Draft Order laid before Parliament under section 11 of the Public Bodies Act 2011, for approval by resolution of each House of Parliament after the expiry of the 40-day period referred to in section 11(4) of that Act.

DRAFT STATUTORY INSTRUMENTS

2013 No. 0000

PUBLIC BODIES

The Public Bodies (Abolition of BRB (Residuary) Limited) Order 2013

Made - - - - 2013

Coming into force in accordance with article 1

The Secretary of State for Transport makes the following Order in exercise of the powers conferred by sections 1(1) and (2), 6(1) and (5) and 35(2) of the Public Bodies Act 2011(**1**) ("the Act").

In accordance with section 8 of the Act, the Secretary of State considers that this Order—

(a) serves the purpose of improving the exercise of public functions, having had regard to the factors set out in section 8(1); and

(b) does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise.

The Secretary of State has consulted in accordance with section 10 of the Act.

The Secretary of State has consulted the Welsh Ministers in accordance with section 63(1) of the Government of Wales Act 2006(**2**)

A draft of this Order, and an explanatory document containing the information required by section 11(2) of the Act, have been laid before Parliament in accordance with section 11(1) after the end of the period of twelve weeks mentioned in section 11(3). In accordance with section 11(4) of the Act, the draft of this Order has been approved by a resolution of each House of Parliament after the expiry of the 40-day period referred to in that provision.

Citation and commencement

1.—(1) This Order may be cited as the Public Bodies (Abolition of BRB (Residuary) Limited) Order 2013.

(**1**) 2011 c. 24.
(**2**) 2006 c. 32.

(2) Subject to paragraph (3), this Order shall come into force on 30th September 2013 or, if later, the day after the day on which it is made.

(3) Article 9 comes into force on the day after that on which the other provisions of this Order come into force.

Interpretation

2. In this Order—

"NRAL" means Network Rail (Assets) Limited, a company limited by guarantee and incorporated in England and Wales under company number 08225646 whose registered office is at Kings Place, 90 York Way, London N1 9AG; and

"NR Property" means the properties and assets listed in the Schedule and shown on plans set out in the Annex to the Schedule.

Transfer of functions

3.—(1) Subject to paragraph (2), all the functions of BRB (Residuary) Limited are transferred to the Secretary of State.

(2) The functions of BRB (Residuary) Limited in relation to the NR Property are transferred to NRAL.

Abolition of BRB Residuary

4.—(1) BRB (Residuary) Limited is abolished.

(2) The registrar of companies for England and Wales(**3**) shall as soon as practicable—

(a) remove BRB (Residuary) Limited's name from the register; and

(b) place a statement on the register that BRB (Residuary) Limited has been abolished pursuant to this Order.

(3) In this article, the "register" has the same meaning as in the Companies Act 2006(**4**).

Amendment to the Transport Act 1968

5.—(1) The Transport Act 1968(**5**) is amended as follows.

(2) In section 117 (duty as respects bridges carrying highways) after subsection (1D) insert—

"(1E) This section also applies to a bridge (whenever constructed) which—

(a) carries a highway over a railway of the Secretary of State, or any other installation or land used by the Secretary of State in connection with a railway, and

(b) belongs to the Secretary of State;

and in relation to any such bridge references in this section to each of the Boards or a Board are, subject to subsection (1F), to be read as references to the Secretary of State.

(1F) Subsection (7) applies in relation to a bridge constructed by or belonging to—

(a) the Secretary of State and one or more of the Boards mentioned in subsection (1) of this section;

(**3**) The registrar of companies for England and Wales is appointed under section 1060 of the Companies Act 2006 (c.46).
(**4**) See section 1080(2) of the Companies Act 2006.
(**5**) 1968 c. 73. Section 117(1)(a) and section 118(1)(a) were amended by S.I. 2003/1615; section 117(1A) and 1(B) and section 118(1A) were inserted by S.I. 1996/420; section 117(1C) and 1(D) and section 118(1B) were inserted by S.I. 2012/1659; There are other amendments and modifications that are not relevant to this Order.

(b) the Secretary of State and a network owner;

(c) the Secretary of State and Canal & River Trust; or

(d) the Secretary of State and one or more of the Boards mentioned in subsection (1) of this section, a network owner and Canal & River Trust;

as it applies in relation to a bridge constructed by or belonging to any two or more Boards."

(3) In section 118 (duty of highway authorities, etc, as respects bridges over certain railways or inland waterways) after subsection (1B) insert—

"(1C) This section also applies to any bridge (whenever constructed) which—

(a) carries a highway over a railway of the Secretary of State, but

(b) does not belong to the Secretary of State,

and in relation to any such bridge references in this section to any of the said Boards or a Board are to be read as references to the Secretary of State.".

Amendment to Edinburgh Tram Acts

6.—(1) In section 13 (agreements with Network Rail and BRB (Residuary) Limited) of the Edinburgh Tram (Line One) Act 2006(**6**) for "BRB (Residuary) Limited", in each place where it appears, substitute "the Secretary of State".

(2) In section 13 (agreements with Network Rail and BRB (Residuary) Limited) of the Edinburgh Tram (Line Two) Act 2006(**7**) for "BRB (Residuary) Limited", in each place where it appears, substitute "the Secretary of State".

Repeal of entry in the House of Commons Disqualification Act 1975

7. In Part III (other disqualifying offices) of Schedule 1 to the House of Commons Disqualification Act 1975(**8**) the entry "Director of BRB (Residuary) Limited" is repealed.

Repeal of entry in Scottish Parliament (Disqualification) Order 2010

8. In Part 1 of Schedule 1 to the Scottish Parliament (Disqualification) Order 2010(**9**) the entry "Director of BRB (Residuary) Limited" is repealed.

Repeal of entry in the Public Bodies Act 2011

9. In Schedule 1 to the Public Bodies Act 2011 (power to abolish: bodies and offices), the entry "BRB (Residuary) Limited" is repealed.

(**6**) 2006 asp.7.
(**7**) 2006 asp.6.
(**8**) 1975 c. 24. The entry for a "Director of BRB (Residuary) Limited" was inserted by S.I. 2010/762. There are other amendments to Part III of Schedule 1 but none are relevant.
(**9**) S.I. 2010/2476.

Signed by authority of the Secretary of State for Transport

Name
Parliamentary Under Secretary of State
Date Department for Transport

SCHEDULE Article 2

NR PROPERTIES

Unregistered Land and Structures

1. Land adjoining the operational railway and east of Bousteads Grassing at Carlisle Currock in Cumbria and shown shaded in blue on plans NL01 Pt 1, NL01 Pt 2 and NL01 Pt 3 entitled "Carlisle Currock" in the Annex to this Schedule.

2. Land adjoining the operational railway and east of Brinnington Road at Chesterfield in Derbyshire and shown shaded in blue on plans NL02 Pt1, NL02 Pt2 and NL02 Pt 3 entitled "Chesterfield" in the Annex to this Schedule.

3. Land adjoining the operational railway comprising part of the closed railway line from Callander at Crianlarich in the County of Perth and shown shaded in blue on plan NL03 entitled "Crianlarich" in the Annex to this Schedule.

4. Land and bridge adjoining the operational railway to the north of number 12 Station Road, Little Bytham in Lincolnshire and with the land and bridge shown shaded in blue and the wing walls shown marked in dark blue on plan NL04 entitled "Little Bytham" in the Annex to this Schedule.

5. Land adjoining the operational railway on the north west side of Whitebridge Lane, including the property known as Whitebridge Crossing Cottage at Stone in Staffordshire and shown shaded in blue on plan NL05 entitled "Stone" in the Annex to this Schedule.

6. Land comprising the closed railway line and associated structures between Partington and the former Glazebrook Exchange Sidings to the north of Fir Street in Glazebrook, in Greater Manchester and shown shaded in blue on plans NL06 Pt 1 to NL06 Pt 14 entitled "Glazebrook - Partington" in the Annex to this Schedule.

7. Land adjoining the operational railway at North Acton Station, in the London Borough of Ealing, adjacent to the eastbound Central Line platform and shown shaded in blue on plans NL07 Pt 1, NL07 Pt 2 and NL07 Pt 3 entitled "North Acton" in the Annex to this Schedule.

8. Land adjoining the operational railway between Motherwell and Larbert at the north end of Cardean Road, Mossend in North Lanarkshire and shown shaded in blue on plans NL08 Pt 1 and NL08 Pt 2 entitled "Mossend" in the Annex to this Schedule.

9. Land adjoining the operational railway east of Cheam railway station and north of Mulgrave Road in the London Borough of Sutton and shown shaded in blue on plan NL09 entitled "Cheam" in the Annex to this Schedule.

10. Land adjoining the operational railway and south of Erradale Street at Lambhill in the City of Glasgow and shown shaded in blue on plan NL10 entitled "Glasgow Lambhill" in the Annex to this Schedule.

11. The land located at Glasgow Eastfield Depot, comprising the light maintenance depot, adjacent to the operational railway and associated land accessed from Carron Crescent in the City of Glasgow and shown shaded in blue on plans NL11 Pt 1, NL11 Pt 2 and NL11 Pt 3 entitled "Glasgow Eastfield" in the Annex to this Schedule.

12. An underbridge south east of Brixton Road in Bristol that supported the Bristol to Mangotsfield closed railway line, and spans the operational railway between Lawrence Hill and Stapleton Road Stations, in the City of Bristol, and shown marked in dark blue on plan NR01 entitled "Bristol" in the Annex to this Schedule.

13. An underbridge south of Mickle Trafford that supported the Mickle Trafford to Dee Marsh closed railway line, and spans the operational railway between Chester Station and Mickle Trafford