

# Rail Reform Bill

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[DRAFT]

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# B I L L

TO

Provide for there to be an Integrated Rail Body and for its functions; to amend the law relating to the provision and regulation of railway services; to make provision about international interests in railway rolling stock; and for connected purposes.

**B**E IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## *The Integrated Rail Body*

### **1 The IRB**

- (1) The Railways Act 1993 is amended as follows.
- (2) After section 4 insert—

*“The IRB*

#### **4A The IRB**

- (1) The Secretary of State may by regulations designate a body corporate as the Integrated Rail Body.
- (2) In this Part “the IRB” means the body for the time being designated under this section.
- (3) The IRB is not to be regarded as the servant or agent of the Crown, or as enjoying any status, immunity or privilege of the Crown.
- (4) The IRB's property is not to be regarded as property of, or property held on behalf of, the Crown.
- (5) Service as a member of staff of the IRB is not service in the civil service of the State.
- (6) Employment by the IRB is not Crown employment for the purposes of the Trade Union and Labour Relations (Consolidation) Act 1992 (see section 273 of that Act).

**4B Business plan**

- (1) The IRB must prepare and publish a business plan which sets out how the IRB proposes to exercise its functions.
- (2) The IRB may revise the plan and must publish any revised plan.
- (3) When preparing or revising a plan under this section, the IRB must have regard to the effect that the exercise of its functions, as is to be proposed in the plan, is likely to have on businesses in the private sector that carry on activities connected with the provision of railway services.

**4C Annual report on private sector involvement**

- (1) The IRB must prepare a report setting out what it has done during each financial year to increase the involvement of businesses in the private sector in the provision of railway services.
- (2) As soon as practicable after the end of the financial year the IRB must—
  - (a) publish the report, in such manner as it thinks appropriate, and
  - (b) send a copy of the report to the Secretary of State.
- (3) In this section “financial year”, in relation to the IRB, means—
  - (a) the period which—
    - (i) begins with the day on which regulations under section 4A(1) first come into force, and
    - (ii) ends with the following 31 March, and
  - (b) each subsequent period of one year which ends with 31 March.

**4D Directions and guidance**

- (1) The Secretary of State may from time to time give to the IRB directions or guidance about the manner in which it is to exercise its functions.
- (2) Directions under subsection (1) may provide, in particular, that a function is only to be exercised—
  - (a) after consultation with the Secretary of State, or
  - (b) with the consent of the Secretary of State.
- (3) In exercising its functions the IRB must have regard to any guidance given to it under subsection (1).
- (4) Directions and guidance given to the IRB under subsection (1) must be published by the Secretary of State in such manner as the Secretary of State considers appropriate.

**4E Levy**

- (1) The Office of Rail and Road may by notice require the IRB to pay to it a levy.
- (2) The notice must make provision for—
  - (a) the period in respect of which the levy is payable (“the charging period”);
  - (b) the amount of the levy which is payable in respect of that period;
  - (c) how and when payments are to be made.
- (3) The amount of the levy which is payable under subsection (2)(b) must be such amount as the Office of Rail and Road reasonably expects to incur in exercising its railway functions in respect of the charging period.
- (4) Provision under subsection (2)(c) may, in particular, include provision for payments by instalment.
- (5) The Office of Rail and Road may revise a notice under this section by a further such notice.
- (6) The Office of Rail and Road may refund any amount which, further to any revised notice under subsection (5), appears to have been overpaid to it.
- (7) In this section—
  - (a) “railway functions” means any functions exercised by the Office of Rail and Road which relate to the provision of railway services and are not safety functions;
  - (b) “safety functions” has the same meaning as in section 4.

**4F Shadow directors**

- (1) The Secretary of State is not to be regarded as a shadow director of the IRB for the purpose of any provision of the Companies Acts.
- (2) The IRB is not to be regarded as a shadow director of—
  - (a) a franchisee, or
  - (b) a body corporate providing services for the carriage of passengers under section 30 of this Act,for the purpose of any provision of the Companies Acts.
- (3) In this section “the Companies Acts” has the same meaning as in the Companies Act 2006 (see section 2(1) of that Act).”
- (3) In section 83(1) (interpretation of Part 1), at the appropriate place insert—

““the IRB” has the meaning given by section 4A(2);”.
- (4) Schedule 1 to this Act makes provision about the licensing of the IRB.

- (5) In this Act “the IRB” means the body for the time being designated under section 4A(2) of the Railways Act 1993.

*Franchising etc*

**2 Franchising and related matters**

- (1) In section 23 of the Railways Act 1993 (passenger services to be subject to franchise agreements), in subsection (3)—
- (a) in the definition of “the appropriate franchising authority”, for “Secretary of State” (in both places) substitute “IRB”, and
  - (b) in the definition of “franchise agreement”, for “Secretary of State” substitute “IRB”.
- (2) Schedule 2—
- (a) transfers franchising and other functions from the Secretary of State to the IRB, and
  - (b) contains other related provisions.

**3 Franchising functions of Scottish Ministers and Welsh Ministers**

After section 71B of the Railways Act 1993 insert—

*“Franchising functions of Scottish Ministers and Welsh Ministers*

**71C Agency arrangements for exercise of franchising functions by IRB**

- (1) The Scottish Ministers and the Welsh Ministers may each make arrangements for the IRB to exercise on their behalf any of their relevant franchising functions.
- (2) Before making arrangements under this section the Ministers must consult—
  - (a) the Secretary of State,
  - (b) the IRB, and
  - (c) such other persons as the Ministers consider appropriate.
- (3) Arrangements may be made, varied or revoked by the Ministers under this section only with the agreement of the Secretary of State and the IRB.
- (4) The Ministers on whose behalf functions are to be exercised by the IRB in accordance with arrangements under this section must publish a document setting out the terms of the arrangements.
- (5) Arrangements under this section do not affect the Ministers’ responsibility for the exercise of their functions.
- (6) The “relevant franchising functions” of the Ministers are—
  - (a) their functions under this Part as the appropriate franchising authority;
  - (b) their functions under sections 27, 30, 31 and 55 to 58;

- (c) their functions under sections 12 and 12A of the Railways Act 2005;
- (d) any other functions of theirs that—
  - (i) relate to franchised services, and
  - (ii) correspond to functions that are exercisable by the IRB in cases in which the IRB is responsible for selecting the franchisee in relation to such services.”

*The Office of Rail and Road*

#### **4 General duties of the Office of Rail and Road**

- (1) Section 4 of the Railways Act 1993 (general duties of the Secretary of State and the Office of Rail and Road) is amended as follows.
- (2) In subsection (1)(d), at the end insert “so far as such competition does not unreasonably increase the cost to public funds of providing railway passenger services”.
- (3) In subsection (5), after paragraph (b) insert—
  - “(ba) to have regard to any access policy statement approved by the Secretary of State and published by the IRB;”.
- (4) In subsection (9), at the appropriate place insert—
  - ““access policy statement” means a statement of the IRB’s policy about the granting of access to or use of a network operated by it;”.

#### **5 Review of access charges by the Office of Rail and Road**

Schedule 3 amends Schedule 4A to the Railways Act 1993 (review of access charges by the ORR).

#### **6 Rail dispute resolution scheme**

- (1) In section 9 of the Railways Act 1993 (conditions of licences: general), in subsection (3), after paragraph (f) insert—
  - “(g) to participate in such scheme as may be established by or on behalf of the Office of Rail and Road for dealing with complaints or representations made by such users of station services or services for the carriage of passengers by railway as may be specified in the licence.”
- (2) In the Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050) (“the 2005 Regulations”), in regulation 11 (conditions of SNRPs)—
  - (a) in paragraph (3), after sub-paragraph (d) insert—
    - “(e) a requirement to participate in such scheme as may be established by or on behalf of the Office of Rail and Road for dealing with complaints or representations made by such users

of station services or services for the carriage of passengers by railway as may be specified in the SNRP.”;

- (b) after paragraph (3) insert—
- “(3A) In paragraph (3)(e), “station services” and “services for the carriage of passengers by railway” have the same meanings as in section 82 of the 1993 Act.”
- (3) The Office of Rail and Road or the Secretary of State may modify a pre-commencement licence so as to include in the licence any requirement that could by virtue of section 9(3)(g) of the Railways Act 1993 be included in a licence granted on or after the day on which subsection (1) comes into force.
- (4) The Office of Rail and Road may modify the conditions of a pre-commencement statement so as to include in the statement any conditions that could by virtue of regulation 11(3)(e) of the 2005 Regulations be included in a statement issued on or after the day on which subsection (2) comes into force.
- (5) In subsections (3) and (4)—
- (a) “pre-commencement licence”, means a licence granted under section 8 of the Railways Act 1993 which is in force immediately before the day on which subsection (1) comes into force;
- (b) “pre-commencement statement” means a statement issued under regulation 10(1) of the 2005 Regulations which is in force immediately before the day on which subsection (2) comes into force.

*Authorisation, access and management*

**7 Amendments of the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016**

- (1) The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 (S.I. 2016/645) are amended as follows.
- (2) In regulation 3 (interpretation), at the appropriate place insert—
- ““the IRB” means the body for the time being designated under section 4A(2) of the Railways Act 1993;”.
- (3) In regulation 14 (establishing, determining and collecting charges)—
- (a) in paragraph (9), for “paragraph” substitute “paragraphs (9A) and”;
- (b) after paragraph (9) insert—
- “(9A) Paragraph (9) does not apply to the IRB.”
- (4) After regulation 16 insert—

**“Performance schemes: exception from requirement to make payments**

**16A** A performance scheme established by the IRB under regulation 16 must not require payments to be made in respect of services for the transport of



passengers by rail where those services are provided by a railway undertaking under any agreement or other arrangements to which the IRB is a party.”

- (5) In regulation 19 (capacity allocation), after paragraph (4) insert—  
“(4A) Paragraph (4) does not apply to the IRB.”

## **8 Railway transport services: authorisation, access and management**

- (1) The Secretary of State may by regulations make provision about—
- (a) the authorisation of persons to operate train services;
  - (b) the operation of, and access to, railway infrastructure and ancillary services;
  - (c) the management of persons operating train services, infrastructure operators and ancillary services providers;
  - (d) competition in the market or markets for the provision of ancillary services.
- (2) Regulations under subsection (1) may, in particular—
- (a) prevent a person from operating train services unless authorised in accordance with the regulations;
  - (b) make provision about the conditions on which access to railway infrastructure and ancillary services is to be made available;
  - (c) make provision for train services operators, infrastructure operators and ancillary services providers to be managed independently of any persons that own them.
- (3) The provision mentioned in subsection (2)(b) includes provision for—
- (a) infrastructure operators and ancillary services providers to make schemes, or enter into arrangements, relating to the conditions on which access to railway infrastructure is, or (as the case may be) ancillary services are, to be made available;
  - (b) public authorities to establish frameworks with which those schemes or arrangements must comply.
- (4) The provision mentioned in subsection (3)(a) includes provision for authorising or requiring any such scheme or arrangements to—
- (a) impose charges for access to railway infrastructure and ancillary services;
  - (b) require payments to be made between infrastructure operators and ancillary services providers on the one hand, and train service operators on the other hand, for the purpose of improving the efficiency of the railway network.
- (5) Regulations under subsection (1) may include provision—
- (a) for public authorities to require the provision of information for any purpose connected with their functions under or by virtue of the regulations;
  - (b) for restricting the disclosure of information provided to any person under or by virtue of the regulations.

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- (6) Regulations under subsection (1) may include provision as to their enforcement including, in particular, provision for—
- (a) monitoring or securing compliance with any requirement or prohibition imposed by or under the regulations;
  - (b) appeals in relation to anything done under or by virtue of the regulations;
  - (c) criminal offences, civil sanctions (including penalties) or civil proceedings in respect of—
    - (i) a breach of any requirement or prohibition imposed by or under the regulations;
    - (ii) the obstruction of the exercise of any power conferred by the regulations;
    - (iii) the provision of false or misleading information in response to a request or demand for information made under or by virtue of the regulations.
- (7) The provision mentioned in subsection (6)(c) may only provide for an offence under the regulations to be punishable—
- (a) on summary conviction in England and Wales, by a fine;
  - (b) on summary conviction in Scotland, by a fine not exceeding the statutory maximum;
  - (c) on conviction on indictment, by a fine.
- (8) Regulations under subsection (1) may in particular include provision about any matter in relation to which provision is made, on the day on which this Act is passed, by the following legislation—
- (a) the Railways (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050);
  - (b) the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 (S.I. 2016/645);
  - (c) any assimilated direct legislation made under Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area by virtue of Article 290 or 291(2) of the Treaty on the Functioning of the European Union.
- (9) Regulations under subsection (1) may—
- (a) confer functions on a person (including functions involving the exercise of a discretion);
  - (b) make consequential provision (including provision which amends an Act of Parliament);
  - (c) make incidental, supplementary, transitional or saving provision;
  - (d) make different provision for different purposes.
- (10) Regulations under subsection (1)—
- (a) are to be made by statutory instrument;
  - (b) may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.

- (11) In this section—
- “ancillary services” means any service or facility the use of which is necessary or expedient to make full use of railway infrastructure;
  - “infrastructure operator” means any person who operates railway infrastructure;
  - “public authority” means any person or body exercising functions of a public nature;
  - “railway infrastructure” includes any network, station or track within the meaning of Part 1 of the Railways Act 1993 (see section 83(1) of that Act);
  - “ancillary services provider” means any person who provides ancillary services;
  - “train services” means services for the carriage of passengers or goods by railway;
  - “train services operator” means any person who operates train services.

*Rail passengers*

## 9 The Passengers’ Council

- (1) Section 76 of the Railways Act 1993 (general railway duties of Passengers’ Council) is amended as follows.
- (2) For subsection (4) substitute—
- “(4) On investigating any matter under this section—
- (a) the Passengers’ Council may make representations to such persons as it thinks appropriate for the purpose of achieving a satisfactory resolution of the matter,
  - (b) where the Passengers’ Council has reason to believe that a franchisee is contravening, or is likely to contravene, any term of a franchise agreement, it must refer the contravention (or likely contravention) to the Secretary of State and the appropriate franchising authority, and
  - (c) where the Passengers’ Council has reason to believe that a licence holder is contravening, or likely to contravene, any condition of a licence, it must refer the contravention (or likely contravention) to the Secretary of State and the Office of Rail and Road.”
- (3) Omit subsections (5) and (5A).
- (4) In subsection (6)(a), after “State” insert “, the IRB, the Scottish Ministers”.
- (5) For subsection (7) substitute—
- “(7) Where the Passengers’ Council has investigated any matter under this section, it must not include in any report or representations a proposal for any steps to be taken by any person in relation to that matter unless—

- (a) the Council has balanced the cost of taking those steps against the benefits which it considers will be enjoyed by any person in consequence of taking them, and
- (b) the Council is of the opinion, on the basis of the information available to it, that the expenditure involved represents good value for money.”

## 10 London Transport Users’ Committee

- (1) Section 252C of the Greater London Authority Act 1999 (action on investigation under section 252B) is amended as follows.
- (2) For subsection (3) substitute—
  - “(3) Where—
    - (a) having made representations under subsection (1), the Committee is of the opinion that it is unable to obtain a satisfactory resolution by that means, it may refer the matter to the Secretary of State,
    - (b) on investigating a matter, the Committee has reason to believe that the holder of a licence under Part 1 of the Railways Act 1993 is contravening a condition of the licence, or is likely to do so, it must refer the contravention (or likely contravention) to the Secretary of State and the Office of Rail and Road, and
    - (c) on investigating a matter, the Committee has reason to believe that a franchisee is contravening, or likely to contravene, any term of a franchise agreement, it must refer the contravention (or likely contravention) to the Secretary of State and the appropriate franchising authority.”
- (3) Omit subsection (4).
- (4) In subsection (5)—
  - (a) after “matter” insert “or contravention (or likely contravention)”, and
  - (b) for “subsection (3)” substitute “subsection (3)(a) or (c)”.
- (5) In subsection (8), after “section” insert ““appropriate franchising authority””.

## 11 The Disabled Persons Transport Advisory Committee

In section 125 of the Transport Act 1985 (the Disabled Persons Transport Advisory Committee), for subsection (5) substitute—

- “(5) The Committee—
  - (a) must provide advice to the Secretary of State or the IRB about such matters relating to the needs of disabled persons in connection with public passenger transport as the Secretary of State or the IRB may refer to it, and
  - (b) may otherwise provide advice to the Secretary of State or the IRB about such matters relating to the needs of disabled persons in connection with public passenger transport as it thinks appropriate (whether or not those matters are referred to it).

In this subsection “the IRB” means the body for the time being designated under section 4A(2) of the Railways Act 1993.”

## 12 Minor amendments

- (1) In Part 2 of the Table at the end of paragraph 3 of Schedule 1 to the Public Records Act 1958 (definition of public records)—
  - (a) omit the entry for the Rail Passengers’ Committees, and
  - (b) at the appropriate place insert—

“The London Transport Users’ Committee.”
- (2) In Schedule 3 to the Public Bodies Act 2011 (bodies and offices the constitutional arrangements of which may be modified), in the entry for the Passengers’ Council, omit “(Passenger Focus)”.

### *Miscellaneous*

## 13 Electronic service of documents

- (1) Section 149 of the Railways Act 1993 (service of documents) is amended as follows.
- (2) In subsection (1)—
  - (a) after paragraph (a) insert—

“(aa) by sending it to the person by agreed electronic means (for example, by email to an agreed address); or”, and
  - (b) in paragraphs (b) and (c), after “paragraph (a)” insert “or (aa)”.
- (3) After that subsection insert—

“(1A) Subsection (1)(aa) does not apply in relation to a document required or authorised by virtue of sections 118 to 120 or 149A to be given or served by the Secretary of State to or on any person.”
- (4) After subsection (3) insert—

“(3A) A notice sent to a person by electronic means is, unless the contrary is proved, to be treated as having been given on the working day immediately following the day on which it was sent.”
- (5) At the end of subsection (5) insert—

““working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.”

## 14 Repeal and revocation of spent and unnecessary provisions

- (1) In section 136 of the Railways Act 1993 (grants and subsidies), omit—
  - (a) subsections (1) to (2B),
  - (b) subsections (6) to (10), and

- (c) in subsection (11), the definition of “the railways financial status regulations”.
- (2) For the heading of that section substitute “Competent authority for purposes of the Public Service Obligations in Transport Regulations 2023”.
- (3) The Railways (Public Service Obligations) Regulations 2010 (S.I. 2010/402) are revoked.

*International interests in railway rolling stock*

**15 Convention and Protocol relating to international interests in railway rolling stock**

- (1) The Secretary of State may by regulations make provision for giving effect to—
  - (a) the Convention on International Interests in Mobile Equipment signed at Cape Town on 16 November 2001 (“the Cape Town Convention”), so far as it relates to international interests in railway rolling stock, and
  - (b) the Luxembourg Protocol to the Cape Town Convention on Matters Specific to Railway Rolling Stock signed in Luxembourg on 23 February 2007 (“the Luxembourg Protocol”).
- (2) Regulations under subsection (1) may, in particular—
  - (a) make provision to deal with any matter arising out of or related to the Cape Town Convention or the Luxembourg Protocol;
  - (b) make provision for enabling the enforcement of a right or duty arising out of the Cape Town Convention or the Luxembourg Protocol;
  - (c) make provision which refers to an instrument made by the body established by virtue of Article 12 of the Luxembourg Protocol, as that instrument has effect from time to time;
  - (d) make provision which modifies primary legislation;
  - (e) make provision for conferring jurisdiction on a court or tribunal;
  - (f) make provision for conferring functions on the Secretary of State or the Office of Rail and Road;
  - (g) make provision for imposing duties on persons to cooperate with a person exercising a function under the Cape Town Convention, the Luxembourg Protocol or the regulations;
  - (h) make provision about the enforcement of judgments;
  - (i) make consequential, supplementary, incidental, transitional, transitory or saving provision;
  - (j) make different provision for different purposes.
- (3) Before making regulations under subsection (1), the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (4) Regulations under subsection (1) are to be made by statutory instrument.

- (5) Regulations under subsection (1) may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.
- (6) In this section—
  - (a) “international interest” has the meaning given in Article 1(o) of the Cape Town Convention;
  - (b) “modify”, in relation to legislation, includes amend, repeal and revoke;
  - (c) “primary legislation” means—
    - (i) an Act,
    - (ii) an Act of the Scottish Parliament,
    - (iii) an Act or Measure of Senedd Cymru, or
    - (iv) Northern Ireland legislation;
  - (d) “railway rolling stock” has the meaning given in Article 1(2)(e) of the Luxembourg Protocol.

#### *Final provisions*

### **16 Power to make consequential provision**

- (1) The Secretary of State may by regulations made by statutory instrument make provision that is consequential on this Act.
- (2) Regulations under this section may amend, repeal or revoke provision made by or under primary legislation passed—
  - (a) before this Act, or
  - (b) later in the same session of Parliament as this Act.
- (3) In this section “primary legislation” means—
  - (a) an Act,
  - (b) an Act of the Scottish Parliament, or
  - (c) an Act or Measure of the Senedd Cymru.
- (4) A power to make regulations under this section includes power to make—
  - (a) supplementary, incidental, transitional or saving provision;
  - (b) different provision for different purposes.
- (5) A statutory instrument containing (whether alone or with other provision) regulations under this section that amend or repeal provision made by primary legislation may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (6) Any other statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

### **17 Extent**

- (1) Subject to subsection (2)—
  - (a) this Act extends to England and Wales and Scotland, and

- (b) section 15, this section and sections 18 and 19 also extend to Northern Ireland.
- (2) An amendment, repeal or revocation made by this Act has the same extent as the provision amended, repealed or revoked.

## **18 Commencement**

- (1) The following come into force on the day on which this Act is passed—
  - (a) section 1, for the purposes of making regulations under section 4A of the Railways Act 1993, and
  - (b) sections 8, 14 to 17, this section and section 19.
- (2) The provisions of this Act, so far as they are not brought into force by subsection (1), come into force on such day as the Secretary of State may by regulations appoint.
- (3) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act.
- (4) The power to make regulations under this section includes power to make different provision for different purposes or areas.
- (5) Regulations under this section are to be made by statutory instrument.

## **19 Short title**

This Act may be cited as the Rail Reform Act 2024.



## SCHEDULES

### SCHEDULE 1

Section 1

#### LICENSING OF THE IRB

- 1 The Railways Act 1993 is amended as follows.
- 2 In section 7 (exemptions from requirement to be authorised by licence), after subsection (9) insert –
  - “(9A) An exemption, granted under this section, from the requirement to be authorised by licence to be the operator of a network does not have effect in relation to the IRB.”
- 3 (1) Section 8 (licences) is amended as follows.
  - (2) After subsection (1) insert –
    - “(1A) Only the Secretary of State may grant a network licence to the IRB.”
  - (3) After subsection (6) insert –
    - “(6A) In the case of a network licence held by the IRB, the reference in subsection (6) to the Office of Rail and Road is to be read as a reference to the Secretary of State.”
- 4 In section 9 (conditions of licences: general), after subsection (3A) insert –
  - “(3B) Conditions included by virtue of subsection (1)(a) in a network licence held by the IRB may include provision about the exercise of any of the IRB’s functions and must, in particular, require the IRB –
    - (a) to make appropriate provision for services for the carriage of goods by railway,
    - (b) to have regard to the accessibility requirements of persons who are disabled,
    - (c) to have regard to the effect on the environment of activities connected with the provision of railway services, and
    - (d) to maximise, so far as practicable within the resources available to the IRB, the social and economic benefits resulting from the operation of the railway network in Great Britain.”
- 5 In section 11(2) (assignment of licences), for paragraph (a) substitute –
  - “(a) the Secretary of State, if –
    - (i) the Secretary of State is specified for the purpose in the licence, or
    - (ii) the licence is a network licence held by the IRB, or”.

- 6 After section 12 insert –
- “12A Modification of IRB’s network licence by Secretary of State**
- (1) Subject to the following provisions of this section, the Secretary of State may modify the conditions of a network licence held by the IRB.
- (2) Before making modifications under this section, the Secretary of State must give notice –
- (a) stating that the Secretary of State proposes to make the modifications and setting out their effect,
- (b) stating the reasons why the Secretary of State proposes to make the modifications, and
- (c) specifying the period (not being less than 28 days from the date of publication of the notice) within which representations or objections with respect to the proposed modifications may be made.
- (3) The Secretary of State must, before making the modifications, consider any representations or objections which are duly made and not withdrawn.
- (4) A notice under subsection (2) is to be given –
- (a) by publishing the notice in such manner as the Secretary of State considers appropriate for the purpose of bringing the notice to the attention of persons likely to be affected by the making of the modifications, and
- (b) by serving a copy of the notice on the IRB.”
- 7 In section 13 (modification references to CMA), after subsection (7) insert –
- “(7A) A reference may not be made under this section in relation to a licence held by the IRB.”
- 8 In section 83(1) (interpretation of Part 1), in the definition of “network licence”, omit the “and” at the end of paragraph (b) and after paragraph (c) insert “and
- (d) in the case of the IRB, also to be the operator of such other railway assets (if any) as may be specified or described in the licence.””

## SCHEDULE 2

Section 2

## FRANCHISING AND RELATED MATTERS

*Transport Act 1985*

- 1 (1) Section 6 of the Transport Act 1985 (registration of local services) is amended as follows.

- (2) In subsection (1), for “Secretary of State” substitute “IRB”.
- (3) At the end insert—
  - “(12) In this section “the IRB” means the body for the time being designated under section 4A(2) of the Railways Act 1993.”

*Railways Act 1993*

- 2 The Railways Act 1993 is amended as follows.
- 3 In section 4 (general duties of the Secretary of State and the ORR), omit subsection (4).
- 4 In section 18 (access agreements: contracts requiring the approval of the ORR), in subsection (6A)(b)—
  - (a) for “Secretary of State” substitute “IRB”, and
  - (b) for “his” substitute “its”.
- 5 (1) Section 26 (invitation to tender for franchises) is amended as follows.
  - (2) Before subsection (4A) insert—
    - “(4ZA) The Secretary of State must publish a statement of policy about how the Secretary of State considers the IRB should exercise its power under subsection (1).
    - (4ZB) The statement must in particular include the Secretary of State’s policy about—
      - (a) when the selection of the person to be a franchisee under a franchise agreement should be from those submitting tenders in response to an invitation to do so,
      - (b) when such an invitation should not be issued, and
      - (c) the means by which the selection should be made in cases where there is no such invitation.”
  - (3) In subsection (4A)—
    - (a) omit “Secretary of State, the”, and
    - (b) for “he proposes, or (as the case may be) they propose,” substitute “they propose”.
  - (4) In subsection (4B)—
    - (a) omit “Secretary of State, the”,
    - (b) in paragraph (a), omit “his or”, and
    - (c) in paragraph (c), for “he is, or they are,” substitute “they are”.
  - (5) In subsection (4C), for “the appropriate franchising authority must have regard to its statement of policy” substitute—
    - “(a) where the IRB is the appropriate franchising authority, it must have regard to the Secretary of State’s statement of policy;

- (b) where the Welsh Ministers or the Scottish Ministers are the appropriate franchising authority, they must have regard to their statement of policy”.
- 6 In section 27 (transfer of franchise assets and shares), in subsection (10A)(c), for “Secretary of State” substitute “IRB”.
- 7 (1) Section 30 (duty of relevant franchising authority in absence of franchise) is amended as follows.
- (2) In subsection (3)–
- (a) for “Secretary of State” (in each place) substitute “IRB”, and
- (b) in paragraphs (ab) and (ac), for “him that he” substitute “the IRB that it”.
- (3) In subsection (3A), for “Secretary of State” substitute “IRB”.
- 8 In section 50 (exclusion of liability for breach of statutory duty), for “and of the Welsh Ministers and of” substitute “, the IRB, the Welsh Ministers and”.
- 9 (1) Section 54 (exercise of functions for purpose of encouraging investment in the railways) is amended as follows.
- (2) In subsection (1)–
- (a) for “Secretary of State” substitute “IRB”, and
- (b) in paragraph (a), for “his” substitute “its”.
- (3) In subsection (2)–
- (a) for “Secretary of State” substitute “IRB”,
- (b) for “him” substitute “it”, and
- (c) in paragraph (a), for “his” substitute “its”.
- (4) In subsection (3), for the definition of “franchising functions” in relation to the Secretary of State and the Welsh and Scottish Ministers substitute–
- ““franchising functions”–
- (a) in relation to the IRB means–
- (i) any of the functions of the IRB under sections 26 to 31;
- (ii) any other functions of the IRB which relate to the provision of railway passenger services, or the operation of additional railway assets, under or by virtue of franchise agreements;
- (b) in relation to the Welsh Ministers or the Scottish Ministers means–
- (i) any of the functions of the Welsh Ministers or the Scottish Ministers under sections 17 to 19, 23, 24 or 26 to 31;
- (ii) any power conferred on the Welsh Ministers or the Scottish Ministers under or by virtue of section 1(2) of the Railways Act 2005;

- (iii) any other functions of the Welsh Ministers or the Scottish Ministers which relate to the provision of railway passenger services, or the operation of additional railway assets, under or by virtue of franchise agreements;”.
- 10 (1) Section 55 (orders for securing compliance) is amended as follows.
  - (2) For subsection (5ZA) substitute –
    - “(5ZA) An appropriate authority other than the Office of Rail and Road may not make a final order, or make or confirm a provisional order, in relation to a licence holder or person under closure restrictions unless –
      - (a) the authority has given notice to the Office of Rail and Road specifying a period within which it may give notice to the authority if it considers that the most appropriate way of proceeding is under the Competition Act 1998,
      - (b) that period has expired, and
      - (c) the Office of Rail and Road has not given notice to the authority within that period that it so considers (or, if it has, it has withdrawn it).”
  - (3) In subsection (5C) –
    - (a) for “Neither the Secretary of State nor the Scottish Ministers nor” substitute “None of the IRB, the Scottish Ministers or”, and
    - (b) for “he” substitute “it”.
  - (4) In subsection (5D), omit the “or” at the end of paragraph (a) and after paragraph (b) insert “or
    - (c) in the case of the IRB, if it decides not to make a final order, or not to make or confirm a provisional order, because of provision contained in subsection (5ZA).”
  - (5) After subsection (6) insert –
    - “(6A) Where the IRB decides not to make a final order, or not to make or confirm a provisional order, because of provision contained in subsection (5B), it must serve notice of its decision on the relevant operator.”
  - (6) In subsection (10), in paragraphs (ac) and (ad) of the definition of “the appropriate authority”, for “Secretary of State” substitute “IRB”.
- 11 In section 56 (procedural requirements for section 55 orders), for subsection (2A) substitute –
  - “(2A) Where the Office of Rail and Road serves a copy of a notice under subsection (1) –
    - (a) on the IRB, it must also serve a copy on the Secretary of State, the Scottish Ministers and the Welsh Ministers;
    - (b) on any other licence holder, it must also serve a copy on the IRB, the Scottish Ministers and the Welsh Ministers.”

- 12 In section 57A (penalties), for subsection (5) substitute—
- “(5) An appropriate authority other than the Office of Rail and Road may not impose a penalty on a licence holder or person under closure restrictions unless—
- (a) the authority has given notice to the Office of Rail and Road specifying a period within which it may give notice to the authority if it considers that the most appropriate way of proceeding is under the Competition Act 1998,
  - (b) that period has expired, and
  - (c) the Office of Rail and Road has not given notice to the authority within that period that it so considers (or, if it has, it has withdrawn it).”
- 13 In section 57B (statement of policy), in subsections (1), (3) and (4) to (6), after “State,” insert “the IRB,”.
- 14 In section 57C (procedural requirements for penalties), after subsection (3) insert—
- “(3A) Where the Office of Rail and Road serves a copy of a notice under subsection (1) on a franchisee or a franchise operator who is a party to the franchise agreement, it must also serve a copy on—
- (a) the IRB, and
  - (b) any other party to the franchise agreement.”
- 15 (1) Section 73 (keeping of register by Secretary of State) is amended as follows.
- (2) In subsection (2)—
- (a) omit paragraphs (b) and (d), and
  - (b) omit the words from “and, without prejudice” to the end.
- (3) In subsection (7)—
- (a) after “time by” insert “the IRB,” and
  - (b) after “fee; and” insert “the IRB,”.
- 16 After section 73 insert—
- “73ZA Keeping of register by the IRB**
- (1) The IRB must maintain a register.
  - (2) The register must be kept in such form as the IRB may determine.
  - (3) Subject to subsections (4) and (5), the IRB must cause the provisions of the following to be entered in the register—
    - (a) every franchise agreement to which it is a party;
    - (b) 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;
    - (c) every final or provisional order made by the IRB;
    - (d) every revocation by the IRB of such an order;

- (e) every notice given by the IRB under section 55(6) of this Act of a decision not to make such an order;
  - (f) every penalty imposed by the IRB under section 57A of this Act;
  - (g) every statement of policy published by the IRB under section 57B of this Act.
- (4) The IRB 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 it 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 IRB’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 IRB’s opinion, seriously and prejudicially affect the interests of that body.
- (5) If it appears to the IRB that the entry of any provision in the register would be against the public interest, the IRB 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, the Scottish Ministers, the Welsh Ministers or the Office of Rail and Road.
- (7) The Secretary of State, the Scottish Ministers, the Welsh Ministers and the Office of Rail and Road may each require the IRB to supply free of charge—
- (a) a certified copy of a part of the register, or
  - (b) 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 IRB to be a true copy or extract.
- (9) In subsection (3)(b) “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.”
- 17 (1) Section 73A (keeping of register by the Scottish Ministers) is amended as follows.
- (2) In subsection (6), after “State,” insert “the IRB,”.
  - (3) In subsection (7), after “State,” insert “the IRB,”.
- 18 (1) Section 73B (keeping of register by the Welsh Ministers) is amended as follows.

- (2) In subsection (6), after “State,” insert “the IRB,”.
- (3) In subsection (7), after “State,” insert “the IRB,”.
- 19 (1) Section 135 (concessionary travel for railway staff etc) is amended as follows.
- (2) In subsection (2), after “State” insert “, the IRB”.
- (3) In subsection (3), after “State” insert “, the IRB”.
- (4) In subsection (6) –
- (a) after “State,” insert “the IRB,” and
- (b) after “him” insert “, it”.
- (5) In subsection (7), after “State” insert “or the IRB”.
- 20 In section 136 (grants and subsidies: competent authority), in subsection (3), after paragraph (a) insert –
- “(aza) the IRB,”.
- 21 (1) Section 145 (general restrictions on disclosure of information) is amended as follows.
- (2) In subsection (2) –
- (a) before paragraph (a) insert –
- “(za) for the purpose of facilitating the carrying out by the IRB of any functions conferred or imposed on it under or by virtue of any licence under section 8;”, and
- (b) in paragraphs (a) and (aa), after “State,” insert “the IRB,” and after “his” insert “, its”.
- (3) After subsection (6A) insert –
- “(6B) In this section “the IRB” means the body for the time being designated under section 4A(2).”

*Railway Heritage Act 1996*

- 22 In section 1 of the Railway Heritage Act 1996 (bodies to which Act applies), in subsection (1) –
- (a) after paragraph (f) insert –
- “(fa) the IRB;”, and
- (b) in paragraph (g), after “State” insert “or the IRB”.

*Greater London Authority Act 1999*

- 23 The Greater London Authority Act 1999 is amended as follows.
- 24 (1) Section 175 (co-operation) is amended as follows.
- (2) In subsection (1) –
- (a) for “and the Secretary of State to co-operate with one another” substitute “, the Secretary of State and the IRB to co-operate with each other”, and



- (b) in paragraph (a)(ii), for “Secretary of State” substitute “IRB”.
- (3) In subsection (1A), for “Secretary of State” substitute “IRB”.
- (4) In subsection (1B), after “State” insert “, the IRB”.
- (5) In subsection (2)–
  - (a) for “and the Secretary of State” substitute “, the Secretary of State and the IRB”, and
  - (b) for “one” substitute “each”.
- (6) In subsection (2A), after “State” insert “or the IRB”.
- (7) For subsection (3) substitute –
  - “(3) The references in subsections (1) and (2)–
    - (a) to the functions of the Secretary of State, are to be taken as references to the Secretary of State’s functions under sections 23 to 24A of the Railways Act 1993 (functions as designating authority);
    - (b) to the functions of the IRB, are to be taken as references to–
      - (i) the IRB’s functions under sections 23 to 31 of that Act (functions as franchising authority), and
      - (ii) the IRB’s duties under sections 22 to 24 of the Railways Act 2005 (discontinuance of railway services) to secure the provision of services.”
- 25 In section 179 (London local services)–
  - (a) in subsection (3), in paragraph (a), for “Secretary of State” substitute “IRB”, and
  - (b) after that subsection insert–
    - “(4) In subsection (3) “the IRB” means the body for the time being designated under section 4A(2) of the Railways Act 1993.”

*Transport Act 2000*

- 26 The Transport Act 2000 is amended as follows.
- 27 (1) Section 134E (making of scheme) is amended as follows.
  - (2) In subsection (4)–
    - (a) in paragraph (d), after “134C(4)(d)” insert “that entitle the holder to travel on services for the carriage of passengers by tramway, and”, and
    - (b) after that paragraph insert –
      - “(e) to the IRB if it applies to tickets within section 134C(4)(d) that entitle the holder to travel on services for the carriage of passengers by railway.”
  - (3) After subsection (8) insert –
    - “(9) In this section “the IRB” means the body for the time being designated under section 4A(2) of the Railways Act 1993.”

- 28 (1) Section 137 (making of scheme) is amended as follows.
- (2) In subsection (4) –
- (a) in paragraph (d), for “, and” substitute “that entitle the holder to travel on services for the carriage of passengers by tramway,”, and
- (b) after that paragraph insert –
- “(da) to the IRB if it applies to tickets within section 135(4)(d) that entitle the holder to travel on services for the carriage of passengers by railway, and”.
- (3) After subsection (6) insert –
- “(7) In this section “the IRB” means the body for the time being designated under section 4A(2) of the Railways Act 1993.”
- 29 In section 248 (substitute road services to be suitable for disabled passengers), in subsections (1)(b) and (2), for “Secretary of State” substitute “IRB”.

*Railways Act 2005*

- 30 The Railways Act 2005 is amended as follows.
- 31 (1) Section 10 (franchising and financial assistance in relation to Wales) is amended as follows.
- (2) In subsection (1), for “Secretary of State” substitute “IRB”.
- (3) in subsection (6) –
- (a) for “Secretary of State” substitute “IRB”, and
- (b) for “his” substitute “its”.
- 32 (1) Section 12 (transfer schemes at end of franchising agreements) is amended as follows.
- (2) In subsection (3) –
- (a) after paragraph (a) insert –
- “(aza) the IRB;”, and
- (b) in paragraph (c), after “State,” insert “the IRB,”, and
- (c) omit the “and” at the end of paragraph (da) and after that paragraph insert –
- “(db) a company which is jointly owned by the IRB and the Scottish Ministers;
- (dc) a company which is jointly owned by the IRB and the Welsh Ministers; and”.
- (3) In subsection (8), in paragraph (c) of the definition of “the appropriate national authority”, for “Secretary of State” substitute “IRB”.

33 After section 12 insert –

**“12A Transfer schemes where services provided by operator of last resort**

- (1) This section applies where services for the carriage of passengers by railway are being or have been provided under an agreement (a “services agreement”) entered into by the relevant franchising authority pursuant to its duty under section 30 of the Railways Act 1993.
- (2) The appropriate national authority may make a scheme for the transfer, at or after the end of the period when the services were provided under the services agreement, of relevant assets to a person specified in section 12(3), or to two or more of those persons.
- (3) Before making a scheme under this section, the appropriate national authority must consult every person to whom relevant assets would be transferred under the proposed scheme.
- (4) On the day on which a scheme made under this section comes into force –
  - (a) the transferee or transferees must pay to the transferor, or
  - (b) the transferor must pay to the transferee or transferees,such sums as may be specified in, or determined in accordance with, the services agreement.
- (5) Subsection (4) has effect subject to any other agreement between the transferor and the transferee or transferees.
- (6) Schedule 2 (which contains supplemental provision about transfer schemes) has effect in relation to schemes under this section.
- (7) In this section –

“relevant assets” means property, rights and liabilities which, immediately before the end of the period for which the services agreement has effect, will be or were designated as relevant assets –

  - (a) in the services agreement as originally made, or
  - (b) in accordance with the terms of, or by an amendment made to, the services agreement,

but does not include any property, rights or liabilities which, in accordance with the terms of, or by an amendment made to, the services agreement, have for the time being ceased to be designated as relevant assets;

“relevant franchising authority” has the same meaning as in section 30 of the 1993 Act;

“the appropriate national authority”, “transferee” and “transferor” have the same meanings as in section 12.”

34 (1) Section 13 (railway functions of Passenger Transport Executives) is amended as follows.

- 
- (2) In subsection (1), for “Secretary of State” substitute “IRB”.
  - (3) In subsection (3) –
    - (a) for “Secretary of State” (in each place) substitute “IRB”, and
    - (b) in paragraph (b), for “his” substitute “its”.
  - (4) In subsection (5), for “Secretary of State” substitute “IRB”.
  - (5) In subsection (6) –
    - (a) for “Secretary of State” substitute “IRB”, and
    - (b) in paragraph (b), for “his” substitute “its”.
  - (6) In subsection (7), for “Secretary of State” substitute “IRB”.
  - (7) In subsection (8) –
    - (a) for “Secretary of State” substitute “IRB”,
    - (b) in paragraph (a), for “his” substitute “its”, and
    - (c) in paragraph (b), for “him” substitute “it”.
- 35 (1) Section 22 (proposal by service operator to discontinue non-franchised services) is amended as follows.
- (2) In subsection (9) –
    - (a) at the beginning insert “Subsection (9A) applies”, and
    - (b) omit the words from “the national authority must” to “period”.
  - (3) After that subsection insert –

“(9A) Where this subsection applies –

    - (a) if the Scottish Ministers or the Welsh Ministers are the national authority, they must secure the provision of the services to which the proposal relates after the end of the interim period;
    - (b) if the Secretary of State is the national authority, the IRB must secure the provision of the services to which the proposal relates after the end of the interim period.”
  - (4) In subsection (10), for “subsection (9)” substitute “subsection (9A)”.
- 36 (1) Section 23 (proposal by funding authority to discontinue non-franchised services) is amended as follows.
- (2) In subsection (6), for the words from “the national” to “that period” substitute –
    - “(a) and the Scottish Ministers or the Welsh Ministers are the national authority, they must secure the provision of the services until the end of that period;
    - (b) and the Secretary of State is the national authority, the IRB must secure the provision of the services until the end of that period.”

- (3) In subsection (7), for the words from “the national” to “period” substitute—
- “(a) and the Scottish Ministers or the Welsh Ministers are the national authority, they must secure the provision of the services to which the proposal relates after the end of the interim period;
  - (b) and the Secretary of State is the national authority, the IRB must secure the provision of the services to which the proposal relates after the end of the interim period.”
- 37 (1) Section 24 (proposals to discontinue franchised or secured services) is amended as follows.
- (2) In subsection (7), for the words from “the national” to “that period” substitute—
- “(a) and the Scottish Ministers or the Welsh Ministers are the national authority, they must secure the provision of the services until the end of that period;
  - (b) and the Secretary of State is the national authority, the IRB must secure the provision of the services until the end of that period.”
- (3) In subsection (8), for the words from “the national” to “period” substitute—
- “(a) and the Scottish Ministers or the Welsh Ministers are the national authority, they must secure the provision of the services to which the proposal relates after the end of the interim period;
  - (b) and the Secretary of State is the national authority, the IRB must secure the provision of the services to which the proposal relates after the end of the interim period.”
- (4) In subsection (9)—
- (a) for “national authority” substitute “IRB, the Scottish Ministers or the Welsh Ministers”, and
  - (b) in paragraph (a), after “its” insert “or their”.
- (5) In subsection (10)—
- (a) for “Secretary of State” substitute “IRB”, and
  - (b) for “him that he” substitute “the IRB that it”.
- (6) In subsection (12)(b), for “Secretary of State” substitute “IRB”.
- 38 In section 33 (closure requirements), in subsection (2), after paragraph (a) insert—
- “(aa) the IRB;”.
- 39 (1) Section 34 (minor modifications) is amended as follows.
- (2) In subsection (3), for “Secretary of State who” substitute “IRB which”.

- 
- (3) After subsection (7) insert—
- “(7A) Before making or revoking a determination under this section, the IRB must consult the Secretary of State.”
- 40 (1) Section 36 (designation of experimental passenger services) is amended as follows.
- (2) In subsection (1)(b), (c) and (d), for “Secretary of State” substitute “IRB”.
- (3) After subsection (5) insert—
- “(5A) Before designating a service as experimental or extending such a designation the IRB must consult the Secretary of State.”
- 41 In section 40 (substitute road services), in subsection (4), for “Secretary of State” (in each place) substitute “IRB”.
- 42 In section 45 (interpretation of Part 4), in subsection (1), in the definition of “secured service”, for “Secretary of State,” substitute “IRB,”.
- 43 (1) Section 52 (duty of Passenger Transport Executives to advise Secretary of State) is amended as follows.
- (2) In subsection (1)—
- (a) after “State” insert “or the IRB”,
- (b) after “him” insert “or it”, and
- (c) after “his” insert “or its”.
- (3) In subsection (4)—
- (a) after “State” insert “or the IRB”, and
- (b) in paragraphs (a) and (b), after “his” insert “or its”.
- (4) In the heading, at the end insert “and IRB”.
- 44 (1) Schedule 10 (taxation provisions relating to transfer schemes) is amended as follows.
- (2) In the heading of Part 3, after “12” insert “and 12A”.
- (3) In paragraph 21, after “12” insert “or 12A”.
- (4) In paragraph 25(1)(a), after “12” insert “or 12A”.
- (5) In paragraph 31, for “or 12” insert “, 12 or 12A”.
- (6) In paragraph 32—
- (a) for “Secretary of State” (in the second place) substitute “IRB”, and
- (b) after “12” insert “or 12A”.
- (7) In paragraph 34(1), in the definitions of “transferee” and “transferor”, for “or 12” substitute “, 12 or 12A”.

SCHEDULE 3

Section 5

REVIEW OF ACCESS CHARGES BY THE OFFICE OF RAIL AND ROAD

- 1 Schedule 4A to the Railways Act 1993 (review of access charges by ORR) is amended as follows.
- 2 (1) Paragraph 1C is amended as follows.
  - (2) In sub-paragraph (1), after paragraph (c) insert—

“(ca) the IRB;”.
  - (3) In sub-paragraph (3)(b), after “provide” insert “any representations that may be made under paragraph 1CA and”.
  - (4) After sub-paragraph (5) insert—

“(5A) A notice may set out different dates under sub-paragraph (3)(b)—
    - (a) in relation to the Secretary of State and the Scottish Ministers, and
    - (b) in relation to representations and information.”
- 3 After paragraph 1C insert—

*“Matters to be considered during review*

1CA(1) This paragraph applies where a notice under paragraph 1C is given to the Secretary of State or the Scottish Ministers.

  - (2) The person to whom the notice is given may, before the date set out under paragraph 1C(3)(b) in relation to that person, make representations to the Office of Rail and Road about—
    - (a) the matters that should be considered by that Office in the course of the access charges review, and
    - (b) the weight that is to be given to particular matters in the course of the review.
  - (3) The Office of Rail and Road must have regard to any representations made under sub-paragraph (2) when carrying out the review.
  - (4) The Office of Rail and Road may at any time, by notice to the person to whom the notice under paragraph 1C was given, fix a later date for the making of representations under this paragraph by that person.”
- 4 (1) Paragraph 1D is amended as follows.
  - (2) In sub-paragraph (1), after “Road” insert “and the IRB”.
  - (3) In sub-paragraph (2), after “Road” insert “and the IRB”.
  - (4) In sub-paragraph (6)(b), for “that Office” substitute “the Office of Rail and Road and the IRB”.
  - (5) In sub-paragraph (7)—

- (a) for “each of the persons to whom the” substitute “a person to whom a”, and
  - (b) at the end insert “by that person”.
- 5 In paragraph 1E –
  - (a) the existing provision becomes sub-paragraph (1) of that paragraph, and
  - (b) after that sub-paragraph insert –
    - “(2) Where the Secretary of State or the Scottish Ministers make a suggestion to the Office of Rail and Road under sub-paragraph (1), they must ensure that the IRB is also made aware of the suggestion.”
- 6 In paragraph 1F –
  - (a) in sub-paragraph (2), at the end insert “and the IRB”, and
  - (b) in sub-paragraph (3)(b), at the end insert “and the IRB”.
- 7 In paragraph 1G –
  - (a) after sub-paragraph (1) insert –
    - “(1A) The Office of Rail and Road must send a copy of every notification under sub-paragraph (1) to the IRB.”, and
  - (b) in sub-paragraph (3)(b), at the end insert “and the IRB”.
- 8 In paragraph 4(4), after paragraph (zc) insert –
  - “(zd) the IRB;”.
- 9 In paragraph 5(2)(b), at the end insert “and the IRB”.
- 10 In paragraph 6(3), after paragraph (zb) insert –
  - “(zc) the IRB;”.
- 11 In paragraph 11(7), for “the Authority” substitute “the IRB”.
- 12 In paragraph 12(10) –
  - (a) omit the “and” at the end of paragraph (a), and
  - (b) after paragraph (b) insert “and
    - (c) in each of those cases, to the IRB.”
- 13 In paragraph 14(6)(c), at the end insert “and the IRB”.