



Railways Act 1993

1993 CHAPTER 43

PART I

THE PROVISION OF RAILWAY SERVICES

The Central Committee and the consultative committees

76 General duties of the Central Committee

- (1) It shall be the duty of the Central Committee to investigate any matter which relates—
 - (a) to the provision of railway passenger services—
 - (i) by the Board or any subsidiary of the Board,
 - (ii) under a franchise agreement, or
 - (iii) on behalf of the Franchising Director, or
 - (b) to the provision of station services by any person in a case where the operator of the station in question is authorised by a licence to be the operator of that station,if the condition specified in subsection (2) below is satisfied in relation to the matter in question.
- (2) The condition mentioned in subsection (1) above is satisfied if—
 - (a) the matter is the subject of a representation made to the Committee by a user or potential user of railway passenger services and does not appear to the Committee to be frivolous or vexatious;
 - (b) the matter is referred to the Committee by the Regulator; or
 - (c) the matter appears to the Committee to be one which it ought to investigate.
- (3) If any matter falling within paragraph (a) of subsection (2) above appears to the Central Committee to relate only to the provision of railway passenger services, or of station services, within the area of one consultative committee, the Committee shall refer that matter to the consultative committee for that area.

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- (4) If, on investigating any matter, the Central Committee considers it appropriate to do so, the Committee shall make representations to the person providing the service in question and—
- (a) in the case of a service provided under a franchise agreement, to the franchisee, or
 - (b) in the case of a service provided on behalf of the Franchising Director, to the Franchising Director,
- about the matter, or any matter to which it relates or which appears to the Committee to be relevant to the subject of the matter investigated.
- (5) Where the Central Committee—
- (a) having made representations under subsection (4) above, is of the opinion that it is unable to achieve a satisfactory resolution of the matter by that means, or
 - (b) on investigating any matter, has reason to believe that the holder of a passenger licence or a station licence is contravening, or is likely to contravene, any condition of the licence,
- the Committee shall refer the matter to the Regulator, with a view to his exercising such of his powers as he considers appropriate in the circumstances of the case.
- (6) Where the Central Committee investigates any matter—
- (a) it may prepare, and send to the Secretary of State and the Regulator, a report of its findings; and
 - (b) it may publish any such report, unless the matter in question is one which was referred to the Central Committee by the Regulator as mentioned in subsection (2)(b) above.
- (7) Where the Central Committee has investigated any matter under this section, it shall neither—
- (a) include in any report or representations a proposal for any steps to be taken by any person in relation to that matter, nor
 - (b) refer the matter to the Regulator under subsection (5)(a) above by reason only of the failure of any person to take any steps in relation to that matter,
- unless, balancing the cost of taking those steps against the benefits which the Committee considers will be enjoyed by any person in consequence of the taking of those steps, the Committee is of the opinion, on the basis of the information available to it, that the expenditure involved represents good value for money.
- (8) The services which are to be regarded for the purposes of this section as provided on behalf of the Franchising Director are the same services as are to be so regarded for the purposes of section 37 above.
- (9) In this section, any reference to railway passenger services includes a reference to bus substitution services required to be provided in place of any such services; and in this subsection, “bus substitution services” has the same meaning as it has in sections 120 to 124 of the Transport Act 1985.

77 General duties of consultative committees

- (1) It shall be the duty of each consultative committee to investigate any matter which relates—
- (a) to the provision of railway passenger services—

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- (i) by the Board or any subsidiary of the Board,
 - (ii) under a franchise agreement, or
 - (iii) on behalf of the Franchising Director, or
 - (b) to the provision of station services by any person in a case where the operator of the station in question is authorised by a licence to be the operator of that station,
- if the condition specified in subsection (2) below is satisfied in relation to the matter in question.
- (2) The condition mentioned in subsection (1) above is satisfied if the matter—
- (a) is the subject of a representation made to the committee by a user or potential user of railway passenger services and does not appear to the committee to be frivolous or vexatious;
 - (b) is referred to the committee—
 - (i) by the Regulator under section 68(2) above; or
 - (ii) by the Central Committee under section 76(3) above; or
 - (c) appears to the committee to be one which it ought to investigate.
- (3) If, on investigating any matter, a consultative committee considers it appropriate to do so, the committee shall make representations to the person providing the service in question and—
- (a) in the case of a service provided under a franchise agreement, to the franchisee, or
 - (b) in the case of a service provided on behalf of the Franchising Director, to the Franchising Director,
- about the matter, or any matter to which it relates or which appears to the committee to be relevant to the subject of the matter investigated.
- (4) Where a consultative committee—
- (a) having made representations under subsection (3) above, is of the opinion that it is unable to achieve a satisfactory resolution of the matter by that means, or
 - (b) on investigating any matter, has reason to believe that the holder of a passenger licence or a station licence is contravening, or is likely to contravene, any condition of the licence,
- the committee shall refer the matter to the Regulator (or, in the case of a matter that was referred to the committee by the Regulator, refer it back to the Regulator) with a view to his exercising such of his powers as he considers appropriate in the circumstances of the case.
- (5) Where a consultative committee investigates any matter pursuant to subsections (1) to (3) above—
- (a) it may prepare, and send to the Central Committee, a report of its findings; and
 - (b) it may publish any such report, unless the matter in question is one which was referred to the consultative committee by the Regulator as mentioned in subsection (2)(b)(i) above.
- (6) At the request of the Regulator, a consultative committee shall make a report to him on such matters relating to the quality of the railway passenger services, and the station services, provided in the committee's area as may be specified in the request.
- (7) The Regulator may arrange for the publication of any report under subsection (6) above in such manner as he may consider appropriate.

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- (8) If the Franchising Director, after consultation with the Regulator, so requests, a consultative committee shall assist the Franchising Director, to such extent and in such respects as may be specified in the request, in ascertaining whether, in the case of any franchise agreement, the franchise operator is attaining the standards set for the provision of the franchised services.
- (9) Where a consultative committee has investigated any matter pursuant to subsections (1) to (3) or subsection (6) above, it shall neither—
- (a) include in any report or representations a proposal for any steps to be taken by any person in relation to that matter, nor
 - (b) refer the matter to the Regulator under subsection (4)(a) above by reason only of the failure of any person to take any steps in relation to that matter,
- unless, balancing the cost of taking those steps against the benefits which the committee considers will be enjoyed by any person in consequence of the taking of those steps, the committee is of the opinion, on the basis of the information available to it, that the expenditure involved represents good value for money.
- (10) The services which are to be regarded for the purposes of this section as provided on behalf of the Franchising Director are the same services as are to be so regarded for the purposes of section 37 above.
- (11) In this section, any reference to railway passenger services includes a reference to bus substitution services required to be provided in place of any such services; and in this subsection, “bus substitution services” has the same meaning as it has in sections 120 to 124 of the Transport Act 1985.

78 Functions under section 56 of the Transport Act 1962

- (1) In consequence of sections 76 and 77 above, subsections (4) to (6) of section 56 of the Transport Act 1962 (which make provision with respect to the functions of the former Central Committee and Area Committees with respect to services and facilities provided by certain Boards and, as applied or amended, by certain other persons) shall not have effect in relation to matters affecting the services or facilities which are for the time being provided by the Board or a subsidiary of the Board or under a franchise agreement.
- (2) In section 56 of that Act, in subsection (5), the words from the beginning to “section; and” (which preclude committees from considering charges for services and questions relating to the discontinuance or reduction of railway services) shall be omitted.
- (3) Subject to subsections (1) and (2) above—
- (a) the functions of the former Central Committee under subsections (4) to (6A) of section 56 of that Act are hereby transferred to the Central Committee; and
 - (b) the functions of the former Area Committees under those subsections are hereby transferred to the consultative committees.
- (4) In consequence of subsection (3) above—
- (a) any reference in those subsections to the former Central Committee shall be taken as a reference to the Central Committee; and
 - (b) for the words “each Area Committee”, “any Area Committee”, “Area Committees”, “an Area Committee” and “An Area Committee”, wherever occurring in those subsections, there shall be substituted respectively the words “each consultative committee”, “any consultative committee”,

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“consultative committees”, “a consultative committee” and “A consultative committee”.

(5) After subsection (6) of that section there shall be inserted—

“(6ZA) If the Secretary of State so directs in the case of any consultative committee, subsections (4) to (6) of this section shall have effect in relation to that committee and the Central Committee as if the reference in subsection (4) of this section to services and facilities provided by any of the Boards included a reference to any such ferry service as may be specified in the direction, whether provided by a Board or by some other person; and, in the application of subsections (4) to (6) of this section in relation to any such ferry service, any reference in those subsections to a Board shall be taken to include a reference to the person providing the ferry service.”

(6) At the end of that section there shall be added—

“(20) In this section—

“the Central Committee” means the Central Rail Users' Consultative Committee, constituted under the Railways Act 1993;

“consultative committee” means—

- (a) a Rail Users' Consultative Committee established under the Railways Act 1993; or
- (b) so far as relating to the Greater London area, within the meaning of section 2 of that Act, the London Regional Passengers' Committee.”

(7) In this section—

“former Area Committees” means Area Transport Users Consultative Committees, established under section 56 of the Transport Act 1962;

“the former Central Committee” means the Central Transport Consultative Committee for Great Britain, established under that section.

79 Annual reports by the Central Committee and the consultative committees

(1) Each committee shall, as soon as practicable after the end of the first relevant financial year and of each subsequent financial year—

- (a) make a report to the Regulator on the committee's activities during that year; and
- (b) in the case of the Central Committee and the consultative committees for Scotland and for Wales, send a copy of that report to the Secretary of State;

and the Secretary of State shall lay before each House of Parliament a copy of the reports sent to him pursuant to paragraph (b) above.

(2) Each committee may arrange for any report which it makes under subsection (1) above to be published in such manner as the committee considers appropriate.

(3) In arranging for the publication of any report under this section, a committee shall have regard to the need for excluding, so far as that is practicable, the matters specified in paragraphs (a) and (b) of section 71(2) above, for this purpose taking references in those paragraphs to the Regulator as references to the committee.

(4) In this section—

“committee” means the Central Committee or a consultative committee;

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“financial year” means a period of twelve months ending with 31st March;
and

“first relevant financial year”, in relation to a committee, means the
financial year in which the committee is established.