WELSH STATUTORY INSTRUMENTS

202[ ] No. xxx (W. xxx)

transport and works, wales

Cardiff Canton (Transfer) Order 202[ ]

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order provides for the transfer to Transport for Wales of certain statutory provisions and other rights and liabilities relating to the Cardiff Canton depot.

The Applicant is Pullman Rail Limited.

The Order does not authorise the construction of works.

WELSH STATUTORY INSTRUMENTS

202[ ] No. xxx (W. xxx)

transport and works, wales

Cardiff Canton (Transfer) Order 202[ ]

Made 202[ ]

Laid before Senedd Cymru 202[ ]

Coming into force 202[ ]

An application has been made to the Welsh Ministers, in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006([[1]](#footnote-2)) for an Order under sections 1 and 5 of the Transport and Works Act 1992([[2]](#footnote-3)) (“the Act”).

The Welsh Ministers [have considered the objections made and not withdrawn and] have determined to make an order giving effect to the proposals comprised in the application [with modifications which in their opinion do not make any substantial change in the proposals].

Notice of the Welsh Ministers’ determination was

published in the London Gazette on [ ].

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 1 and 5 of, and paragraphs 1, 5, 6, 8, 15, and 17 of Schedule 1 to, the 1992 Act, now exercisable by them([[3]](#footnote-4)) make the following Order:—

Title and commencement

1. The title of this Order is the Cardiff Canton (Transfer) Order 202[ ] and it comes into force on [ ].

Interpretation

1. — In this Order—

“the company” (“y cwmni”) means Pullman Rail Limited (Company registration number 02820938) whose registered office is at 3 Lys Cadwyn, Pontypridd, Rhondda Cynon Taf, Wales, CF37 4TH;

“the depot” means the Cardiff Canton Traction Maintenance Depot comprising the freehold land registered in the Land Registry with title numbers WA791828 and CYM302819;

 “the relevant date” (“y dyddnad perthnasol”) means the date on which this Order comes into force;

“statutory provision” (“darpariaeth statudol”) means a provision whether of a general or of a special nature contained in, or in any document made or issued under, any Act, whether of a general or a special nature;

“the undertaker” (“yr ymgymerwr”) means Transport for Wales (Company No. 09476013) incorporated under the Companies Act 2006, a company limited by guarantee and having its registered office at 3 Llys Cadwyn, Pontypridd, Wales, CF37 4TH;

“TfW Rail” means Transport for Wales Rail Limited (Company No. 12619906) incorporated under the Companies Act 2006, a company limited by guarantee and having its registered office at 3 Llys Cadwyn, Pontypridd, Wales, CF37 4TH.

* 1. Any enactments by which the construction and operation of the depot was authorised have effect subject to the provisions of this Order.
	2. All lengths and directions stated in any description of the depot are approximate.

Transfer of rights and obligations to undertaker, etc.

1. Except as may be otherwise provided in this Order, from the relevant date—
	* 1. the undertaker is the operator of the depot;
		2. the depot or any part of it continues to be subject to all statutory and other provisions applicable to the depot at that date; and
		3. the undertaker is—
			1. entitled to the benefit of, and to exercise, all rights, powers and privileges relating to the depot or any part of it; and
			2. subject to all obligations, statutory or otherwise, relating to the depot or any part of it.

Transfer of railway by undertaker

1. — In this article—

“lease” (“prydles”) includes an underlease and “lease” where used as a verb (“prydlesu”) is to be construed accordingly;

“the transferee” (“y trosglwyddai”) means any person to whom the depot, or any part of it, is leased or sold under the powers conferred by this article;

 “the transferred undertaking” (“yr ymgymeraeth a drosglwyddyr”) means so much of the depot as is leased or sold under the powers conferred by this article.

* 1. Subject to paragraphs (3) and (4), any time after the relevant date the undertaker may, with the consent of the Welsh Ministers, sell or lease the depot or any part of it to any person on such terms and conditions as may be agreed between the undertaker and that person.
	2. The company is registered in the Land Registry as proprietor with freehold title under title number WA791828. Paragraph (5) shall apply in relation to the said interest as if the depot had been sold pursuant to paragraph (2).
	3. TfW Rail is pending registration in the Land Registry as proprietor with freehold title under title number CYM302819. Paragraph (5) shall apply in relation to the said interest as if the depot had been sold pursuant to paragraph (2).
	4. Except as may be otherwise provided in this Order—
		1. the transferred undertaking continues to be subject to all statutory and other provisions applicable to it at the date of the lease or sale (in so far as those provisions continue in force and are capable of taking effect);
		2. the transferee is, to the exclusion of the undertaker, entitled to the benefit of, and to exercise, all rights, powers and privileges relating to the transferred undertaking; and
		3. the exercise by the transferee of the powers of any enactment is subject to the same obligations, statutory or otherwise, as would apply if those powers were exercised by the undertaker.
	5. Paragraph (4) has effect during the term of any lease granted, and from the operative date of any sale, under the powers conferred by this article.

Power to operate and use railway

1. — The undertaker and any transferee under article 4 may operate and use the depot as a system, or part of a system, of transport for the carriage of passengers and goods.
	1. Nothing in this Order, or in any enactment incorporated with or applied by this Order, prejudices or affects the operation of—
		1. Part 1 of the Railways Act 1993([[4]](#footnote-5)); or
		2. Section E2 of Schedule 7A to the Government of Wales Act 2006([[5]](#footnote-6)).

Name

Minister for Climate Change, one of the Welsh Ministers

Date

1. () S.I. 2006/1466, amended by S.I. 2010/439, S.I. 2011/556, S.I. 2011/2085, S.I. 2012/147, S.I. 2012/1658, S.I. 2012/2590 and S.I. 2013/755. [↑](#footnote-ref-2)
2. () 1992 c. 42. [↑](#footnote-ref-3)
3. () Powers under sections 1 and 5 of, and paragraphs 1, 5, 6, 8, 15, and 17 of Schedule 1 to, the 1992 Act are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously vested in the National Assembly for Wales by virtue of article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32), they were transferred to the Welsh Ministers. [↑](#footnote-ref-4)
4. () 1993 c. 43. [↑](#footnote-ref-5)
5. () 2006 c. 32. [↑](#footnote-ref-6)