STATUTORY INSTRUMENTS

2015 No. 1682

PUBLIC PASSENGER TRANSPORT
HIGHWAYS, ENGLAND

The Office of Rail Regulation (Change of Name) Regulations 2015

Made - - - -	*10th September 2015*
Laid before Parliament	*17th September 2015*
Coming into force - -	*16th October 2015*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 15A of the Railways and Transport Safety Act 2003(**1**):

Citation and commencement

1.—(1) These Regulations may be cited as the Office of Rail Regulation (Change of Name) Regulations 2015.

(2) These Regulations come into force on 16th October 2015.

New name for the Office of Rail Regulation

2.—(1) The body corporate established under section 15 of the Railways and Transport Safety Act 2003 is to be known as the Office of Rail and Road.

(2) The consequential amendments in the Schedule have effect.

Signed by authority of the Secretary of State for Transport

Andrew Jones
Parliamentary Under Secretary of State
Department for Transport

10th September 2015

(**1**) 2003 c.20. Section 15A was inserted by section 10(9) of the Infrastructure Act 2015 (c.7).

SCHEDULE Regulation 2(2)

Change of name of the Office of Rail Regulation: consequential amendments

PART 1

Amendments to primary legislation

Railways Act 1993

1. In the following provisions of the Railways Act 1993(**2**) and, in the case of sections 4, 18, 19A, 67, 72, 74 and 80 in the headings preceding them, for a reference to the Office of Rail Regulation substitute a reference to the Office of Rail and Road—

(a) section 4(**3**) (general duties of the Secretary of State and the Office of Rail Regulation);

(b) section 6(4)(**4**) (prohibition on unauthorised operators of railway assets);

(c) section 7(**5**) (exemptions from section 6);

(d) section 8(**6**) (licences);

(e) section 9(**7**) (conditions of licences: general);

(f) section 11(2)(b)(**8**) (assignment of licences);

(g) section 12(**9**) (modification by agreement);

(h) section 13(**10**) (modification of references to the CMA);

(i) section 13A(**11**) (references under section 13: time limits);

(j) section 14(**12**) (reports on modification references);

(**2**) 1993 c.43.

(**3**) Section 4 was amended by the Competition Act 1998 (c.41) paragraph 6(3) of Schedule 10, the Pollution Prevention and Control Act 1999 (c.24), paragraph 12 of Schedule 2, the Greater London Authority Act 1999 (c.29), section 200(4), the Transport Act 2000 (c.38), section 224, paragraph 9 of Schedule 16 and Part IV of Schedule 31, the Enterprise Act 2002 (c.40), paragraph 30(2)(b) of Schedule 25 and Schedule 26, the Railways and Transport Safety Act 2003 (c.20), paragraph 3 of Schedule 2 and Schedule 8, the Railways Act 2005 (c.14), section 3 and Part 1 of Schedule 13, and S.I. 2014/892.

(**4**) Section 6(4) was amended by the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2.

(**5**) Section 7 was amended by the Transport Act 2000, paragraph 2 of Schedule 17 and Part IV of Schedule 31, the Railways and Transport Safety Act 2003, paragraphs 3 and 4 of Schedule 2, and the Railways Act 2005, paragraph 1(2) of Schedule 1 and Part 1 of Schedule 13.

(**6**) Section 8 was amended by the Transport Act 2000, paragraph 4 of Schedule 17, paragraph 10 of Schedule 16 and Part IV of Schedule 31, the Railways and Transport Safety Act 2003, paragraphs 3 and 5 of Schedule 2, and the Railways Act 2005, paragraph 3 of Schedule 1 and Part 1 of Schedule 13.

(**7**) Section 9 was amended by the Transport Act 2000, paragraph 19 of Schedule 27, the Railways and Transport Safety Act 2003, paragraphs 3 and 6 of Schedule 2, and the Railways Act 2005, paragraph 2 of Schedule 11.

(**8**) Section 11(2) was amended by the Transport Act 2000, paragraph 5 of Schedule 17, the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2, and the Railways Act 2005, Part 1 of Schedule 13.

(**9**) Section 12 was amended by the Transport Act 2000, paragraph 6 of Schedule 17, the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2, and the Railways Act 2005, Part 1 of Schedule 13.

(**10**) Section 13 was amended by the Competition Act 1998, paragraph 15(2) of Schedule 10, the Transport Act 2000, paragraph 7 of Schedule 17 and Part IV of Schedule 31, the Enterprise Act 2002, Schedule 26, the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, the Railways Act 2005, paragraph 6 of Schedule 1 and Part 1 of Schedule 13, and the Enterprise and Regulatory Reform Act 2013 (c.24), paragraph 70 of Schedule 6.

(**11**) Section 13A was inserted by the Enterprise Act 2002, paragraph 30(4) of Schedule 25. It was subsequently amended by the Railways Act 2005, paragraph 7 of Schedule 1, and the Enterprise and Regulatory Reform Act 2013, paragraph 71 of Schedule 6.

(**12**) Section 14 was amended by the Competition Act 1998, Schedule 14, the Transport Act 2000, paragraph 8 of Schedule 17, the Enterprise Act 2002, paragraph 30(5) of Schedule 25, the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, the Railways Act 2005, paragraph 8 of Schedule 1 and Schedule 13, the Enterprise and Regulatory Reform Act 2013, paragraph 73 of Schedule 6, and S.I. 1999/506.

(k) section 15(**13**) (modification following report);

(l) section 15A(1)(**14**) (CMA's power to veto modifications following report);

(m) section 15B(2) and (5)(**15**) (making of modifications by CMA);

(n) section 15C(2E), (2F) and (3)(**16**) (sections 15A and 15B: supplementary);

(o) section 16(3)(**17**) (modification by order under other enactments);

(p) section 16A(**18**) (provision, improvement and development of railway facilities);

(q) section 16B(1)(**19**) (exemption of railway facilities from section 16A);

(r) section 16C(**20**) (making of applications for directions);

(s) section 16D(**21**) (procedure for considering applications);

(t) section 16E(**22**) (decisions on applications: adequate reward);

(u) section 16F(**23**) (other provisions about decisions);

(v) section 16G(**24**) (directions: compliance, variation and revocation);

(w) section 16H(**25**) (code of practice);

(x) section 16I(2)(**26**) (supplementary);

(y) section 17(1) and (5)(**27**) (access agreements: directions requiring facility owners to enter into contracts for the use of their railway facilities);

(z) section 18(**28**) (access agreements: contracts requiring the approval of the Office of Rail Regulation);

(**13**) Section 15 was amended by the Transport Act 2000, section 242(1), paragraph 9 of Schedule 17 and Part IV of Schedule 31, the Railways and Transport Safety Act 2003, Schedule 8, the Railways Act 2005, Schedule 13, and the Enterprise and Regulatory Reform Act 2013, paragraph 74 of Schedule 6.

(**14**) Section 15A was inserted by the Transport Act 2000, section 242(2). It was subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, the Railways Act 2005, Part 1 of Schedule 13, and the Enterprise and Regulatory Reform Act 2013, paragraph 75 of Schedule 6.

(**15**) Section 15B was inserted by the Transport Act 2000, section 242(2). Subsections (2) and (5) were subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2, the Railways Act 2005, Part 1 of Schedule 13 and the Enterprise and Regulatory Reform Act 2013, paragraph 76(2) of Schedule 6.

(**16**) Section 15C was inserted by the Transport Act 2000, section 242(2). Subsections (2E), (2F) and (3) were amended by the Railways and Transport Safety Act 2003, paragraphs 3 and 8 of Schedule 2 and Schedule 8, the Enterprise and Regulatory Reform Act 2013, paragraph 77 of Schedule 6, and S.I. 2014/892.

(**17**) Subsection (3) was amended by the Transport Act 2000, paragraph 10 of Schedule 17, the Enterprise Act 2002, paragraph 10(3) of Schedule 9, the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2, and the Railways Act 2005, Part 1 of Schedule 13.

(**18**) Section 16A was inserted by the Transport Act 2000, section 223, and subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 11 of Schedule 1.

(**19**) Section 16B was inserted by the Transport Act 2000, section 223. Subsection (1) was subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 11 of Schedule 1.

(**20**) Section 16C was inserted by the Transport Act 2000, section 223, and subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 11(1) of Schedule 1.

(**21**) Section 16D was inserted by the Transport Act 2000, section 223, and subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 11(1) of Schedule 1.

(**22**) Section 16E was inserted by the Transport Act 2000, section 223, and subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 11(1) of Schedule 1.

(**23**) Section 16F was inserted by the Transport Act 2000, section 223, and subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 11(1) of Schedule 1.

(**24**) Section 16G was inserted by the Transport Act 2000, section 223, and subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 11(1) of Schedule 1.

(**25**) Section 16H was inserted by the Transport Act 2000, section 223, and subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2.

(**26**) Section 16I was inserted by the Transport Act 2000, section 223. Subsection (2) was subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2.

(**27**) Subsections (1) and (5) were amended by the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2, S.I. 1998/1340 and S.I. 2005/3049.

(**28**) Section 18 was amended by the Transport Act 2000, sections 212(6), 230, paragraph 22 of Schedule 27 and Part IV of Schedule 31, the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 12 of Schedule 1, and S.I. 2005/3049.

(aa) section 19(**29**) (access agreements: contracts for the use, on behalf of the Secretary of State, of installations comprised in a network);

(bb) section 19A(**30**) (review of access charges by Office of Rail Regulation);

(cc) section 20(**31**) (exemption of railway facilities from sections 17, 18 and 22A);

(dd) section 21(**32**) (model clauses for access contracts);

(ee) section 22(**33**) (amendment of access agreements);

(ff) section 22A(**34**) (directions to require amendment permitting more extensive use);

(gg) section 22C(**35**) (amendment: supplementary);

(hh) section 24(3)(**36**) (exemption of passenger services from section 23(1));

(ii) section 26(2)(**37**) (invitations to tender for franchises);

(jj) section 55(5ZA)(**38**), (5A), (5AA)(**39**), (5D)(b)(**40**) and (10)(a)(**41**) (orders for securing compliance);

(kk) section 56(2A)(**42**) (procedural requirements for section 55 orders);

(ll) section 57A(5) to (7)(**43**) (penalties);

(mm) section 57B(**44**) (statement of policy);

(nn) section 57C(3)(**45**) (procedural requirements for penalties);

(oo) section 67(**46**) (competition functions of the Office of Rail Regulation);

(**29**) Section 19 was amended by the Transport Act 2000, sections 230 and 233(2) and Part IV of Schedule 31, the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 3(b) of Schedule 11 and paragraph 12 of Schedule 1.

(**30**) Section 19A was inserted by the Transport Act 2000, section 232(1) and subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2.

(**31**) Section 20 was amended by the Transport Act 2000, paragraph 23 of Schedule 27 and Part IV of Schedule 31, and the Railways and Transport Safety Act 2003, paragraphs 3 and 9 of Schedule 2.

(**32**) Section 21 was amended by the Railways and Transport Safety Act 2003, paragraphs 3 and 10 of Schedule 2 and Schedule 8.

(**33**) Section 22 was amended by the Competition Act 1998, paragraph 15(5) of Schedule 10, the Transport Act 2000, section 232(1) and Part IV of Schedule 31, the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and S.I. 2014/892.

(**34**) Section 22A was inserted by the Transport Act 2000, section 232(2). It was subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2, and S.I. 2005/3049.

(**35**) Section 22C was inserted by the Transport Act 2000, section 232(2), and subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2.

(**36**) Subsection (3) was amended by the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2, and the Railways Act 2005, paragraph 14 of Schedule 1 and Part 1 of Schedule 13.

(**37**) Subsection (2) was amended by the Transport Act 2000, paragraph 16(3)(b) of Schedule 16, the Railways and Transport Act 2003, paragraph 3(a) of Schedule 2, and the Railways Act 2005, paragraph 15(3) of Schedule 1.

(**38**) Subsection (5ZA) was inserted by the Transport Act 2000, paragraph 11(2) of Schedule 17. It was subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 21(4) of Schedule 1.

(**39**) Subsections (5A) and (5AA) were inserted by the Enterprise and Regulatory Reform Act 2013, paragraph 12(2) of Schedule 14.

(**40**) Subsection (5D) was inserted by the Railways Act 2005, paragraph 21(5) of Schedule 1. It was subsequently amended by the Enterprise and Regulatory Reform Act 2013, paragraph 12(3) of Schedule 14.

(**41**) Subsection (10)(a) was amended by the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2.

(**42**) Subsection (2A) was inserted by the Transport Act 2000, paragraph 12 of Schedule 17. It was subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 22 of Schedule 1.

(**43**) Section 57A was inserted by the Transport Act 2000, section 225(1). Subsections (5) to (7) were subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 23 of Schedule 1, and the Enterprise and Regulatory Reform Act 2013, paragraph 13 of Schedule 14.

(**44**) Section 57B was inserted by the Transport Act 2000, section 225(1). It was subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, paragraph 13 of Schedule 2 and Schedule 8, and the Railways Act 2005, paragraph 24(1) of Schedule 1.

(**45**) Section 57C was inserted by the Transport Act 2000, section 225(1). Subsection (3) was subsequently amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, and the Railways Act 2005, paragraph 25 of Schedule 1.

(**46**) Section 67 was amended by the Deregulation and Contracting Out Act 1994 (c.40), paragraph 13 of Schedule 2, paragraph 4 of Schedule 4 and Schedule 17, the Competition Act 1998, paragraph 6 of Schedule 10 and Part 1 of Schedule 14, the Transport Act 2000, section 243(3), the Enterprise Act 2002, paragraph 21 of Schedule 9, paragraph 30(9)(a) of Schedule 25 and Schedule 26, the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, the Railways Act 2005, Part 1 of

(pp) section 68(**47**) (investigatory functions);

(qq) section 69(**48**) (general functions);

(rr) section 71(**49**) (publication of information and advice);

(ss) section 72(**50**) (keeping of register by the Office of Rail Regulation);

(tt) section 73(7)(**51**) (keeping of register by the Secretary of State);

(uu) section 73A(**52**) (keeping of register by the Scottish Ministers);

(vv) section 74(**53**) (annual and other reports of the Office of Rail Regulation);

(ww) section 76(5A)(**54**) (general railway duties of Passengers' Council);

(xx) section 80(**55**) (duty of certain persons to furnish information to the Secretary of State, the Scottish Ministers or the Office of Rail Regulation on request);

(yy) section 95(1)(**56**) (power of the Secretary of State or the Franchising Director to require provision of information in connection with transfer schemes);

(zz) section 118(1)(a), (3), (5) and (9)(**57**) (control of railways in time of hostilities, severe international tension or great national emergency);

(aaa) section 145(2)(a)(**58**), (ga) and (gb)(**59**), (5)(**60**) and (6A)(**61**), (general restrictions on disclosure of information);

(bbb) Schedule 4(**62**) (access agreements: applications for access contracts);

(ccc) the following provisions of Schedule 4A(**63**) (review of access charges by Regulator)—

(i) paragraphs 1 and 1A to 1H(**64**),

Schedule 13, the Enterprise and Regulatory Reform Act 2013, paragraph 14 of Schedule 14 and paragraph 7 of Schedule 15, S.I. 2003/1398, S.I. 2004/1261, S.I. 2012/1069 and S.I. 2014/892.

(**47**) Section 68 was amended by the Transport Act 2000, paragraph 13 of Schedule 17 and Part IV of Schedule 31, the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, the Railways Act 2005, section 21(2) and Part 1 of Schedule 13, and S.I. 2010/439.

(**48**) Section 69 was amended by the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, the Railways Act 2005, Part 1 of Schedule 13, and S.I. 2014/892.

(**49**) Section 71 was amended by the Enterprise Act 2002, paragraph 30(11)(b) of Schedule 25, the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2, and S.I. 2014/892.

(**50**) Section 72 was amended by the Transport Act 2000, section 230(5), paragraph 15 of Schedule 17 and paragraph 36(3) of Schedule 27, the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2, the Railways Act 2005, Part 1 of Schedule 13, S.I. 2005/3050 and S.I. 2014/892.

(**51**) Subsection (7) was amended by the Railways Act 2005, paragraph 30(1) of Schedule 1.

(**52**) Section 73A was inserted by the Railways Act 2005, paragraph 31 of Schedule 31.

(**53**) Section 74 was amended by the Transport Act 2000, Part IV of Schedule 31, the Railways and Transport Safety Act 2003, paragraphs 3 and 14(a) of Schedule 2, and the Enterprise and Regulatory Reform Act 2013, paragraph 79(2) of Schedule 6.

(**54**) Subsection (5A) was inserted by the Transport Act 2000, paragraph 20(4) of Schedule 17. It was subsequently amended by the Railways and Transport Safety Act 2003, paragraphs 3 and 15 of Schedule 2, the Railways Act 2005, paragraph 32(1) of Schedule 1, and S.I. 2010/439.

(**55**) Section 80 was amended by the Transport Act 2000, paragraph 38 of Schedule 27 and Part IV of Schedule 31, the Railways Act 2005, paragraph 33 of Schedule 1, paragraph 12 of Schedule 11, and S.I. 2005/3050.

(**56**) Subsection (1) was amended by the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2.

(**57**) Subsections (1)(a), (3), (5) and (9) were amended by the Transport Act 2000, paragraph 49(3) of Schedule 16, the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2, and the Railways Act 2005, Part 1 of Schedule 13.

(**58**) Subsection (2)(a) was amended by the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2, the Railways Act 2005, paragraph 16(1)(a) of Schedule 11 and Part 1 of Schedule 13, and S.I. 2014/892.

(**59**) Paragraphs (ga) and (gb) were inserted by S.I. 2005/3050 and subsequently amended by S.I. 2009/1122.

(**60**) Subsection (5) was amended by the Railways and Transport Safety Act 2003, paragraph 3(a) of Schedule 2, the Railways Act 2005, paragraph 16(2) of Schedule 11 and Part 1 of Schedule 13, S.I. 2010/439, and S.I. 2014/892.

(**61**) Subsection (6A) was inserted by the Competition Act 1998, paragraph 15(10) of Schedule 10. It was subsequently amended by the Enterprise Act 2002, paragraph 30(14)(c)(ii) of Schedule 25, the Railway and Transport Safety Act 2003, paragraph 3(a) of Schedule 2, and S.I. 2014/892.

(**62**) Schedule 4 was amended by the Transport Act 2000, Part IV of Schedule 31, and the Railways and Transport Safety Act 2003, paragraph 3 of Schedule 2.

(**63**) Schedule 4A was inserted by the Transport Act 2000, Schedule 24.

(**64**) Paragraphs 1 and 1A to 1H were substituted by the Railways Act 2005, paragraph 2 of Schedule 4.