



Railways Act 2005

CHAPTER 14

RAILWAYS ACT 2005

PART 1

TRANSFER OF FUNCTIONS AND RAILWAY STRATEGY

Transfer of functions

- 1 Transfer etc. of SRA functions and abolition
- 2 Transfer of safety functions to ORR

Railway strategy

- 3 General duties under s. 4 of the 1993 Act
- 4 Use of access charges reviews for application of strategy
- 5 Railway strategy for Scotland

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PUBLIC SECTOR FUNDING AUTHORITIES FOR RAILWAYS

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- 6 Financial assistance etc. from the Secretary of State
- 7 Notification of assistance from Secretary of State for freight services
- 8 Franchising and financial assistance in relation to Scotland
- 9 Notification of assistance from Scottish Ministers for freight services
- 10 Franchising and financial assistance in relation to Wales
- 11 Notification of assistance from Welsh Assembly for freight services
- 12 Transfer schemes at end of franchising agreements

Status: This is the original version (as it was originally enacted).

Passenger Transport Executives

- 13 Railway functions of Passenger Transport Executives
- 14 Repeals and savings relating to Passenger Transport Executives

London

- 15 Duty of Secretary of State and Transport for London to co-operate
- 16 Relaxation of contractual restrictions on Transport for London
- 17 Membership of Transport for London

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- 18 Qualification of duty in respect of services funded by others

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- 19 The Rail Passengers' Council
- 20 Delegation of functions by Council
- 21 Rail Passengers' Committees

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- 22 Proposal by service operator to discontinue non-franchised services
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- 24 Proposals to discontinue franchised or secured services
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- 26 Proposal by operator to close passenger network
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- 29 Proposal by operator to close station
- 30 Proposal by funding authority to close station
- 31 Proposal to discontinue operation of secured station

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- 32 References to the ORR
- 33 Closure requirements

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- 34 Minor modifications
- 35 Closures eligible to be treated as minor modifications
- 36 Designation of experimental passenger services
- 37 Discontinuance of experimental passenger services
- 38 Services, networks and stations excluded by order

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- 39 Quality contracts schemes in connection with service modifications
- 40 Substitute road services

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- 42 Closures guidance
- 43 Procedure relating to publication and modification of closures guidance
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- 45 Interpretation of Part 4

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Conduct and accessibility on railways

- 46 Bye-laws
- 47 Power of Scottish Ministers to make penalty fare regulations
- 48 Code of practice for disabled rail users in Scotland

Railway administration orders for companies providing Scottish services

- 49 Functions of Scottish Ministers in relation to railway administration
- 50 Assistance by Scottish Ministers for companies in railway administration

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- 51 ORR to assist and advise national authorities
- 52 Duty of Passenger Transport Executives to advise Secretary of State

PART 6

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- 53 Taxation
- 54 Further amendments of the 1993 Act

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- 55 Expenses etc.
- 56 Powers exercisable by statutory instrument
- 57 Meaning of “Wales-only service” and “Welsh service”
- 58 General interpretation
- 59 Consequential amendments, transitional provisions and repeals
- 60 Short title, commencement and extent

SCHEDULES

- SCHEDULE 1 — Transfer etc. of functions of the Strategic Rail Authority
- Part 1 — TRANSFER AND ABOLITION OF FUNCTIONS

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

- 1 Transfer to ORR of consumer protection and other functions relating to licensing
- 2 Section 7A of the 1993 Act (consumer protection conditions) shall...
- 3 (1) In section 8 of the 1993 Act (licences), in...
- 4 In section 11 of the 1993 Act (assignment of licences)—...
- 5 (1) In section 12 of the 1993 Act, subsections (1A)...
- 6 In section 13 of the 1993 Act (modification references to...
- 7 In section 13A of the 1993 Act (time limits under...
- 8 In section 14 of the 1993 Act (reports on modification...
- 9 In section 15 of the 1993 Act (modification following report)—...
- 10 (1) This paragraph applies to things done under or for...
- 11 Transfers relating to the provision, improvement or development of railway facilities
- 12 Transfer of functions relating to access agreements
- 13 Transfer of functions relating to franchise agreements
- 14 (1) Section 24 of the 1993 Act (franchise exemptions granted...
- 15 (1) Section 26 of the 1993 Act (invitation to tender...
- 16 For sections 26A, 26B and 26C of the 1993 Act...
- 17 (1) In section 27 of the 1993 Act (transfer of...
- 18 (1) In section 28 of the 1993 Act (fares and...
- 19 In section 29 of the 1993 Act (other terms and...
- 20 Transfer of functions as operator of last resort
- 21 Transfer etc. of functions relating to enforcement
- 22 In section 56(2A) of the 1993 Act (procedural requirements for...
- 23 (1) Section 57A of the 1993 Act (penalties) is amended...
- 24 (1) In section 57B of the 1993 Act—
- 25 In section 57C(3) of the 1993 Act (service of penalty...
- 26 (1) This paragraph applies to things done under or for...
- 27 Abolition of functions relating to railway administration orders
- 28 Abolition of duty to investigate contravention of consumer protection conditions
- 29 Transfer of function of maintaining code of practice for protection of disabled rail users
- 30 Transfer of functions relating to maintenance of register
- 31 After that section insert— Keeping of register by the Scottish...
- 32 Transfer of functions relating to the Rail Passengers' Council
- 33 Transfer of power to require information from licence holders
- 34 Abolition of functions relating to penalty fares
- 35 Transfer of functions relating to concessionary travel
- 36 Abolition of certain functions under the 2000 Act
 - Part 2 — DEFINITIONS FOR PURPOSES OF TRANSFERS TO SCOTTISH MINISTERS
- 37 (1) Section 83(1) of the 1993 Act (expressions defined for...

SCHEDULE 2 — Transfer schemes

- 1 Application and commencement of scheme
- 2 Property, rights and liabilities that may be transferred
- 3 Dividing and modifying transferor's property, rights and liabilities
- 4 Obligation to effect transfers etc. under a scheme
- 5 Effect of scheme
- 6 Powers and duties under statutory provisions
- 7 Supplementary provisions of schemes
- 8 Modification of scheme by agreement

- 9 Continuity of employment etc.
- 10 Compensation for third parties
- 11 Provision of information to person making scheme
- 12 Interpretation

SCHEDULE 3 — Transfer of safety functions

- 1 Railway safety purposes
- 2 ORR's principal railway safety functions
- 3 Removal of corresponding functions from HSC
- 4 Reports and investigations
- 5 (1) This paragraph applies where, before the commencement of paragraph...
- 6 (1) This paragraph applies where, before the commencement of paragraph...
- 7 ORR acting as agent of government departments and other public authorities
- 8 Government departments and other public authorities acting as agent of ORR
- 9 Restrictions on codes of practice by HSC
- 10 Co-operation with the HSC
- 11 Information powers corresponding to section 27 of the 1974 Act
- 12 Railway safety levy
- 13 Removal of requirement of consultation with HSC for railway safety regulations
- 14 Regulatory Reform Act 2001
- 15 Interpretation

SCHEDULE 4 — Reviews by ORR of access charges and licence conditions

- 1 Introductory
- 2 Conduct of access charges reviews
- 3 Repeal of paragraph 3
- 4 Implementation notice
- 5 Termination notice
- 6 New review notice following objections
- 7 Information to be provided to Competition Commission in connection with reference
- 8 Noticed of proposed relevant changes following Competition Commission report
- 9 Notice of decisions by Competition Commission
- 10 Information to be provided to Competition Commission with proposal for relevant changes
- 11 Commencement of Schedule

SCHEDULE 5 — Rail Passengers' Council established by s. 19(1)

Part 1 — INTRODUCTORY

- 1 In this Schedule— “accounting records” includes all books, papers and...

Part 2 — MEMBERS AND STAFF

- 2 Remuneration etc. of members
- 3 Staff
- 4 (1) The RPC may— (a) pay such pensions, allowances or...
- 5 (1) The persons to whom section 1 of the Superannuation...

Part 3 — FINANCE

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

- 6 Government grants
- 7 Direction requiring payment to the Secretary of State
- 8 Accounts and audit
- 9 (1) The statement of accounts and other accounts of the...
 - Part 4 — FINANCIAL FRAMEWORK AND INFORMATION
- 10 Financial framework
- 11 Annual reports
- 12 Information
 - Part 5 — STATUS AND SUPPLEMENTARY POWERS
- 13 Status
- 14 Supplementary powers
 - Part 6 — PROCEDURE
- 15 Regulation of procedure
- 16 Admission of the public to meetings
- 17 The RPC must give such notice— (a) of any meeting...
- 18 Local committees
- 19 Execution of documents

SCHEDULE 6 — Functions retained by London Transport Users' Committee

- 1 Members of LTUC to represent users of services in London railway area
- 2 General duty of LTUC to keep railway matters under review
- 3 Duty of LTUC to investigate matters
- 4 Power of Secretary of State to exclude matters from duties of LTUC
- 5 Duty of Rail Passengers' Council to refer matters to the LTUC

SCHEDULE 7 — Consultations under Part 4

- 1 Introductory
- 2 Newspaper notification
- 3 Specific notification to particular persons
- 4 Interpretation of Schedule
- 5 In this Schedule “the area affected”, in relation to a...
- 6 (1) A newspaper is to be regarded as a national...

SCHEDULE 8 — Proposals to discontinue excluded London services

- 1 Introductory
- 2 Notice of proposal
- 3 Objections etc.
- 4 Consideration of objections and report to Mayor of London
- 5 Consent of Mayor to closure

SCHEDULE 9 — Bye-laws by railway operators

- 1 Introductory
- 2 Penalties
- 3 Confirmation
- 4 (1) A railway operator who proposes to make bye-laws must...
- 5 (1) The appropriate national authority may— (a) confirm (with or...
- 6 Publicity for confirmed bye-laws
- 7 Evidence
- 8 Power to amend or vary

SCHEDULE 10 — Taxation provisions relating to transfer schemes

- Part 1 — TRANSFERS TO A NATIONAL AUTHORITY UNDER SECTION 1(2)
SCHEMES

- 1 Meaning of “relevant transfer” in Part 1 of Schedule
- 2 Capital allowances: determination of disposal value of plant or machinery
- 3 Capital allowances: determination of disposal value of fixtures
- 4 Capital allowances: determination of capital value of industrial buildings etc.
- 5 Chargeable gains: assets to be treated as disposed without a gain or a loss
- 6 Continuity in relation to transfer of intangible assets
- 7 Neutral effect of transfer for loan relationships and derivative contracts
- 8 Leased assets
- Part 2 — OTHER TRANSFERS UNDER SECTION 1(2) SCHEMES
- 9 Meaning of “relevant transfer” in Part 2 of Schedule
- 10 Computation of profits and losses in respect of transfer of trade
- 11 Trading losses: change in ownership
- 12 Capital allowances: transfer of whole trade
- 13 Capital allowances: transfer of part of a trade
- 14 Capital allowances: transfer of plant or machinery
- 15 Capital allowances: determination of capital value of industrial buildings etc.
- 16 Chargeable gains: assets to be treated as disposed of without a gain or a loss
- 17 Continuity in relation to transfer of intangible assets
- 18 Continuity in relation to loan relationships
- 19 Continuity in relation to derivative contracts
- 20 Leased assets
- Part 3 — TRANSFERS UNDER SECTION 12 SCHEMES
- 21 Meaning of “relevant transfer” in Part 3 of Schedule
- 22 Capital allowances: determination of disposal value of plant or machinery
- 23 Capital allowances: determination of disposal value of fixtures
- 24 Capital allowances: determination of capital value of industrial buildings etc.
- 25 Chargeable gains: disposals not be treated as made at market value
- 26 Chargeable gains: degrouping charges
- 27 Chargeable gains: disposal of debts
- 28 Loan relationships
- Part 4 — OTHER PROVISIONS CONCERNING TRANSFERS
- 29 Stamp duty
- 30 Stamp duty land tax
- 31 Chargeable gains: value shifting
- 32 Group relief
- 33 Consequential amendment
- Part 5 — INTERPRETATION OF SCHEDULE
- 34 (1) In this Schedule— “the 1992 Act” means the Taxation...

SCHEDULE 11 — Miscellaneous amendments of 1993 Act

- 1 Introductory provision
- 2 Licence conditions
- 3 Access agreements
- 4 Duties of provider of last resort
- 5 Exclusion for liability for breach of statutory duty
- 6 Purposes for which franchising functions may be exercised

- 7 Orders for securing compliance
- 8 In section 57F(1) (validity and effect of penalties), for “penalty...
- 9 Financial assistance from the Secretary of State to companies in railway administration
- 10 Register kept by ORR
- 11 Register kept by Secretary of State
- 12 Purposes for which the Secretary of State may require information from licence holders
- 13 General interpretation
- 14 Competent authority status for the purposes of grants and loans under EU regulations
- 15 Powers to make statutory instruments
- 16 Restrictions on disclosure of information

SCHEDULE 12 — Other minor and consequential amendments

- 1 Transport Act 1962 (c. 46)
- 2 Transport Act 1968 (c. 73)
- 3 Chronically Sick and Disabled Persons Act 1970 (c. 44)
- 4 Fire Precautions Act 1971 (c. 40)
- 5 Superannuation Act 1972 (c. 11)
- 6 Level Crossings Act 1983 (c. 16)
- 7 Telecommunications Act 1984 (c. 12)
- 8 Transport Act 1985 (c. 67)
- 9 Airports Act 1986 (c. 31)
- 10 Water Industry Act 1991 (c. 56)
- 11 Water Resources Act 1991 (c. 57)
- 12 Deregulation and Contracting Out Act 1994 (c. 40)
- 13 Railway Heritage Act 1996 (c. 42)
- 14 Greater London Authority Act 1999 (c. 29)
- 15 Postal Services Act 2000 (c. 26)
- 16 Utilities Act 2000 (c. 27)
- 17 Transport Act 2000 (c. 38)
- 18 Enterprise Act 2002 (c. 40)

SCHEDULE 13 — Repeals

Part 1 — REPEALED ENACTMENTS

Part 2 — SAVINGS

- 1 The repeal of the entry relating to the Strategic Rail...
- 2 The repeal of section 219 of the 2000 Act has...
- 3 The repeal of Part 3 of Schedule 17 to that...
- 4 The repeal of Schedule 19 to that Act does not...