



Railways Act 1993

1993 CHAPTER 43

PART III

MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS

Financial provisions

136 Grants and subsidies.

- (1) The Secretary of State shall continue to be the competent authority of Great Britain in relation to the railways financial status regulations.
- (2) The Secretary of State shall be the competent authority of Great Britain, in relation to persons who operate services for the carriage of goods by railway, for the purposes of the public service obligations regulations.
- (3) The following persons, that is to say—
 - (a) the Secretary of State,
 - (b) the [^{F1}Authority],
 - (c) to the extent specified in subsection (4) below, every Passenger Transport Executive, and
 - (d) to the extent specified in subsection (5) below—
 - (i) every non-metropolitan county or district council in England or in Wales and every [^{F2}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994] in Scotland, and
 - (ii) every London borough council and the Common Council of the City of London,shall each be the competent authority of Great Britain in relation to passenger service operators for the purposes of the public service obligations regulations.
- (4) For the purposes of subsection (3) above, a Passenger Transport Executive shall only be the competent authority in relation to those railway passenger services—

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- (a) which the Executive provides, or secures are provided, by virtue of section 10(1) or 20(2)(b) of the ^{M1}Transport Act 1968; or
 - (b) which, in consequence of their being specified in a statement submitted to the [^{F1}Authority] under subsection (5) of section 34 above, are provided under a franchise agreement to which the Executive is a party.
- (5) For the purposes of subsection (3) above—
- (a) a council falling within paragraph (d)(i) of that subsection shall only be the competent authority in relation to those railway passenger services whose provision the council secures under section 63 of the ^{M2}Transport Act 1985 (passenger transport in areas other than passenger transport areas); and
 - (b) a council falling within paragraph (d)(ii) of that subsection shall only be the competent authority in relation to those railway passenger services in respect of which the council enters into and carries out agreements under section 59 of the ^{M3}London Regional Transport Act 1984 (provision of extra transport services in London).
- (6) The Secretary of State and the [^{F3}Authority may each,] as competent authority by virtue of subsection (3) above, give directions to any passenger service operator imposing on him obligations with respect to the provision or operation of railway passenger services.
- (7) It shall fall to the Secretary of State or the [^{F4}Authority] to make any payments of compensation which are required to be made to a passenger service operator by any provision of the public service obligations regulations in respect of any obligations imposed on that operator by directions under subsection (6) above, and the Secretary of State or the [^{F4}Authority] may, subject to and in accordance with the provisions of those regulations, determine the manner of calculating, and the conditions applicable to, those payments.
- (8) The power of giving directions under subsection (6) above shall be so exercised that the aggregate amount of any compensation payable under the public service obligations regulations, for periods ending after 1st April 1992, in respect of all obligations imposed by directions under that subsection shall not exceed £3,000 million or such greater sum not exceeding £5,000 million as the Secretary of State may by order specify.
- (9) A statutory instrument containing an order under subsection (8) above shall not be made unless a draft of the instrument has been laid before and approved by a resolution of the House of Commons.
- (10) Without prejudice to any right which the Secretary of State or the [^{F5}Authority] may have under this Act to bring civil proceedings in respect of any contravention or apprehended contravention of any directions under subsection (6) above, the obligations imposed by any such directions shall not give rise to any form of duty or liability enforceable against a passenger service operator by proceedings before any court to which the passenger service operator would not otherwise be subject.
- (11) In this section—
- “the public service obligations regulations” means Council Regulation (EEC) No. 1191/69 on public service obligations in transport, as amended by Council Regulation (EEC) No. 1893/91;

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“the railways financial status regulations” means Council Regulation (EEC) No. 1192/69 on common rules with respect to the financial status of railway undertakings.

- (12) Expressions used in this section and in Part I above have the same meaning in this section as they have in that Part.
- (13) Section 3 of the ^{M4}Railways Act 1974 (which is superseded by this section) shall cease to have effect.

Textual Amendments

- F1** Words in s. 136(3)(b)(4)(b) substituted (1.2.2001) by 2000 c. 38, s. 215, **Sch. 16 para. 51(2)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II) (which S.I. was amended by S.I. 2001/115)
- F2** Words in s. 136(3)(d)(i) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 184(2)**; S.I. 1996/323, **art. 4(1)(c)**
- F3** Words in s. 136(6) substituted (1.2.2001) by 2000 c. 38, s. 215, **Sch. 16 para. 51(3)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II) (which S.I. was amended by S.I. 2001/115)
- F4** Words in s. 136(7) substituted (1.2.2001) by 2000 c. 38, s. 215, **Sch. 16 para. 51(4)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II) (which S.I. was amended by S.I. 2001/115)
- F5** Word in s. 136(10) substituted (1.2.2001) by 2000 c. 38, s. 215, **Sch. 16 para. 51(5)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II) (which S.I. was amended by S.I. 2001/115)

Marginal Citations

- M1** 1968 c. 73.
- M2** 1985 c. 67.
- M3** 1984 c. 32.
- M4** 1974 c. 48.

^{F6}**137**

Textual Amendments

- F6** S. 137 repealed (1.2.2001) by 2000 c. 38, ss. 274, 275(1), **Sch. 31 Pt. IV**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)

138 Grants and other payments towards facilities for public passenger transport to and from airports, harbours etc.

- (1) Section 56 of the ^{M5}Transport Act 1968 (Ministerial grants and local authority payments towards capital expenditure incurred in the provision, improvement or development of facilities for public passenger transport) shall be amended in accordance with the following provisions of this section.
- (2) After subsection (2) there shall be inserted—

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“(2A) Where a relevant local authority proposes to make payments under subsection (2) of this section in respect of any facilities, that authority may enter into an agreement with the Franchising Director under which the Franchising Director undertakes to exercise franchising functions of his, to refrain from exercising such functions, or to exercise such functions in a particular manner, in relation to the use of the facilities in question.

(2B) In subsection (2A) of this section, the following expressions have the following meanings respectively, that is to say—

“the Franchising Director” means the Director of Passenger Rail Franchising;

“franchising functions”, in relation to the Franchising Director, has the same meaning as it has in relation to him in section 54 of the Railways Act 1993;

“relevant local authority” means—

- (a) a non-metropolitan county or district council in England or in Wales;
- (b) a London borough council or the Common Council of the City of London; or
- (c) a regional or islands council in Scotland;

and any reference to a relevant local authority shall be taken to include a reference to any two or more such authorities acting jointly.”

(3) That section shall have effect, and be taken always to have had effect, with the insertion after subsection (3) (which prevents the making of any such grants or payments for the purposes of the provision, improvement or development of an airfield, harbour, dock, pier or jetty) of the following subsection—

“(3A) Nothing in subsection (3) of this section precludes the making of grants under subsection (1) or payments under subsection (2) thereof for the purposes of the provision, improvement or development of facilities for or in connection with public passenger transport by land to or from an airfield, harbour, dock, pier or jetty.”

Marginal Citations
M5 1968 c. 73.

^{F7}139

Textual Amendments
F7 S. 139 repealed (1.2.2001) by 2000 c. 38, s. 274, Sch. 31 Pt. IV; S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to savings and transitional provisions in Sch. 2 Pt. II)

^{F8}140

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Textual Amendments

F8 S. 140 repealed (1.2.2001) by 2000 c. 38, s. 274, **Sch. 31 Pt. V(2)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II) and expressed to be repealed (S.) (1.4.2001) by 2001 asp 2, s. 71(6) (with s. 66); S.S.I. 2001/132, art. 2(2), **Sch. Pt. I**

^{F9}**141**

Textual Amendments

F9 S. 141 repealed (1.2.2001) by 2000 c. 38, s. 274, **Sch. 31 Pt. IV**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)

142 General financial provisions.

There shall be paid out of money provided by Parliament—

- (a) any administrative expenses incurred by the Secretary of State or the Treasury in consequence of the provisions of this Act; and
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

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