

SCHEDULES

SCHEDULE 5

Section 19

RAIL PASSENGERS' COUNCIL ESTABLISHED BY S. 19(1)

PART 1

INTRODUCTORY

- 1 In this Schedule—
- “accounting records” includes all books, papers and other records of the RPC relating to—
- (a) the accounts which it is required to keep; or
 - (b) matters dealt with in those accounts;
- “financial year” means—
- (a) the period beginning with the establishment of the RPC and ending with the following 31st March; or
 - (b) a subsequent period of twelve months ending with 31st March;
- “member” means the chairman or another member of the RPC;
- “the RPC” means the Rail Passengers' Council established by section 19(1).

PART 2

MEMBERS AND STAFF

Remuneration etc. of members

- 2 (1) The RPC must pay to every member, other than the one appointed by the London Assembly, the remuneration and allowances that are provided for by the terms and conditions of his appointment.
- (2) The London Transport Users' Committee must pay to the member appointed by the London Assembly the remuneration and allowances that are provided for by the terms and conditions of his appointment.
- (3) The RPC must pay, or make provision for paying, to or in respect of every member, other than the member appointed by the London Assembly, such sums by way of pensions or allowances as are payable in accordance with his terms and conditions of appointment.
- (4) The London Transport Users' Committee must pay, or make provision for paying, to or in respect of the member appointed by the London Assembly such sums by way of pensions or allowances as are payable in accordance with his terms and conditions of appointment.

Status: This is the original version (as it was originally enacted).

- (5) If—
- (a) a person ceases to be a member of the RPC, and
 - (b) it appears to the Secretary of State that there are special circumstances that make it right for the person to receive compensation,
- the RPC must make a payment to that person of such amount as the Secretary of State determines.

Staff

- 3 The RPC may employ such persons, on such terms and conditions (including terms and conditions as to remuneration), as it may determine.
- 4 (1) The RPC may—
- (a) pay such pensions, allowances or gratuities as it may determine to or in respect of persons who are or have been employees of the RPC;
 - (b) make such payments as it may determine towards provision for the payment of pensions, allowances or gratuities to or in respect of such persons; or
 - (c) provide and maintain such schemes (whether contributory or not) as it may determine for the payment of pensions, allowance or gratuities to or in respect of such persons.
- (2) The pensions, allowances or gratuities referred to in sub-paragraph (1) include pensions, allowances or gratuities by way of compensation in respect of loss of employment or loss or diminution of emoluments.
- 5 (1) The persons to whom section 1 of the Superannuation Act 1972 (c. 11) applies shall include employees of the RPC.
- (2) If an employee of the RPC—
- (a) is a participant in a scheme under section 1 of the Superannuation Act 1972 by reference to his employment by the RPC, and
 - (b) becomes a member of the RPC,
- the Minister for the Civil Service may determine that his service as a member of the RPC is to be treated for the purposes of the scheme as service as an employee of the RPC.
- (3) The RPC must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (1) or (2) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.
- (4) The Minister for the Civil Service may, to such extent and subject to such conditions as he thinks fit, delegate to the RPC the function of administering a scheme under section 1 of the Superannuation Act 1972, so far as relating to employees of the RPC.
- (5) If he does so, the RPC may authorise the carrying out of that function, to such extent and subject to such conditions as it may determine, by—
- (a) a person nominated by it; or
 - (b) the employees of a person so nominated.
- (6) Acts or omissions by or in relation to—
- (a) a person nominated for the purposes of sub-paragraph (5), or
 - (b) an employee of a person so nominated,

must be treated for all purposes, so far as they are acts or omissions in or in connection with what he is authorised to carry out, as acts or omissions by or in relation to the RPC.

- (7) Sub-paragraph (6) does not apply for the purposes of—
- (a) criminal proceedings against the nominated person (or an employee of his); or
 - (b) a contract between him and the RPC so far as relating to the function.

PART 3

FINANCE

Government grants

- 6 (1) The Secretary of State may make grants to the RPC of such amounts as he may determine.
- (2) The terms of the grants shall be such as the Secretary of State may determine.

Direction requiring payment to the Secretary of State

- 7 (1) The Secretary of State may give a direction to the RPC requiring it to pay him a sum specified in the direction.
- (2) Before giving a direction under sub-paragraph (1), the Secretary of State must consult—
- (a) the Treasury; and
 - (b) the RPC.

Accounts and audit

- 8 (1) The RPC must—
- (a) keep proper accounts and proper accounting records; and
 - (b) in respect of each financial year, prepare a statement of its accounts.
- (2) Every statement of accounts prepared under sub-paragraph (1)(b) must—
- (a) give a true and fair view of the RPC's income and expenditure for the financial year in question and its state of affairs; and
 - (b) comply with every requirement which the Secretary of State has notified to the RPC.
- (3) The requirements notified under sub-paragraph (2)(b) may include, in particular, requirements relating to—
- (a) the information to be contained in the statement;
 - (b) the manner in which that information is to be presented; and
 - (c) the methods and principles according to which the statement is to be prepared.
- 9 (1) The statement of accounts and other accounts of the RPC relating to each financial year must be audited by the Comptroller and Auditor General.

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

- (2) The Comptroller and Auditor General must send the RPC a copy of his report on the accounts audited under sub-paragraph (1).
- (3) The RPC must send the Secretary of State—
 - (a) a copy of the accounts audited under sub-paragraph (1); and
 - (b) the report of the Comptroller and Auditor General.
- (4) The Secretary of State must lay a copy of the documents sent to him under sub-paragraph (3) before Parliament.

PART 4

FINANCIAL FRAMEWORK AND INFORMATION

Financial framework

- 10 (1) The Secretary of State—
- (a) must prepare, and
 - (b) may from time to time revise,
- a document to be known as the RPC's "financial framework".
- (2) The financial framework must specify rules and principles according to which the RPC is to exercise and perform its powers and duties in relation to—
 - (a) financial matters; and
 - (b) matters relating to its employees.
 - (3) The RPC must not carry out any of its functions in a manner which is inconsistent with its financial framework.
 - (4) The fact that a transaction entered into by the RPC constitutes, or involves, a contravention of sub-paragraph (3) does not invalidate the transaction.
 - (5) Sub-paragraph (4) applies whether or not a person who entered into the transaction with the RPC inquired whether the transaction constituted or involved a contravention of sub-paragraph (3).

Annual reports

- 11 (1) As soon as practicable after the end of each financial year, the RPC must make a report on its activities during that year.
- (2) In preparing its annual report the RPC must have regard to the desirability of excluding from the report, so far as practicable—
- (a) matters relating to the affairs of an individual which, in the opinion of the RPC, are matters the publication of which would or might seriously and prejudicially affect the interests of that individual; and
 - (b) matters relating specifically to the affairs of a particular body of persons (whether corporate or unincorporate) which, in the opinion of the RPC, are matters the publication of which would or might seriously and prejudicially affect the interests of that body.

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

- (3) The RPC must send a copy of every annual report under this paragraph to each of the following—
 - (a) the Secretary of State;
 - (b) the Scottish Ministers; and
 - (c) the National Assembly for Wales.
- (4) The RPC may also arrange for a copy of its annual report for a financial year to be published in such manner as it considers appropriate.
- (5) The Secretary of State must lay before Parliament a copy of every annual report a copy of which has been sent to him under this paragraph.
- (6) The Scottish Ministers must lay before the Scottish Parliament a copy of every annual report a copy of which has been sent to them under this paragraph.

Information

- 12 The RPC must give the Secretary of State information, advice and assistance about any matter in respect of which it has any functions if—
 - (a) the RPC considers it appropriate to do so; or
 - (b) the Secretary of State asks the RPC to do so in connection with the carrying out of any function of his.

PART 5

STATUS AND SUPPLEMENTARY POWERS

Status

- 13 (1) The RPC is not to be treated—
 - (a) as the servant or agent of the Crown; or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The property of the RPC is not to be regarded as property of the Crown or as held on behalf of the Crown.

Supplementary powers

- 14 (1) The RPC may do anything that appears to it to be likely to facilitate the carrying out of its functions, or to be conducive or incidental to the carrying out of those functions.
- (2) The RPC may make charges for services or facilities that it provides or makes available at a person's request and otherwise than in performance of a duty to do so.

PART 6

PROCEDURE

Regulation of procedure

- 15 (1) Subject to this paragraph and paragraph 16, the RPC may regulate its own procedure.

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

- (2) Sub-paragraph (1) includes power to make provision about quorums.
- (3) The RPC must meet when convened by the chairman.
- (4) The chairman may convene a meeting of the RPC whenever he thinks fit.
- (5) The chairman must—
 - (a) convene meetings of the RPC so that it meets at least twice a year; and
 - (b) convene a meeting whenever three members of the RPC require him to do so.
- (6) The RPC must secure—
 - (a) that minutes are kept of the proceedings at every meeting of the RPC; and
 - (b) that copies of those minutes are sent to the Secretary of State.
- (7) The validity of proceedings of the RPC is not to be affected by—
 - (a) a vacancy in its membership; or
 - (b) a defect in the appointment of a member.

Admission of the public to meetings

- 16 (1) Meetings of the RPC must be open to the public; but the public must be excluded during any item of business that is confidential for the purposes of this paragraph.
- (2) An item of business is confidential for the purposes of this paragraph where, if members of the public were to be present during that item, it is likely that information furnished in confidence to the RPC by—
- (a) the Office of Rail Regulation, or
 - (b) the Secretary of State,
- would be disclosed in breach of the obligation of confidence.
- (3) An item of business is confidential for the purposes of this paragraph where the RPC has resolved that—
- (a) because of the confidential nature of the item, or
 - (b) for other special reasons stated in the resolution,
- it is desirable in the public interest that the public be excluded during that item.
- (4) An item of business is confidential for the purposes of this paragraph where, if members of the public were to be present during that item, it is likely that—
- (a) there would be disclosed to them a matter relating to the affairs of an individual or relating specifically to the affairs of a particular body (whether corporate or unincorporate); and
 - (b) public disclosure of the matter would or might, in the opinion of the RPC, seriously and prejudicially affect the interests of that individual or body.
- (5) An item of business is confidential for the purposes of this paragraph where the circumstances—
- (a) are specified for the purposes of this sub-paragraph in an order made by the Secretary of State; or
 - (b) are determined to be confidential for those purposes in accordance with an order so made.
- (6) An order under sub-paragraph (5) is subject to the negative resolution procedure.

- 17 The RPC must give such notice—
- (a) of any meeting of the RPC 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 it considers appropriate for the purpose of bringing the meeting to the attention of interested members of the public.

Local committees

- 18 (1) If the Secretary of State so directs, the RPC must establish committees to advise it in relation to the carrying out of its functions in relation to particular areas.
- (2) The members of a committee established under this paragraph are to be appointed by the RPC.
- (3) The RPC may appoint such persons as it thinks fit and the membership of the committee may consist of or include persons who are not themselves members of the RPC.
- (4) The RPC may regulate the procedure of a committee established under this paragraph.
- (5) The RPC may reimburse a member of a committee established under this paragraph who is not a member of the RPC—
- (a) for travelling expenses;
 - (b) for other out-of-pocket expenses not relating to loss of remuneration.

Execution of documents

- 19 (1) The application of the seal of the RPC shall be authenticated by the signature of a member or employee of the RPC whom it has authorised for the purpose (whether generally or specifically).
- (2) Any document which the RPC is authorised or required by or under any enactment to serve, make or issue may be signed on its behalf by a member or employee whom it has authorised for the purpose (whether generally or specifically).
- (3) Every document purporting—
- (a) to be an instrument made or issued by or on behalf of the RPC, and
 - (b) to be duly executed under the seal of the RPC, or to be duly signed or executed by a person authorised by the RPC for the purpose,
- shall be received in evidence and, unless the contrary is shown, treated without further proof as so made or issued.
- (4) In this paragraph the reference to a signature includes a reference to a facsimile of a signature produced by any process and “signed” is to be construed accordingly.
- (5) In this paragraph “enactment” includes an enactment comprised in an Act of the Scottish Parliament.