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STATUTORY INSTRUMENTS

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**2005 No. 2812 (C.117)**

**TRANSPORT**

**RAILWAYS**

**The Railways Act 2005 (Commencement No. 4) Order 2005**

*Made - - - - 10th October 2005*

The Secretary of State, in exercise of the powers conferred by section 60(2) of the Railways Act 2005<sup>(1)</sup>, hereby makes the following Order:

**Citation and interpretation**

- 1.—(1) This Order may be cited as the Railways Act 2005 (Commencement No. 4) Order 2005.
- (2) In this Order, “the Act” means the Railways Act 2005.

**Commencement**

- 2.—(1) The provisions of the Act specified in Schedule 1 to this Order shall come into force on 16th October 2005.
- (2) The provisions of the Act specified in Schedule 2 to this Order shall come into force on 21st November 2005.

Signed by authority of the Secretary of State for Transport

10th October 2005

*Derek Twigg*  
Parliamentary Under Secretary of State  
Department for Transport

SCHEDULE 1

Article 2(1)

PROVISIONS COMING INTO FORCE ON 16TH OCTOBER 2005

Section 1(1), in so far as it relates to the provisions of Schedule 1 brought into force by this Schedule.

Section 3(6), in so far as the inserted subsection (3B) of section 4 of the Railways Act 1993<sup>(2)</sup> relates to functions transferred or assigned to the Scottish Ministers under or by virtue of Part 1 of that Act.

Section 3(8)(b).

Section 3(10), except the words “or (5B)” in the substituted subsection (7ZA) of section 4 of the Railways Act 1993.

Section 6(4), to the extent that it has not already come into force.

Sections 8 and 9.

Section 10(6), to the extent that it has not already come into force.

Section 12(8), to the extent that it has not already come into force.

Section 40(4)(b) and (5).

Section 46, to the extent that it has not already come into force.

Sections 47 to 50.

Section 51(2).

Section 54(4), in so far as it relates to the provisions of Schedule 11 brought into force by this Schedule.

Section 56(5), to the extent that it has not already come into force.

Section 59(1), in so far as it relates to the provisions of Schedule 12 brought into force by this Schedule.

Section 59(6), in so far as it relates to the provisions of Schedule 13 Part 1 brought into force by this Schedule.

Section 59(7), in so far as it relates to the provisions of Schedule 13 Part 2 brought into force by this Schedule.

Schedule 1, paragraph 11.

Schedule 1, paragraph 13, to the extent that it has not already come into force.

Schedule 1, paragraph 14.

Schedule 1, paragraphs 15 to 20, to the extent that they have not already come into force.

Schedule 1, paragraph 21(1), in so far as it relates to the other provisions of paragraph 21 brought into force by this Schedule.

Schedule 1, paragraph 21(4) to (8), in so far as it relates to the transfer of functions relating to the enforcement of relevant conditions or requirements which are terms of franchise agreements from the Strategic Rail Authority to the Scottish Ministers.

Schedule 1, paragraph 22, in so far as it relates to the transfer of functions relating to the enforcement of relevant conditions or requirements which are terms of franchise agreements from the Strategic Rail Authority to the Scottish Ministers.

Schedule 1, paragraph 23(1), in so far as it relates to the other provisions of paragraph 23 brought into force by this Schedule.

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(2) 1993 c. 43.

Schedule 1, paragraphs 23(2) and (3) and 24(1), in so far as they relate to the transfer of functions relating to the enforcement of relevant conditions or requirements which are terms of franchise agreements from the Strategic Rail Authority to the Scottish Ministers.

Schedule 1, paragraph 24(2), to the extent that it has not already come into force.

Schedule 1, paragraphs 25 and 26, in so far as they relate to the transfer of functions relating to the enforcement of relevant conditions or requirements which are terms of franchise agreements from the Strategic Rail Authority to the Scottish Ministers.

Schedule 1, paragraph 30(3)(b).

Schedule 1, paragraph 31.

Schedule 1, paragraph 35, to the extent that it has not already come into force.

Schedule 1, paragraph 36(c).

Schedule 9, to the extent that it has not already come into force.

Schedule 11, paragraph 1, in so far as it relates to the other provisions of Schedule 11 brought into force by this Schedule.

Schedule 11, paragraph 6, in so far as it relates to the transfer of functions from the Strategic Rail Authority to the Scottish Ministers.

Schedule 11, paragraph 15, to the extent that it has not already come into force.

Schedule 12, paragraph 2, to the extent that it has not already come into force.

Schedule 12, paragraph 8, to the extent that it has not already come into force.

Schedule 12, paragraph 18, to the extent that it has not already come into force.

The following entries in Part 1 of Schedule 13:

The entries relating to sections 23(2B), 24(3), 26(4) and 59(6)(a) of the Railways Act 1993.

The entry relating to section 219 of the Transport Act 2000<sup>(3)</sup>.

The entries relating to Schedule 16, paragraphs 14(2), (3)(a) and (4), 15, 16(2) and (3)(a), 17(2)(a), (3), (4)(a) and (5)(a), 18(2)(a) and (3), 19, 39, 50 and 51(4) and (5) of the Transport Act 2000.

The entry relating to Schedule 20 of the Transport Act 2000.

The entry relating to Schedule 28, paragraph 4 of the Transport Act 2000.

The entry relating to section 168(5) of the Enterprise Act 2002<sup>(4)</sup>.

Schedule 13, Part 2, paragraph 2.

## SCHEDULE 2

Article 2(2)

### PROVISIONS COMING INTO FORCE ON 21ST NOVEMBER 2005

Section 59(1), in so far as it relates to the provisions of Schedule 12 brought into force by this Schedule.

Section 59(6), in so far as it relates to the provisions of Schedule 13 Part 1 brought into force by this Schedule.

Schedule 12, paragraph 13.

The following entries in Part 1 of Schedule 13:

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<sup>(3)</sup> 2000 c. 38.

<sup>(4)</sup> 2002 c. 40.

The entries relating to sections 1(a) and (b) and 2(2)(a) of the Railway Heritage Act 1996<sup>(5)</sup>.  
The entry relating to Schedule 31 of the Transport Act 2000.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force provisions of the Railways Act 2005 (“the Act”).

Provisions coming into force on 16th October 2005

Article 2(1) of the Order brings into force sections 8 and 9 of the Act. Section 8 provides power for the Scottish Ministers to provide financial assistance for railway purposes. Section 9 provides that the Scottish Ministers must notify the Secretary of State when they make or modify schemes for the provision of financial assistance in respect of rail freight.

The Order also commences the provisions in Schedule 1 to the Act under which the role of the Strategic Rail Authority (“SRA”) as franchising authority in relation to railway passenger services is transferred to the Scottish Ministers. This includes the function of “Operator of Last Resort” under section 30 of the Railways Act 1993 (“the 1993 Act”), functions in relation to enforcement under section 55 of that Act and functions relating to the maintenance of a new public register under section 73A of that Act.

The Order further brings into force section 47 of the Act, which amends section 130 of the 1993 Act so as to provide power for the Scottish Ministers to make penalty fare regulations. It also commences section 48 of the Act, which provides power for the Scottish Ministers to prepare and from time to time revise a code of practice for disabled rail users in Scotland. Sections 49 and 50 of the Act, which amend the 1993 Act so as to give the Scottish Ministers a role in respect of railway administration orders for companies providing services under a Scottish franchise agreement, are also brought into force.

It also brings into force section 46 of the Act and Schedule 9, both of which relate to bye-laws, to the extent that such provisions were not already in force.

Provisions coming into force on 21st November 2005

Article 2(2) of the Order brings into force paragraph 13 of Schedule 12 to the Act. This provision amends the Railway Heritage Act 1996 (“the 1996 Act”) so as to transfer the SRA’s sponsorship role in relation to the Railway Heritage Committee to the Secretary of State. This paragraph also amends section 1 of the 1996 Act so as to replace references to the SRA with references to the Secretary of State and to provide the Secretary of State with power to extend the list of persons to whom the 1996 Act applies by order.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Railways Act 2005 have been brought into force by commencement orders made before the date of this Order.

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(5) 1996 c. 42.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Section 1(1) (partially)	8th June 2005 (partially), 26th June 2005 (partially), 24th July 2005 (partially)	2005/1444  2005/1909
Section 1(2)	8th June 2005	2005/1444
Section 1(3)	8th June 2005 (partially), 24th July 2005 (remainder)	2005/1444 2005/1909
Section 1(4) to (9)	8th June 2005	2005/1444
Section 3(1) (partially)	8th June 2005 (partially), 26th June 2005 (partially)	2005/1444
Section 3(2) (partially)	8th June 2005	2005/1444
Section 3(3) and (7)	26th June 2005	2005/1444
Section 3(8)(a) (partially)	8th June 2005	2005/1444
Section 3(8)(c)	8th June 2005	2005/1444
Section 3(8)(d)	24th July 2005	2005/1909
Section 3(9) (partially)	8th June 2005	2005/1444
Section 3(11)(a)	24th July 2005	2005/1909
Section 3(11)(b)	26th June 2005	2005/1444
Section 5	21st August 2005	2005/2252
Section 6(1) to (3)	8th June 2005	2005/1444
Section 6(4) (partially)	8th June 2005	2005/1444
Section 6(5) to (8)	8th June 2005	2005/1444
Section 7	8th June 2005	2005/1444
Section 10, except subsection (6)	8th June 2005	2005/1444
Section 10(6) (partially)	24th July 2005	2005/1909
Section 11	8th June 2005	2005/1444
Section 12(1) to (7)	24th July 2005	2005/1909
Section 12(8) (partially)	24th July 2005	2005/1909
Section 13	24th July 2005	2005/1909
Section 14 (as regards England and Wales)	24th July 2005	2005/1909
Sections 15 and 16	24th July 2005	2005/1909
Section 18	24th July 2005	2005/1909
Sections 19 to 21	24th July 2005	2005/1909

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Section 40(1) to (3)	24th July 2005	2005/1909
Section 40(4) except paragraph (b)	24th July 2005	2005/1909
Section 40(6) and (7)	24th July 2005	2005/1909
Section 46(1),(2),(7) and (8)	24th July 2005	2005/1909
Section 46(3) (partially)	24th July 2005	2005/1909
Section 51(1)(a) and (c), (3) and (4)	8th June 2005	2005/1444
Section 52	24th July 2005	2005/1909
Section 53 (partially)	8th June 2005 (partially), 24th July 2005 (partially)	2005/1444 2005/1909
Section 54(1) to (3)	8th June 2005	2005/1444
Section 54(4) (partially)	8th June 2005 (partially), 24th July 2005 (partially)	2005/1444 2005/1909
Section 55	8th June 2005	2005/1444
Section 56(2) (partially)	8th June 2005	2005/1444
Section 56(3), except paragraphs (b) and (c)	8th June 2005	2005/1444
Section 56(4)	8th June 2005	2005/1444
Section 56(5) (partially)	8th June 2005	2005/1444
Section 56(6)	8th June 2005	2005/1444
Section 57	8th June 2005	2005/1444
Section 58	8th June 2005	2005/1444
Section 59(1) (partially)	8th June 2005 (partially), 24th July 2005 (partially)	2005/1444 2005/1909
Section 59(2) to (5)	8th June 2005	2005/1444
Section 59(6) (partially)	8th June 2005 (partially), 26th June 2005 (partially), 24th July 2005 (partially)	2005/1444 2005/1909
Schedule 1, paragraphs 1 to 10	24th July 2005	2005/1909
Schedule 1, paragraph 13(1) and (3)	24th July 2005	2005/1909
Schedule 1, paragraph 13(4)(a) (partially)	24th July 2005	2005/1909
Schedule 1, paragraph 13(4)(b) (partially)	24th July 2005	2005/1909

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I .No</i>
Schedule 1, paragraph 13(5) (partially)	24th July 2005	2005/1909
Schedule 1, paragraphs 15 to 19 (partially)	24th July 2005	2005/1909
Schedule 1, paragraph 20(1) (partially)	24th July 2005	2005/1909
Schedule 1, paragraph 20(2) and (3)	24th July 2005	2005/1909
Schedule 1, paragraph 20(4) (partially)	24th July 2005	2005/1909
Schedule 1, paragraph 20(5)	24th July 2005	2005/1909
Schedule 1, paragraph 21(1) (partially)	24th July 2005	2005/1909
Schedule 1, paragraph 21(2)	24th July 2005	2005/1909
Schedule 1, paragraph 21(4) to (8) (partially)	24th July 2005	2005/1909
Schedule 1, paragraph 22 (partially)	24th July 2005	2005/1909
Schedule 1, paragraph 23(1) (partially)	24th July 2005	2005/1909
Schedule 1, paragraph 23(2) and (3) (partially)	24th July 2005	2005/1909
Schedule 1, paragraph 24(1) (partially)	24th July 2005	2005/1909
Schedule 1, paragraph 24(2) (partially)	24th July 2005	2005/1909
Schedule 1, paragraphs 25 and 26 (partially)	24th July 2005	2005/1909
Schedule 1, paragraphs 27 and 28	24th July 2005	2005/1909
Schedule 1, paragraph 29	26th June 2005	2005/1444
Schedule 1, paragraph 30(1) and (2)	24th July 2005	2005/1909
Schedule 1, paragraph 30(3) except sub-paragraph (b)	24th July 2005	2005/1909
Schedule 1, paragraph 30(4) to (7)	24th July 2005	2005/1909
Schedule 1, paragraph 32(1)	24th July 2005	2005/1909
Schedule 1, paragraph 32(3) to (5)	24th July 2005	2005/1909

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Schedule 1, paragraph 33	24th July 2005	2005/1909
Schedule 1, paragraph 35 (partially)	24th July 2005	2005/1909
Schedule 1, paragraph 36(a)	24th July 2005	2005/1909
Schedule 1, paragraph 37	8th June 2005	2005/1444
Schedule 2	8th June 2005 (partially), 24th July 2005 (remainder)	2005/1444 2005/1909
Schedules 5 and 6	24th July 2005	2005/1909
Schedule 9 (partially)	24th July 2005	2005/1909
Schedule 10	8th June 2005 (partially), 24th July 2005 (remainder)	2005/1444 2005/1909
Schedule 11, paragraph 1 (partially)	8th June 2005 (partially), 24th July 2005 (partially)	2005/1444 2005/1909
Schedule 11, paragraph 6 (partially)	24th July 2005	2005/1909
Schedule 11, paragraphs 7(2), 8, 9 and 12	24th July 2005	2005/1909
Schedule 11, paragraph 14(1) to (5)	8th June 2005	2005/1444
Schedule 11, paragraph 14(6) and (7) (as regards England and Wales)	24th July 2005	2005/1909
Schedule 11, paragraph 15 (partially)	24th July 2005	2005/1909
Schedule 11, paragraph 16(1)	8th June 2005	2005/1444
Schedule 11, paragraph 16(2)	24th July 2005	2005/1909
Schedule 12, paragraph 1(1) (partially)	24th July 2005	2005/1909
Schedule 12, paragraph 1(3)	24th July 2005	2005/1909
Schedule 12, paragraph 2(1) (partially)	24th July 2005	2005/1909
Schedule 12, paragraph 2(2)	24th July 2005	2005/1909
Schedule 12, paragraph 2(3) and (4) (partially)	24th July 2005	2005/1909
Schedule 12, paragraphs 3 and 5.	24th July 2005	2005/1909
Schedule 12, paragraph 7	8th June 2005	2005/1444



<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Schedule 12, paragraph 8 (partially)	24th July 2005	2005/1909
Schedule 12, paragraphs 9, 10 and 11	8th June 2005	2005/1444
Schedule 12, paragraph 14(1) (partially)	8th June 2005 (partially), 24th July 2005 (partially)	2005/1444 2005/1909
Schedule 12, paragraph 14(3), (4) and (6) to (9)	24th July 2005	2005/1909
Schedule 12, paragraph 14(5) (b)	8th June 2005	2005/1444
Schedule 12, paragraphs 15 and 16	8th June 2005	2005/1444
Schedule 12, paragraph 17(1) (partially)	8th June 2005 (partially), 24th July 2005 (partially)	2005/1444 2005/1909
Schedule 12, paragraph 17(2) and (3)	24th July 2005	2005/1909
Schedule 12, paragraph 17(7)	8th June 2005	2005/1444
Schedule 12, paragraph 17(8) and (9)	24th July 2005	2005/1909
Schedule 12, paragraph 18(1) (partially)	8th June 2005 (partially), 24th July 2005 (partially)	2005/1444 2005/1909
Schedule 12, paragraph 18(2) (a) and (b)	24th July 2005	2005/1909
Schedule 12, paragraph 18(2) (c) and (3) (partially)	24th July 2005	2005/1909
Schedule 12, paragraph 18(4)	8th June 2005	2005/1444
Schedule 13, Part 1 (partially)	8th June 2005 (partially), 26th June 2005 (partially), 24th July 2005 (partially)	2005/1444 2005/1909

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