STATUTORY INSTRUMENTS

2005 No. 2905

TRANSPORT

The Railway Heritage Scheme Order 2005

Made - - - -	*12th October 2005*
Laid before Parliament	*21st October 2005*
Coming into force - -	*21st November 2005*

The Secretary of State, in exercise of the powers conferred by section 2 of the Railway Heritage Act 1996(**a**), and after such consultation as is mentioned in section 2(3) of that Act, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Railway Heritage Scheme Order 2005 and shall come into force on 21st November 2005.

Railway Heritage Scheme

2. This scheme set out in the Schedule to this Order shall have effect.

Revocation

3. The Railway Heritage Scheme Order 1997(**b**) is hereby revoked.

Signed by authority of the Secretary of State for Transport

Derek Twigg
Parliamentary Under Secretary of State
Department for Transport

12th October 2005

(**a**) 1996 c. 42. Section 2 was amended by the Transport Act 2000 (c.38), section 252 and Schedule 27 paragraphs 51 and 52, and by the Railways Act 2005 (c.14), section 59(1) and (6), Schedule 12 paragraph 13, and Schedule 13 Part 1.
(**b**) SI 1997/39

SCHEDULE

Article 2

The Railway Heritage Scheme

Interpretation

1. In this Scheme—

"the Act" means the Railway Heritage Act 1996;

"the Committee" means the Railway Heritage Committee and any reference to a sub-committee is to a sub-committee established under paragraph 4(1); and

any reference to a numbered paragraph is a reference to the paragraph bearing that number in this Scheme, and any reference to a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in the paragraph in which the reference occurs.

Establishment and membership of Railway Heritage Committee

2.—(1) The committee known as the Railway Heritage Committee shall continue to be established.

(2) The Committee shall consist of a chairman, and not fewer than six other members, appointed by the Secretary of State.

(3) The Committee may from among its members elect a deputy chairman, who shall exercise the powers of the chairman in his absence or incapacity, or with his permission.

(4) The Secretary of State shall ensure that, so far as reasonably practicable, the members of the Committee shall at all times include—

(a) at least one person for the time being appointed under section 2(1) of the Public Records Act 1958(**a**);

(b) at least one person for the time being appointed under section 1(1) or (4) of the Public Registers and Records (Scotland) Act 1948(**b**);

(c) at least one person who appears to the Secretary of State, having regard to the views of the Board of Trustees of the Science Museum, to represent the interest of the National Railway Museum at York; and

(d) at least two persons (not employed by the same employer) each of whom is employed by one of the bodies to which section 1 of the Act applies.

(5) The chairman and deputy chairman, if any, of the Committee shall be persons who do not fall within any of the categories of person mentioned in paragraphs (a) to (d) of sub-paragraph (4).

(6) Subject to the following provisions of this paragraph, a member of the Committee shall be appointed on such terms as to duration and termination of membership as the Secretary of State shall determine, and shall, on ceasing to be a member, be eligible for re-appointment.

(7) At any time a member of the Committee may resign his membership, or if he is the chairman of the Committee he may resign as chairman, by giving written notice to the Secretary of State.

(8) The Secretary of State may at any time terminate the membership of any member of the Committee, or the position of a member as the Committee's chairman, by giving written notice to the member.

(**a**) 1958 c. 51.
(**b**) 1948 c. 57

(9) The deputy chairman of the Committee may at any time resign as deputy chairman by giving notice to the Committee, and the Committee may at any time terminate the position of a member as the deputy chairman.

Proceedings of the Committee

3.—(1) Subject to the following provisions of this paragraph, the Committee may determine its own procedure.

(2) The Committee shall meet when convened by the chairman, and in any case shall meet at least once a year.

(3) Without prejudice to the discretion of the chairman to call a meeting of the Committee whenever he thinks fit, he shall call a meeting when requested to do so by not less than half the members of the Committee.

(4) In the event that neither the chairman of the Committee nor the deputy chairman (if any) attends a meeting of the Committee, another member may, with the agreement of the Committee, act as chairman for the purposes of that meeting.

(5) Where, in respect of any matter, the Committee is unable to reach a decision because of an equality of votes, the chairman or, in his absence, any person acting as chairman shall have a casting vote.

(6) Subject to any provision for a quorum made under paragraph 7, the validity of any proceedings of the Committee shall not be affected by any vacancy amongst the members or by any defect in the appointment of a member.

(7) The Committee shall keep minutes of the proceedings at each of its meetings.

Establishment and membership of sub-committees

4.—(1) The Committee may establish and discontinue sub-committees of itself.

(2) The chairman and other members of a sub-committee shall be appointed by the Committee.

(3) The Committee shall ensure that at any time at least two members of each sub-committee shall be members of the Committee.

(4) Subject to the following provisions of this paragraph, a member of a sub-committee shall be appointed on such terms as to duration and termination of membership as the Committee shall determine, and shall, on ceasing to be a member, be eligible for re-appointment.

(5) At any time a member of a sub-committee may resign his membership, or if he is the chairman of the sub-committee he may resign as chairman, by giving notice to the Committee.

(6) The Committee may at any time terminate the membership of any member of a sub-committee, or the position of a member as the sub-committee's chairman, by giving notice to the member in question.

Functions of sub-committees

5.—(1) The Committee may delegate any of its functions to a sub-committee, and may withdraw any such delegation.

(2) A sub-committee shall comply with the terms of any such delegation by the Committee, and of any direction by the Committee as to the procedure of the sub-committee.

(3) Anything done by or to a sub-committee shall be treated for the purposes of the Act as if done by or to the Committee.

Proceedings of sub-committees

6.—(1) Subject to the following provisions of this paragraph, and to any direction by the Committee, a sub-committee may determine its own procedure.

(2) A sub-committee shall meet when convened by its chairman.

(3) Without prejudice to the discretion of the chairman of the sub-committee to call a meeting of the sub-committee, he shall call a meeting when requested to do so by not less than half the members of the Committee or of that sub-committee.

(4) In the event that the chairman of a sub-committee does not attend a meeting of the sub-committee, another member may, with the agreement of the sub-committee, act as chairman for the purposes of that meeting.

(5) Where, in respect of any matter, a sub-committee is unable to reach a decision because of an equality of votes, the chairman or, in his absence, any person acting as chairman pursuant to sub-paragraph (4), shall have a casting vote.

(6) Subject to any provision for a quorum made under paragraph 7, the validity of any proceedings of a sub-committee shall not be affected by any vacancy amongst the members or by any defect in the appointment of a member.

(7) A sub-committee shall keep minutes of the proceedings of its meetings.

Quorums

7. The Committee may set quorums for its meetings and those of any sub-committee.

Administration and expenses

8.—(1) The Secretary of State shall provide the Committee and any sub-committee with such administrative and secretarial assistance as they may reasonably require.

(2) The Secretary of State shall reimburse any out-of-pocket expenses duly incurred by any member of the Committee, or of a sub-committee, in the performance of his functions.

Records and minutes

9.—(1) The Committee shall keep records of—

(a) the records and artefacts, and classes or descriptions of record or artefact, which it and its sub-committees designate, and of the bodies which are notified of such designations, pursuant to section 3 of the Act; and

(b) particulars of any consent or direction given by the Committee and it sub-committees pursuant to section 4 of the Act and of the persons to whom such consents or directions are given.

(2) The records referred to in sub-paragraph (1), and the minutes kept pursuant to paragraphs 3(7) and 6(7), shall be open to public inspection at such place and at such times as the Committee may determine.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to the Railway Heritage Scheme set out in the Schedule.

The Order revokes and replaces the Railway Heritage Scheme Order 1997 ("the 1997 Order"), made under section 2 of the Railway Heritage Act 1996. The Scheme set out in the 1997 Order provided for the continued establishment of the Railway Heritage Committee, the duration and termination of membership of the Committee, proceedings of the Committee, establishment, membership, functions and proceedings of sub-committees, matters of administrative and secretarial assistance and expenses, and records of the Committee. That Order also enabled the Committee to set quorums for its meetings and those of sub-committees, and enabled the Committee to appoint a deputy chairman.

These provisions have been largely re-enacted in the Scheme set out in this Order with references to the British Railways Board replaced by references to the Secretary of State. The sole substantive difference between the two Schemes is that there is no equivalent in this Scheme to the requirement (in paragraph 4(2) and (6) of the Scheme set out in the 1997 Order) for the approval of the British Railways Board to be obtained in relation to the membership and termination of membership of sub-committees.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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£3.00

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