#### STATUTORY INSTRUMENTS

### 2018 No. 631

# CONSTITUTIONAL LAW DEVOLUTION, WALES

The Welsh Ministers (Transfer of Functions) (Railways) Order 2018

Made - - - 23rd May 2018

Coming into force in accordance with article 1

## THE WELSH MINISTERS (TRANSFER OF FUNCTIONS) (RAILWAYS) ORDER 2018

- 1. Citation, commencement and extent
- 2. Amendments to the Railways Acts 1993 and 2005: transfer of functions etc
- 3. Effect of amendment to section 76 of the Railways Act 1993
- 4. Transfer of property: exception for records Signature

SCHEDULE — AMENDMENTS TO THE RAILWAYS ACTS 1993 AND 2005 PART 1

### AMENDMENTS TO THE RAILWAYS ACT 1993

- 1. The Railways Act 1993 is amended as follows.
- 2. (1) Section 4 (general duties of the Secretary of State...
- 3. In section 17 (access agreements: directions requiring facility owners to...
- 4. In section 19 (access agreements: contracts for the use, on...
- 5. (1) Section 23 (passenger services to be subject to franchise...
- 6. (1) Section 24 (exemption of passenger services from section 23(1))...
- 7. (1) Section 24A (Secretary of State franchise exemptions: operator agreements)...
- 8. (1) Section 26 (invitations to tender for franchises) is amended...
- 9. (1) Section 27 (transfer of franchise assets and shares) is...
- 10. (1) Section 30 (duty of relevant franchising authority) is amended...

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- 11. In section 50 (exclusion of liability for breach of statutory...
- 12. (1) Section 54 (exercise of functions for purpose of encouraging...
- 13. (1) Section 55 (orders for securing compliance) is amended as...
- 14. In section 56 (procedural requirements for section 55 orders) in...
- 15. (1) Section 57A (penalties) is amended as follows.
- 16. In section 57B (statement of policy), in subsections (1) and...
- 17. In section 57C (procedural requirements for penalties) in subsection (3)...
- 18. (1) Section 59 (meaning and effect of railway administration order)...
- 19. In section 63 (government financial assistance where railway administration orders...
- 20. (1) Section 64A (financial assistance by Scottish Ministers) is amended...
- 21. (1) Section 73 (keeping of register by the Secretary of...
- 22. (1) Section 73A (keeping of register by the Scottish Ministers)...
- 23. After section 73A (keeping of register by the Scottish Ministers)...
- 24. (1) Section 74 (annual and other reports of the Office...
- 25. In section 76 (general railway duties of Passengers' Council) in...
- 26. (1) Section 80 (duty of certain persons to furnish information...
- 27. In section 83 (interpretation of Part 1) in subsection (1)...
- 28. (1) Section 130 (penalty fares) is amended as follows.
- 29. (1) Section 135 (concessionary travel for railway staff etc) is...
- 30. (1) Section 136 (grants and subsidies) is amended as follows....
- 31. In section 143 (regulations and orders) in subsections (1), (3)...
- 32. In section 145 (general restrictions on disclosure of information), in...
- 33. In Schedule 7 (transfer of relevant activities in connection with... PART 2 AMENDMENTS TO THE RAILWAYS ACT 2005
- 34. The Railways Act 2005 is amended as follows.
- 35. In section 1 (transfer etc of SRA functions and abolition)...
- 36. In section 6 (financial assistance etc from the Secretary of...
- 37. In section 7 (notification of assistance from Secretary of State...
- 38. (1) Section 10 (franchising and financial assistance in relation to...
- 39. (1) Section 11 (notification of assistance from Welsh Assembly for...
- 40. (1) Section 12 (transfer schemes at end of franchising agreements)...
- 41. In section 19 (the Passengers' Council) in subsection (2)(c) for...
- 42. In section 22 (proposal by service operator to discontinue non-franchised...
- 43. In section 23 (proposal by funding authority to discontinue non-franchised...
- 44. (1) Section 24 (proposals to discontinue franchised or secured services)...
- 45. In section 25 (proposal to discontinue excluded services) in subsection...
- 46. (1) Section 29 (proposal by operator to close station) is...
- 47. (1) Section 30 (proposal by funding authority to close station)...
- 48. (1) Section 31 (proposal to discontinue operation of secured station)...
- 49. In section 33 (closure requirements) in subsection (2)(c) for "the...
- 50. In section 34 (minor modifications) after subsection (2) insert—
- 51. (1) Section 35 (closures eligible to be treated as minor...
- 52. In section 36 (designation of experimental passenger services) in subsection...
- 53. (1) Section 38 (services, networks and stations excluded by order)...
- 54. (1) Section 40 (substitute road services) is amended as follows....
- 55. (1) Section 42 (closures guidance) is amended as follows.
- 56. (1) Section 43 (procedure relating to publication and modification of...
- 57. In section 44 (exclusion of liability for breach of statutory...
- 58. (1) Section 45 (interpretation of Part 4) is amended as...
- 59. (1) Section 46 (bye-laws) is amended as follows.

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- 60. After section 48 (code of practice for disabled rail users...
- 61. In section 51 (ORR to assist and advise national authorities)...
- 62. (1) Section 56 (powers exercisable by statutory instrument) is amended...
- 63. (1) Section 57 (meaning of "Wales-only service" and "Welsh service")...
- 64. In section 58 (general interpretation) in subsection (1) in the...
- 65. In Schedule 5 (Passengers' Council) in paragraph 11(3)(c), for "the...
- 66. In Schedule 7 (consultations under Part 4) in paragraph 3(2)(c)...
- 67. In Schedule 9 (bye-laws by railway operators) in paragraph 1—...
- 68. (1) Schedule 10 (taxation provisions relating to transfer schemes) is...

**Explanatory Note**