



Railways Act 1993

1993 CHAPTER 43

PART I

THE PROVISION OF RAILWAY SERVICES

Closures

43 Notification to, and functions of, the Regulator and the relevant consultative committees

- (1) Where the Franchising Director is required by any provision of sections 37 to 42 above to publish any notice, he shall also send the following documents, that is to say—
- (a) a copy of the notice,
 - (b) a copy of the statement of reasons to which the notice refers, and
 - (c) a statement of his recommendations with respect to the conditions (if any) to be attached to any consent to the closure,
- to the Regulator and to every consultative committee whose area consists of or includes the whole or any part of the area affected by the proposed closure.
- (2) The Regulator shall send to every consultative committee whose area consists of or includes the whole or any part of the area affected a copy of every objection to the proposed closure which is lodged with him in accordance with the terms of the statement published pursuant to paragraph (e) of whichever of sections 37(6), 38(5), 39(7), 40(5), 41(6) or 42(4) above is applicable in the case of that proposed closure.
- (3) On receipt of the copy of the notice referred to in subsection (1)(a) above, a consultative committee shall—
- (a) consider whether or not the proposed closure will cause any hardship;
 - (b) identify any reasonable means of alleviating any such hardship; and
 - (c) prepare, and send to the Regulator, a report of the conclusions which it has reached in the discharge of its functions under paragraphs (a) and (b) above;
- and, for the purposes of paragraph (b) above, a consultative committee shall not conclude that any particular means of alleviating hardship is reasonable unless,

Status: This is the original version (as it was originally enacted).

balancing the cost to the Franchising Director (or any other public authority) of employing those means against the benefit of any alleviation thereby secured, the committee is of the opinion, on the basis of the information available to it, that the expenditure involved represents good value for money.

- (4) Any consultative committee which has prepared a report under subsection (3)(c) above shall send a copy of the report to the Central Committee and may publish the report in any manner which it considers appropriate.
- (5) For the purpose of facilitating the discharge of its functions under subsection (3) above, a consultative committee may, after consultation with the Regulator, hold public hearings.
- (6) In deciding whether to hold a public hearing for the purposes of this section, and in conducting any such hearing, a consultative committee shall take into account such matters as may be notified to it by the Regulator.
- (7) The report required by subsection (3)(c) above shall be sent to the Regulator before the expiration of the period of 12 weeks, or such longer period as the Regulator may allow in any particular case, immediately following the end of the period within which objections to the proposed closure may be lodged with the Regulator.
- (8) The Regulator shall only allow a longer period for the purposes of subsection (7) above if, on an application made to him by the consultative committee in question, he considers it appropriate to do so in the circumstances of the particular case.
- (9) It shall be for the Regulator to decide whether the proposed closure should, or should not, be allowed to take effect; and a decision may be given allowing the proposed closure to take effect subject to compliance with such conditions (if any) as the Regulator may see fit to impose.
- (10) Before deciding whether or not to allow the proposed closure to take effect, or whether to impose any and, if so, what conditions, the Regulator shall consider—
 - (a) the reasons for the proposed closure set out in the copy of the statement sent to him pursuant to subsection (1)(b) above;
 - (b) any objections to the proposed closure which have been lodged with him; and
 - (c) every report relating to the proposed closure which is sent to him by a consultative committee pursuant to subsection (3)(c) above.
- (11) The Regulator shall make his decision with respect to the proposed closure before the expiration of the period of 26 weeks, or such longer period as the Secretary of State may at the request of the Regulator allow in any particular case, immediately following the day on which he receives the documents sent to him pursuant to subsection (1) above.
- (12) When the Regulator has made a decision with respect to the proposed closure, he shall send a copy of the decision to—
 - (a) the Secretary of State,
 - (b) the Franchising Director,
 - (c) every such consultative committee as is mentioned in subsection (1) above, and
 - (d) either—
 - (i) in a case falling within section 37 above, the service operator, within the meaning of that section, or

Status: This is the original version (as it was originally enacted).

- (ii) in a case falling within section 39 or 41 above, the operator of the network, station or light maintenance depot in question who gave the notice required by subsection (1) of the section in question,
and shall publish notice of the decision at every station within the area affected.
- (13) In this section, “the area affected”, in relation to a proposed closure, shall be construed in accordance with the section under or by virtue of which the Franchising Director is required to publish the notice referred to in subsection (1) above.