

2005 No. 1738

TRANSPORT

RAILWAYS

**The Railways Act 2005 (Transitional Provisions and Savings)
Order 2005**

<i>Made</i> - - - -	<i>29th June 2005</i>
<i>Laid before Parliament</i>	<i>30th June 2005</i>
<i>Coming into force</i> - -	<i>24th July 2005</i>

The Secretary of State, in exercise of the powers conferred upon him by section 60(3)(a) and (c) of the Railways Act 2005(a), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Railways Act 2005 (Transitional Provisions and Savings) Order 2005, and shall come into force on 24th July 2005.

Interpretation

2. In this Order, “the 1993 Act” means the Railways Act 1993(b).

Transitional provisions and savings

3.—(1) The following transitional provisions shall have effect until the day appointed for the commencement of the repeal of sections 43 (other than subsection (4)), 46, 47 (other than subsection (6)), 47A and 48 and Schedule 5(c) of the 1993 Act.

(2) Subject to paragraphs 3 to 5, each reference to a Rail Passengers’ Committee in sections 43, 46, 47, 47A and 48 and Schedule 5 of the 1993 Act shall have effect as follows:

- (a) in relation to the area for which the London Transport Users’ Committee fell to be treated as the Rail Passengers’ Committee for the purposes set out in section 2(4) of the 1993 Act (Rail Passengers’ Committees) immediately before the repeal of that section, each reference shall have effect as a reference to the London Transport Users’ Committee.
- (b) in relation to any other area, each reference shall have effect as a reference to the Rail Passengers’ Council established by section 19(1) of the Railways Act 2005.

(a) 2005 c.14.

(b) 1993 c.43.

(c) Sections 43, 46 and 48 and Schedule 5 were amended by the Transport Act 2000 (c.38), section 227 and Schedule 22, Part 1, paragraphs 1, 4, 5, 6, and 14; there are other amending enactments but none is relevant. A revised version of section 47, and section 47A were substituted for section 47 as originally enacted by the Transport Act 2000, section 215, Schedule 16, paragraphs 8 and 31.

(3) If the London Transport Users' Committee has prepared a report under section 43(3)(c) of the 1993 Act, it shall send a copy of that report to the Rail Passengers' Council and may publish the report in any manner which it considers appropriate.

(4) Section 47A of the 1993 Act shall have effect as if for subsection (3) there were substituted the words "Where objections with respect to any proposed withdrawal of service have been lodged with the Rail Passengers' Council and the London Transport Users' Committee, they may report to the Secretary of State jointly under this section or agree that their functions under this section shall be delegated to either of them".

(5) Paragraph 5(2) of Schedule 5 to the 1993 Act shall have effect as if:

- (a) for the words "more than one Rail Passengers' Committee, the Rail Passengers' Committees in question" there were substituted the words "the Rail Passengers' Council and the London Transport Users' Committee, they"; and
- (b) for the words "any of those Rail Passengers' Committees appearing" there were substituted the words "whichever of the Rail Passengers' Council and the London Transport Users' Committee appears".

4. Anything which has been done by a Rail Passengers' Committee under sections 43, 46, 47, 47A and 48 and Schedule 5 of the 1993 Act before the coming into force of this Order shall be treated after this Order comes into force as if it had been done by the Rail Passengers' Council, so far as is necessary to give it continuing validity or effect.

5. Nothing in section 145(1) of the 1993 Act shall be construed as limiting the matters which may be included in, or made public as part of, a report of the London Transport Users' Committee under any provision of Part 1 of the 1993 Act, nor as applying to any information which has been made public as part of such a report, or which has otherwise been made available to the public by virtue of being disclosed in any circumstances in which, or for any purpose for which, disclosure is not precluded by section 145 of the 1993 Act.

Signed by authority of the Secretary of State for Transport

29th June 2005

Derek Twigg
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes transitional provisions and savings in connection with the bringing into force of section 21(1) of the Railways Act 2005 (“the 2005 Act”) and the repeal of sections 43(4) and 47(6) of the Railways Act 1993 (“the 1993 Act”) pursuant to Schedule 13 of the 2005 Act on 24th July 2005.

Section 21(1) provides for the abolition of the Rail Passengers’ Committees established under section 2(2) of the 1993 Act.

The Rail Passengers’ Committees have functions under sections 43, 46, 47, 47A and 48 and Schedule 5 of the 1993 Act in respect of railway closures. Sections 37 to 49 and Schedule 5 of the 1993 Act are the principal provisions of that Act relating to railway closures, and these provisions are to be repealed under Schedule 13 Part 1 of the 2005 Act. With the exception of sections 43(4) and 47(6), these repeals will be brought into force on a date after 24th July 2005.

Article 3(2) of this Order provides that the functions of Rail Passengers’ Committees under the 1993 Act provisions relating to railway closures shall be discharged by certain other bodies as a transitional arrangement until the repeals of such provisions are brought into force. Under section 2(4) of the 1993 Act (which is to be repealed on 24th July 2005 under the 2005 Act), the London Transport Users’ Committee is currently treated as the Rail Passengers’ Committee for the Greater London area (as defined in section 2(9)), and this arrangement is to continue. Any reference to one or more Rail Passengers’ Committee for any other area is to be construed as a reference to the Rail Passengers’ Council established under section 19(1) of the 2005 Act.

Article 3(4) and (5) makes other modifications to certain provisions relating to railway closures in the 1993 Act pending their repeal coming into force.

The Order also makes transitional provisions and savings in connection with the bringing into force of section 21 of the 2005 Act and the repeal of section 43(4) of the 1993 Act on 24th July.

Section 43(4) of the 1993 Act provides for a Rail Passengers’ Committee to send a report under that section to the Rail Passengers’ Council. Article 3(3) of this Order makes equivalent provision in relation to the London Transport Users’ Committee following the coming into force of the repeal of section 43(4).

Article 4 is a saving provision which gives continuing validity and effect to actions taken by a Rail Passengers’ Committee under sections 43, 46, 47, 47A and 48 and Schedule 5 of the 1993 Act prior to 24th July 2005, by treating such actions as actions of the Rail Passengers’ Council.

Article 5 of this Order makes a saving provision in respect of section 145 of the 1993 Act (General restrictions on disclosure of information) following the coming into force of paragraph 16(2) of Schedule 11 to the 2005 Act and the repeal of section 145(7) of the 1993 Act on 24th July 2005. Paragraph 16(2) removes the reference to a Rail Passengers’ Committee from section 145(5) of the 1993 Act, as a consequential amendment resulting from the abolition of the Rail Passengers’ Committees under section 21(1) of the 2005 Act. Article 5 provides that, notwithstanding this change to section 145(5) and the repeal of section 145(7), the London Transport Users’ Committee shall continue to be able to include information which is covered by the general prohibition on disclosure under section 145(1) of the 1993 Act in any report which it makes under Part 1 of the 1993 Act.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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