

Changes to legislation: There are currently no known outstanding effects for the Railways Act 2005, Part 6. (See end of Document for details)

SCHEDULES

SCHEDULE 5

[^{F1}PASSENGERS’ COUNCIL] ESTABLISHED BY S. 19(1)

Textual Amendments

- F1** Words in Sch. 5 heading substituted (25.2.2010) by [The Passengers’ Council \(Non-Railway Functions\) Order 2010 \(S.I. 2010/439\)](#), art. 1, [Sch. para. 9\(7\)\(c\)](#)

PART 6

PROCEDURE

Regulation of procedure

- 15 (1) Subject to this paragraph and paragraph 16, the [^{F1}PC] may regulate its own procedure.
- (2) Sub-paragraph (1) includes power to make provision about quorums.
- (3) The [^{F1}PC] must meet when convened by the chairman.
- (4) The chairman may convene a meeting of the [^{F1}PC] whenever he thinks fit.
- (5) The chairman must—
- (a) convene meetings of the [^{F1}PC] so that it meets at least twice a year; and
 - (b) convene a meeting whenever three members of the [^{F1}PC] require him to do so.
- (6) The [^{F1}PC] must secure—
- (a) that minutes are kept of the proceedings at every meeting of the [^{F1}PC]; and
 - (b) that copies of those minutes are sent to the Secretary of State.
- (7) The validity of proceedings of the [^{F1}PC] is not to be affected by—
- (a) a vacancy in its membership; or
 - (b) a defect in the appointment of a member.

Textual Amendments

- F1** Words in Sch. 5 substituted (25.2.2010) by [The Passengers’ Council \(Non-Railway Functions\) Order 2010 \(S.I. 2010/439\)](#), art. 1, [Sch. para. 9\(7\)\(b\)](#)

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Commencement Information

II Sch. 5 para. 15 in force at 24.7.2005 by [S.I. 2005/1909](#), art. 2, [Sch.](#)

Admission of the public to meetings

- 16 (1) Meetings of the [F¹PC] must be open to the public; but the public must be excluded during any item of business that is confidential for the purposes of this paragraph.
- (2) An item of business is confidential for the purposes of this paragraph where, if members of the public were to be present during that item, it is likely that information furnished in confidence to the [F¹PC] by—
- (a) the [F²Office of Rail and Road], ^{F³} ...
 - (b) the Secretary of State, ^{F⁴} or
 - (c) a traffic commissioner,]
- would be disclosed in breach of the obligation of confidence.
- (3) An item of business is confidential for the purposes of this paragraph where the [F¹PC] has resolved that—
- (a) because of the confidential nature of the item, or
 - (b) for other special reasons stated in the resolution,
- it is desirable in the public interest that the public be excluded during that item.
- (4) An item of business is confidential for the purposes of this paragraph where, if members of the public were to be present during that item, it is likely that—
- (a) there would be disclosed to them a matter relating to the affairs of an individual or relating specifically to the affairs of a particular body (whether corporate or unincorporate); and
 - (b) public disclosure of the matter would or might, in the opinion of the [F¹PC], seriously and prejudicially affect the interests of that individual or body.
- (5) An item of business is confidential for the purposes of this paragraph where the circumstances—
- (a) are specified for the purposes of this sub-paragraph in an order made by the Secretary of State; or
 - (b) are determined to be confidential for those purposes in accordance with an order so made.
- (6) An order under sub-paragraph (5) is subject to the negative resolution procedure.

Textual Amendments

- F1** Words in Sch. 5 substituted (25.2.2010) by [The Passengers’ Council \(Non-Railway Functions\) Order 2010 \(S.I. 2010/439\)](#), art. 1, [Sch. para. 9\(7\)\(b\)](#)
- F2** Words in Sch. 5 para. 16(2)(a) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), [Sch. para. 3\(u\)](#)
- F3** Word in Sch. 5 para. 16(2)(a) omitted (25.2.2010) by virtue of [The Passengers’ Council \(Non-Railway Functions\) Order 2010 \(S.I. 2010/439\)](#), arts. 1, [5\(2\)\(a\)](#)
- F4** Sch. 5 para. 16(2)(c) and word inserted (25.2.2010) by [The Passengers’ Council \(Non-Railway Functions\) Order 2010 \(S.I. 2010/439\)](#), arts. 1, [5\(2\)\(b\)](#)

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I2 Sch. 5 para. 16 in force at 24.7.2005 by S.I. 2005/1909, art. 2, Sch.

- 17 The [F1PC] must give such notice—
- (a) of any meeting of the [F1PC] which is open to the public, and
 - (b) of the business to be taken at that meeting (other than items during which the public is to be excluded),
- as it considers appropriate for the purpose of bringing the meeting to the attention of interested members of the public.

Textual Amendments

F1 Words in Sch. 5 substituted (25.2.2010) by The Passengers’ Council (Non-Railway Functions) Order 2010 (S.I. 2010/439), art. 1, Sch. para. 9(7)(b)

Commencement Information

I3 Sch. 5 para. 17 in force at 24.7.2005 by S.I. 2005/1909, art. 2, Sch.

Local committees

- 18 (1) If the Secretary of State so directs, the [F1PC] must establish committees to advise it in relation to the carrying out of [F5any or all of] its functions in relation to particular areas.
- (2) The members of a committee established under this paragraph are to be appointed by the [F1PC].
- (3) The [F1PC] may appoint such persons as it thinks fit and the membership of the committee may consist of or include persons who are not themselves members of the [F1PC].
- (4) The [F1PC] may regulate the procedure of a committee established under this paragraph.
- (5) The [F1PC] may reimburse a member of a committee established under this paragraph who is not a member of the [F1PC] —
- (a) for travelling expenses;
 - (b) for other out-of-pocket expenses not relating to loss of remuneration.

Textual Amendments

F1 Words in Sch. 5 substituted (25.2.2010) by The Passengers’ Council (Non-Railway Functions) Order 2010 (S.I. 2010/439), art. 1, Sch. para. 9(7)(b)

F5 Words in Sch. 5 para. 18(1) inserted (25.2.2010) by The Passengers’ Council (Non-Railway Functions) Order 2010 (S.I. 2010/439), arts. 1, 5(3)

Commencement Information

I4 Sch. 5 para. 18 in force at 24.7.2005 by S.I. 2005/1909, art. 2, Sch.

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Execution of documents

- 19 (1) The application of the seal of the [F1PC] shall be authenticated by the signature of a member or employee of the [F1PC] whom it has authorised for the purpose (whether generally or specifically).
- (2) Any document which the [F1PC] is authorised or required by or under any enactment to serve, make or issue may be signed on its behalf by a member or employee whom it has authorised for the purpose (whether generally or specifically).
- (3) Every document purporting—
- (a) to be an instrument made or issued by or on behalf of the [F1PC], and
 - (b) to be duly executed under the seal of the [F1PC], or to be duly signed or executed by a person authorised by the [F1PC] for the purpose,
- shall be received in evidence and, unless the contrary is shown, treated without further proof as so made or issued.
- (4) In this paragraph the reference to a signature includes a reference to a facsimile of a signature produced by any process and “signed” is to be construed accordingly.
- (5) In this paragraph “enactment” includes an enactment comprised in an Act of the Scottish Parliament.

Textual Amendments

- F1** Words in Sch. 5 substituted (25.2.2010) by [The Passengers’ Council \(Non-Railway Functions\) Order 2010 \(S.I. 2010/439\)](#), art. 1, [Sch. para. 9\(7\)\(b\)](#)

Commencement Information

- I5** Sch. 5 para. 19 in force at 24.7.2005 by [S.I. 2005/1909](#), art. 2, [Sch.](#)

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