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STATUTORY INSTRUMENTS

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**2004 No. 827 (C. 34)**

**TRANSPORT**

**The Railways and Transport Safety Act  
2003 (Commencement No. 2) Order 2004**

*Made - - - - 18th March 2004*

The Secretary of State for Transport, in exercise of the powers conferred upon him by section 120(1) of the Railways and Transport Safety Act 2003(1), hereby makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Railways and Transport Safety Act 2003 (Commencement No. 2) Order 2004.

(2) In this Order “the 2003 Act” means the Railways and Transport Safety Act 2003.

**Commencement of provisions**

2. The following provisions of the 2003 Act shall come into force on 29th March 2004—

- (a) section 83 (specimens, &c.), section 96 (specimens, &c.) and section 107 (road traffic: testing for drink and drugs) for the purposes of bringing into force that part of paragraph 1 of Schedule 7 (road traffic: testing for drink and drugs) for the purposes described in paragraph (b) of this article; and
- (b) the part of paragraph 1 of Schedule 7 (road traffic: testing for drink and drugs) relating to section 6A(1) of the Road Traffic Act 1988(2) for the purpose of enabling the Secretary of State to approve a device for indicating whether the proportion of alcohol in a person’s breath or blood is likely to exceed the limits prescribed in sections 81(1) and 93(2) and (3) of the 2003 Act.

3. The following provisions of the 2003 Act shall come into force on 30th March 2004—

- (a) section 78 (professional staff on duty);
- (b) section 79 (professional staff off duty);
- (c) sub-sections (4) and (5) of section 80 (non-professionals);
- (d) section 81 (prescribed limit);

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(1) 2003 c. 20  
(2) 1988 c. 52

- (e) section 82 (penalty);
- (f) section 83 (specimens, &c.) in so far as it does not come into force on 29th March 2004 pursuant to article 2;
- (g) section 84 (detention pending arrival of police);
- (h) section 85 (arrest without warrant);
- (i) section 86 (right of entry);
- (j) section 87 (consequential repeal);
- (k) section 88 (orders and regulations);
- (l) section 89 (interpretation);
- (m) section 90 (Crown application, &c.);
- (n) section 91 (territorial application);
- (o) section 92 (being unfit for duty);
- (p) section 93 (prescribed limit);
- (q) section 94 (aviation functions);
- (r) section 95 (penalty);
- (s) section 96 (specimens, &c.) in so far as it does not come into force on 29th March 2004 pursuant to article 2;
- (t) section 97 (arrest without warrant);
- (u) section 98 (right of entry);
- (v) section 99 (regulations);
- (w) section 100 (Crown application);
- (x) section 101 (military application);
- (y) section 102 (territorial application);
- (z) section 103 (Convention on International Carriage by Rail);
- (aa) section 106 (railway security services);
- (bb) section 107 (road traffic: testing for drink and drugs) in so far as it does not come into force on 29th March 2004 pursuant to article 2;
- (cc) section 109 (road traffic: fixed penalty);
- (dd) section 113 (maritime security services);
- (ee) section 117 (interpretation: enactment);
- (ff) section 118 (repeals) so far as it relates to the provisions of Schedule 8 brought into force by paragraph (jj)
- (gg) section 119 (money);
- (hh) Schedule 6 (Convention on International Carriage by Rail);
- (ii) Schedule 7 (Road traffic: testing for drink and drugs) in so far as it does not come into force on 29th March 2004 pursuant to article 2; and
- (jj) Schedule 8 (repeals) so far as it relates to section 11(2) of the Road Traffic Act 1988, section 76(2)(a) of the Road Traffic Offenders Act 1988<sup>(3)</sup> and section 117 of the Merchant Shipping Act 1995<sup>(4)</sup>.

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(3) 1988 c. 53

(4) 1995 c. 21

4. The following provisions of the 2003 Act shall come into force on 5th July 2004—
- (a) section 15 (establishment);
  - (b) section 16 (transfer of functions);
  - (c) section 17 (extent);
  - (d) section 116 (Schedules 1 and 4: sequestration, &c. in Scotland) for the purposes relating to a person becoming liable to dismissal under paragraph 2 (d) of Schedule 1;
  - (e) section 118 (repeals) so far as it relates to the provisions of Schedule 8 brought into force by paragraph (i);
  - (f) Schedule 1 (Office of Rail Regulation);
  - (g) Schedule 2 (abolition of Rail Regulator: consequential amendments);
  - (h) Schedule 3 (abolition of Rail Regulator: savings, &c.); and
  - (i) Schedule 8 (repeals), so far as it relates to the House of Commons Disqualification Act 1975<sup>(5)</sup>, sections 15(4A), 15C(3), 21(5), 57B, 74(8), 151(1) of, and Schedule 1 to, the Railways Act 1993<sup>(6)</sup> and section 251(2) of, and paragraph 45 of Schedule 27 to, the Transport Act 2000<sup>(7)</sup>.

Signed by authority of the Secretary of State for Transport

18th March 2004

*David Jamieson*  
Parliamentary Under Secretary of State  
Department of Transport

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(5) 1975 c. 24  
(6) 1993 c. 43  
(7) 2000 c. 38

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

1. This Order brings into force a number of provisions of the Railways and Transport Safety Act 2003 as follows—

On 29th March 2004, the provisions contained in article 2;

On 30th March 2004, the provisions contained in article 3; and

On 5th July the provisions contained in article 4.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Railways and Transport Safety Act 2003 have been brought into force by a commencement order made before the date of this order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 111 (highways: snow and ice)	31st October 2003	<a href="#">2003/2681 (c. 104)</a>
Section 115 (railways in London: information)	31st October 2003	<a href="#">2003/2681 (c. 104)</a>