



Railways Act 1993

1993 CHAPTER 43

PART I

THE PROVISION OF RAILWAY SERVICES

Franchising of passenger services

[^{F1}24A [^{F2}Franchise exemptions granted by Secretary of State or Welsh Ministers]: operator agreements

- (1) Conditions specified in an order under section 24 made by the Secretary of State [^{F3}or the Welsh Ministers] may, in particular, include conditions which are to apply to any person providing services under an operator agreement.
- (2) An order under section 24 made by the Secretary of State [^{F4}or the Welsh Ministers] may include provision which, subject to any modifications that the Secretary of State considers appropriate [^{F5}or (as the case may be) that the Welsh Ministers consider appropriate], has an effect in connection with operator agreements which corresponds or is similar to the effect of the following provisions in connection with franchise agreements—
 - (a) section 27(3) of this Act (restrictions on transfer or creation of security over assets);
 - (b) section 27(5) of this Act (transactions entered into in breach of restrictions to be void);
 - (c) section 27(6) and (7) of this Act (no execution or other legal process etc in respect of assets);
 - (d) section 31 of this Act (disapplication of legislation: security of tenure of business premises);
 - (e) sections 55 to 58 of this Act (enforcement);
 - (f) section 12 of, and Schedule 2 to, the Railways Act 2005 (transfer schemes), subject to subsection (4) below.

Changes to legislation: There are currently no known outstanding effects for the Railways Act 1993, Section 24A. (See end of Document for details)

- (3) Provision included in an order by virtue of subsection (2) may be made by applying the provision in question, subject to any modifications that the Secretary of State considers appropriate [^{F6}or (as the case may be) that the Welsh Ministers consider appropriate].
- (4) The provision which may be included in an order by virtue of subsection (2)(f) is subject to the following restrictions—
- (a) it is to be provision which applies only where an operator agreement is or has been in force to which one of the following is or was party—
 - (i) a Passenger Transport Executive,
[an STB,]
^{F7}(ia)
 - (ii) a local transport authority, or
 - (iii) a relevant company;
 - (b) the person entitled under the provision to make a transfer scheme is to be a Passenger Transport Executive^{F8}, an STB] or local transport authority which—
 - (i) is or was party to the operator agreement, or
 - (ii) is the owner, or one of the owners, of a relevant company which is or was party to the operator agreement;
 - (c) the persons to whom assets may be transferred under a scheme made under the provision are to be—
 - (i) the Passenger Transport Executive^{F9}, STB] or local transport authority which makes the scheme;
 - (ii) any other Passenger Transport Executive^{F10}, STB] or local transport authority which—
 - (a) is or was party to the operator agreement, or
 - (b) is the owner, or one of the owners, of a relevant company which is or was party to the operator agreement;
 - (iii) a relevant company;
 - (iv) a person who is, or is to be, the operator under an operator agreement.
- (5) In this section—
- “local transport authority” has the same meaning as in Part 2 of the Transport Act 2000 (see section 108(4) of that Act);
 - “operator agreement” means any agreement which a person who has the benefit of a franchise exemption may enter into for another person (“the operator”) to provide the services (or any part of the services) in respect of which the exemption is granted;
 - “Passenger Transport Executive” means a body which is such an Executive for the purposes of Part 2 of the Transport Act 1968;
 - “relevant company” means—
 - (a) a company that is wholly owned by a Passenger Transport Executive^{F11}, an STB] or a local transport authority, or
 - (b) a company of which each owner is a Passenger Transport Executive^{F12}, an STB] or a local transport authority.]
 - ^{F13}“STB” means a sub-national transport body established under section 102E of the Local Transport Act 2008.]

Changes to legislation: There are currently no known outstanding effects for the Railways Act 1993, Section 24A. (See end of Document for details)

Textual Amendments

- F1** S. 24A inserted (26.3.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(2)(e), **Sch. 8 para. 8**; S.I. 2015/994, art. 11(o)
- F2** Words in s. 24A heading substituted (14.10.2018 at 2.00 a.m.) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(3), **Sch. para. 7(2)**
- F3** Words in s. 24A(1) inserted (14.10.2018 at 2.00 a.m.) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(3), **Sch. para. 7(3)**
- F4** Words in s. 24A(2) inserted (14.10.2018 at 2.00 a.m.) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(3), **Sch. para. 7(4)(a)**
- F5** Words in s. 24A(2) inserted (14.10.2018 at 2.00 a.m.) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(3), **Sch. para. 7(4)(b)**
- F6** Words in s. 24A(3) inserted (14.10.2018 at 2.00 a.m.) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(3), **Sch. para. 7(5)**
- F7** S. 24A(4)(a)(ia) inserted (E.W.) (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), s. 25(2), **Sch. 5 para. 13(2)(a)**
- F8** Words in s. 24A(4)(b) inserted (E.W.) (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), s. 25(2), **Sch. 5 para. 13(2)(b)**
- F9** Word in s. 24A(4)(c)(i) inserted (E.W.) (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), s. 25(2), **Sch. 5 para. 13(2)(c)**
- F10** Word in s. 24A(4)(c)(ii) inserted (E.W.) (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), s. 25(2), **Sch. 5 para. 13(2)(d)**
- F11** Words in s. 24A(5) inserted (E.W.) (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), s. 25(2), **Sch. 5 para. 13(3)(a)**
- F12** Words in s. 24A(5) inserted (E.W.) (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), s. 25(2), **Sch. 5 para. 13(3)(b)**
- F13** Words in s. 24A(5) inserted (E.W.) (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), s. 25(2), **Sch. 5 para. 13(3)(c)**

Changes to legislation:

There are currently no known outstanding effects for the Railways Act 1993, Section 24A.