- (2) In subsections (3) and (4), for “Franchising Director” substitute “Authority”.
- (3) In subsection (6), for “Franchising Director may each, in his capacity” substitute “Authority may each”.
- (4) In subsection (7), for “Franchising Director” (in both places) substitute “Authority”.
- (5) In subsection (10), for “Franchising Director” substitute “Authority”.
- 52 In section 145 (restriction on disclosure of information not to apply to disclosure for facilitating carrying out of certain functions), for “Franchising Director” (in both places) substitute “Authority”.
- 53 In section 151 (interpretation), in subsection (2) (in both places) and in subsection (3) (in each place), for “Franchising Director” substitute “Authority”.
- 54 (1) Paragraph 2 of Schedule 7 (transfer schemes in connection with railway administration orders) is amended as follows.
- (2) In sub-paragraph (2), for “Franchising Director” substitute “Authority”.
- (3) In sub-paragraph (3), for “Franchising Director, for his approval, he” substitute “Authority for approval, the Secretary of State or Authority”.
- (4) In sub-paragraph (6)—
- (a) for “Franchising Director” substitute “Authority”, and
- (b) for “him” substitute “the Secretary of State or Authority”.
- (5) In sub-paragraph (7)—
- (a) for “Franchising Director” substitute “Authority”,
- (b) for “he” substitute “the Secretary of State or Authority”, and
- (c) omit “on him”.