



Railways Act 2005

2005 CHAPTER 14

PART 2

PUBLIC SECTOR FUNDING AUTHORITIES FOR RAILWAYS

Assisting and securing the provision of services

12 Transfer schemes at end of franchising agreements

- (1) This section applies where a franchise agreement is or has been in force.
- (2) The appropriate national authority may make a scheme for the transfer, at or after the end of the franchise period, of relevant franchise assets from the franchise company to a person specified in subsection (3), or to two or more of those persons.
- (3) Those persons are—
 - (a) the Secretary of State;
 - [^{F1}(aa) the Welsh Ministers;]
 - (b) the Scottish Ministers;
 - (c) a company which is wholly owned by the Secretary of State [^{F2}, the Welsh Ministers] or the Scottish Ministers;
 - (d) a company which is jointly owned by the Secretary of State and the Scottish Ministers; ^{F3}...
 - [^{F4}(da) a company which is jointly owned by the Secretary of State and the Welsh Ministers; and]
 - (e) a franchise company.
- (4) Before making a scheme under this section, the appropriate national authority must consult every person to whom relevant franchise assets would be transferred under the proposed scheme.
- (5) On the day on which a scheme made under this section comes into force—
 - (a) the transferee or transferees must pay to the transferor, or

Changes to legislation: There are currently no known outstanding effects for the Railways Act 2005, Section 12. (See end of Document for details)

- (b) the transferor must pay to the transferee or transferees, such sums as may be specified in, or determined in accordance with, the franchise agreement.
- (6) Subsection (5) is subject to any other agreement between the transferor and the transferee or transferees.
- (7) Schedule 2 (which contains supplemental provisions about transfer schemes) has effect in relation to schemes under this section.
- (8) In this section—
- “the appropriate national authority” means—
- (za) [^{F5}in relation to a franchise agreement the franchised services under which consist of Wales-only services, the Welsh Ministers;]
- (a) ^{F6}...
- (b) in relation to a franchise agreement to which the Scottish Ministers are a party, the Scottish Ministers;
- (c) [^{F7}in relation to any other franchise agreement, the Secretary of State;]
- “franchise company” means a person who is, or is to be, the franchisee or the franchise operator under a franchise agreement;
- “relevant franchise assets” means property, rights and liabilities which, immediately before the end of the franchise period which is ending or has ended, will be or were designated as franchise assets for the purposes of the agreement;
- “transferee”, in relation to a scheme, means a person to whom property, rights or liabilities are transferred in accordance with the scheme; and
- “transferor”, in relation to a scheme, means the person from whom property, rights or liabilities are transferred in accordance with the scheme.

Textual Amendments

- F1** S. 12(3)(aa) inserted (13.6.2018) by *The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631)*, art. 1(2)(b)(x), **Sch. para. 40(2)(a)**
- F2** Words in s. 12(3)(c) inserted (13.6.2018) by *The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631)*, art. 1(2)(b)(x), **Sch. para. 40(2)(b)**
- F3** Word in s. 12(3)(d) omitted (13.6.2018) by virtue of *The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631)*, art. 1(2)(b)(x), **Sch. para. 40(2)(c)**
- F4** S. 12(3)(da) inserted (13.6.2018) by *The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631)*, art. 1(2)(b)(x), **Sch. para. 40(2)(c)**
- F5** Words in s. 12(8) inserted (13.6.2018) by *The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631)*, art. 1(2)(b)(x), **Sch. para. 40(3)(a)**
- F6** Words in s. 12(8) omitted (13.6.2018) by virtue of *The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631)*, art. 1(2)(b)(x), **Sch. para. 40(3)(b)**
- F7** Words in s. 12(8) inserted (13.6.2018) by *The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631)*, art. 1(2)(b)(x), **Sch. para. 40(3)(c)**

Commencement Information

- I1** S. 12(1)-(7) in force at 24.7.2005 by *S.I. 2005/1909*, art. 2, **Sch.**
- I2** S. 12(8) in force at 24.7.2005 for specified purposes by *S.I. 2005/1909*, art. 2, **Sch.**
- I3** S. 12(8) in force at 16.10.2005 in so far as not already in force by *S.I. 2005/2812*, art. 2(1), **Sch. 1**

Changes to legislation:

There are currently no known outstanding effects for the Railways Act 2005, Section 12.