
Changes to legislation: There are currently no known outstanding effects for the Railways Act 2005, Cross
Heading: Transfer of functions relating to maintenance of register. (See end of Document for details)

SCHEDULES

SCHEDULE 1

TRANSFER ETC. OF FUNCTIONS OF THE STRATEGIC RAIL AUTHORITY

PART 1

TRANSFER AND ABOLITION OF FUNCTIONS

Transfer of functions relating to maintenance of register

- 30 (1) In section 73 of the 1993 Act (register maintained by the SRA), for “Authority”, wherever occurring, substitute “ Secretary of State ”.
- (2) In subsection (1) of that section, for “it” substitute “ he ”.
- (3) In subsection (2) of that section—
- (a) for the words from “subsection (3)” to “subsection (4)” substitute “ subsections (3) and (4) ”;
 - (b) after “in the register” insert “ (except so far as they are required to be entered in the register maintained under section 73A below) ”;
 - (c) in paragraph (e) for “it”, in each place, substitute “ he ”; and
 - (d) after paragraph (g) insert—
“(ga) every designation under section 23 and every variation or revocation of such a designation;”.
- (4) For subsection (3) of that section substitute—
- “(3) The Secretary of State may enter the provisions of anything in the register in a manner that excludes, so far as practicable, so much of the details of those provisions as he considers it appropriate to exclude for the purpose of maintaining the confidentiality of—
- (a) matters relating to the affairs of an individual the publication of which would or might, in the Secretary of State's opinion, seriously and prejudicially affect the interests of that individual; and
 - (b) matters relating specifically to the affairs of a particular body of persons the publication of which would or might, in the Secretary of State's opinion, seriously and prejudicially affect the interests of that body.”
- (5) In subsection (4) of that section, for the words from “or” to “Authority” substitute “ he may decide ”.
- (6) Subsections (5) and (6) of that section shall cease to have effect.
- (7) In subsection (7) of that section—
- (a) after “by”, where first occurring, insert “ the Scottish Ministers or ”; and

*Changes to legislation: There are currently no known outstanding effects for the Railways Act 2005, Cross
 Heading: Transfer of functions relating to maintenance of register. (See end of Document for details)*

- (b) for “the Office of Rail Regulation may” substitute “ the Scottish Ministers and the Office of Rail Regulation may each ”.

Commencement Information

- I1** Sch. 1 para. 30(1)(2) in force at 24.7.2005 by S.I. 2005/1909, art. 2, **Sch.**
I2 Sch. 1 para. 30(3)(a)(c)(d) in force at 24.7.2005 by S.I. 2005/1909, art. 2, **Sch.**
I3 Sch. 1 para. 30(3)(b) in force at 16.10.2005 by S.I. 2005/2812, art. 2(1), **Sch. 1**
I4 Sch. 1 para. 30(4)-(7) in force at 24.7.2005 by S.I. 2005/1909, art. 2, **Sch.**

31 After that section insert—

“73A Keeping of register by the Scottish Ministers

- (1) The Scottish Ministers must maintain a register.
- (2) The register must be kept in such form and at such premises as the Scottish Ministers determine.
- (3) Subject to subsections (4) and (5) below, the Scottish Ministers must cause the provisions of each of the following to be entered in the register—
 - (a) every designation made by them under section 23 of this Act, and every variation or revocation of such a designation;
 - (b) every franchise exemption granted by them;
 - (c) every franchise agreement to which they are a party;
 - (d) every amendment of such a franchise agreement, other than those that are unlikely to have a material effect on the provision of services under the agreement or on the sums payable under it;
 - (e) every determination made by them under section 34 of the Railways Act 2005 that a closure is a minor modification or that closures of a particular description are minor modifications;
 - (f) every revocation of a determination made by them under that section in relation to a description of closures;
 - (g) every condition agreed to under subsection (5) of that section in connection with a determination made by them;
 - (h) every final or provisional order made by them;
 - (i) every revocation by them of such an order;
 - (j) every notice given by them under section 55(6) of this Act of a decision not to make such an order;
 - (k) every penalty imposed by them under section 57A of this Act;
 - (l) every statement of policy published by them under section 57B of this Act.
- (4) The Scottish Ministers may enter the provisions of anything in the register in a manner that excludes, so far as practicable, so much of the details of those provisions as they consider it appropriate to exclude for the purpose of maintaining the confidentiality of—
 - (a) matters relating to the affairs of an individual the publication of which would or might, in the Scottish Ministers' opinion, seriously and prejudicially affect the interests of that individual; and

Changes to legislation: There are currently no known outstanding effects for the Railways Act 2005, Cross
Heading: Transfer of functions relating to maintenance of register. (See end of Document for details)

- (b) matters relating specifically to the affairs of a particular body of persons the publication of which would or might, in the Scottish Ministers' opinion, seriously and prejudicially affect the interests of that body.
- (5) If it appears to the Scottish Ministers that the entry of any provision in the register would be against the public interest, they may decide not to enter it in the register.
- (6) The contents of the register must be available for inspection, at any time and free of charge, by the Secretary of State or the Office of Rail Regulation.
- (7) The Secretary of State and the Office of Rail Regulation may each require the Scottish Ministers to supply him or (as the case may be) it free of charge with a certified copy of a part of the register or with a certified extract from it.
- (8) The references in subsection (7) to a certified copy or a certified extract are references to a copy or extract that has been certified by the Scottish Ministers to be a true copy or extract.
- (9) In subsection (3)(d) “amendment”, in relation to a franchise agreement, means any amendment however described, including variations (whether or not effected in accordance with the terms of the agreement or by a modification of it) of the property, rights and liabilities which from time to time constitute the franchise assets.”

Commencement Information

15 Sch. 1 para. 31 in force at 16.10.2005 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, Cross Heading:
Transfer of functions relating to maintenance of register.