



Railways Act 1993

1993 CHAPTER 43

PART I

THE PROVISION OF RAILWAY SERVICES

The [F1Passengers' Council] and Rail Passengers' Committees]

76 [F1General railway duties of Passengers' Council] .

(1) It shall be the duty of [F2the Passengers' Council] to investigate any matter which relates—

- [F3(a) to the provision of railway passenger services, 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 [F2the Passengers' Council] by a user or potential user of railway passenger services and does not appear to [F2the Passengers' Council] to be frivolous or vexatious;
- (b) the matter is referred to [F2the Passengers' Council] by the [F4Secretary of State]; or
- (c) the matter appears to [F2the Passengers' Council] to be one which it ought to investigate.

[F5(2A) If any matter falling within subsection (2)(a) appears to [F2the Passengers' Council] to relate only to—

- (a) the provision of railway passenger services wholly within the London railway area (within the meaning of section 252A of the Greater London Authority Act 1999), or
- (b) the provision of station services within that area,

*Changes to legislation: There are currently no known outstanding effects
 for the Railways Act 1993, Section 76. (See end of Document for details)*

that Council must refer the matter to the London Transport Users' Committee.]

^{F6}(3)

(4) If, on investigating any matter, [^{F2}the Passengers' Council] considers it appropriate to do so, [^{F2}the Passengers' Council] shall make representations to the person providing the [^{F7}secured service (within the meaning of Part 4 of the Railways Act 2005) which is] 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 [^{F4}Secretary of State], to the [^{F4}Secretary of State],

about the matter, or any matter to which it relates or which appears to [^{F2}the Passengers' Council] to be relevant to the subject of the matter investigated.

(5) Where [^{F2}the Passengers' Council]—

- (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 [^{F8}a franchisee is contravening, or is likely to contravene, any term of the franchise agreement or that] the holder of a passenger licence or a station licence is contravening, or is likely to contravene, any condition of the licence,

[^{F2}the Passengers' Council] shall [^{F9}, unless representations about the matter have been made to the [^{F4}Secretary of State] by [^{F2}the Passengers' Council], refer it to the [^{F4}Secretary of State] with a view to the [^{F4}Secretary of State] exercising such of [^{F10}his] powers as [^{F11}he] considers appropriate in the circumstances of the case.]

^{F12}(5A) But if the [^{F4}Secretary of State] considers that it would be more appropriate for a matter referred to it by [^{F2}the Passengers' Council] to be considered by [^{F13}the Office of Rail and Road], the [^{F4}Secretary of State] shall refer it to [^{F13}the Office of Rail and Road], with a view to [^{F14}it] exercising such of [^{F15}its] powers as [^{F14}it] considers appropriate in the circumstances of the case.]

(6) Where [^{F2}the Passengers' Council] investigates any matter—

- (a) it may prepare, and send to the Secretary of State [^{F16}or the Welsh Ministers]^{F17} . . . , a report of its findings; and
- (b) it may publish any such report, unless the matter in question is one which was referred to [^{F2}the Passengers' Council] by the [^{F4}Secretary of State] as mentioned in subsection (2)(b) above.

(7) Where [^{F2}the Passengers' Council] 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 [^{F4}Secretary of State] 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 [^{F2}the Passengers' Council] considers will be enjoyed by any person in consequence of the taking of those steps, [^{F2}the Passengers' Council] is of the opinion, on the basis of the information available to it, that the expenditure involved represents good value for money.

Changes to legislation: There are currently no known outstanding effects for the Railways Act 1993, Section 76. (See end of Document for details)

[^{F18}(7A) It shall also be the duty of [^{F2}the Passengers' Council], so far as it appears expedient from time to time to do so—

- (a) to keep under review matters affecting the interests of the public in relation to railway passenger services and station services;
- (b) to make representations to, and consult, such persons as they think appropriate about those matters; and
- (c) to co-operate with other bodies representing the interests of users of public passenger transport services.

(7B) The Secretary of State may, after consultation with [^{F2}the Passengers' Council], make an order excluding services from the duties imposed by this section; and an order under this subsection—

- (a) may exclude services of a particular class or description, particular services or services provided by a particular person;
- (b) may provide that services are excluded subject to compliance with specified conditions; and
- (c) may not revoke an exclusion except for breach of condition or in accordance with the order which made it.

(7C) The Secretary of State may, after consultation with [^{F2}the Passengers' Council], make an order providing that the duties imposed by this section apply to services of a particular class or description, particular services or services provided by a particular person—

- (a) only to such extent as is specified by the order; or
- (b) with such modifications as are so specified.]

^{F19}(8)

(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; ^{F20} . . .

Textual Amendments

- F1** Words in s. 76 heading substituted (25.2.2010) by [The Passengers' Council \(Non-Railway Functions\) Order 2010 \(S.I. 2010/439\)](#), [art. 1](#), [Sch. para. 6\(3\)\(b\)](#)
- F2** Words in s. 76 substituted (25.2.2010) by [The Passengers' Council \(Non-Railway Functions\) Order 2010 \(S.I. 2010/439\)](#), [art. 1](#), [Sch. para. 6\(3\)\(a\)](#)
- F3** S. 76(1)(a) substituted (29.7.2003) by [2000 c. 38](#), [ss. 228\(2\)](#), [275\(1\)](#); [S.I. 2003/1694](#), [art. 2](#)
- F4** Words in s. 76 substituted (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), [ss. 1](#), [60](#), [Sch. 1 para. 32\(1\)](#); [S.I. 2005/1909](#), [art. 2](#), [Sch.](#)
- F5** S. 76(2A) inserted (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), [ss. 21](#), [60](#), [Sch. 6 para. 5](#); [S.I. 2005/1909](#), [art. 2](#), [Sch.](#)
- F6** S. 76(3) repealed (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), [ss. 59](#), [60](#), [Sch. 13 Pt. 1](#) (with [s. 14\(4\)\(5\)](#), [Sch. 11 para. 11\(2\)](#)); [S.I. 2005/1909](#), [art. 2](#), [Sch.](#)
- F7** Words in s. 76(4) substituted (1.12.2006 for certain purposes and otherwise prosp.) by [Railways Act 2005 \(c. 14\)](#), [ss. 1](#), [60](#), [Sch. 1 para. 32\(2\)](#); [S.I. 2006/2911](#), [art. 2](#), [Sch.](#) (subject to the transitional and saving provisions in [arts. 3-7](#))
- F8** Words in s. 76(5)(b) inserted (29.7.2003) by [2000 c. 38](#), [ss. 228\(3\)\(a\)](#), [275\(1\)](#); [S.I. 2003/1694](#), [art. 2](#)
- F9** Words in s. 76(5) substituted (1.2.2001) by [2000 c. 38](#), [s. 216](#), [Sch. 17 para. 20\(3\)](#); [S.I. 2001/57](#), [art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to savings and transitional provisions in [Sch. 2 Pt. II](#))
- F10** Word in s. 76(5) substituted (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), [ss. 1](#), [60](#), [Sch. 1 para. 32\(3\)\(a\)](#); [S.I. 2005/1909](#), [art. 2](#), [Sch.](#)

*Changes to legislation: There are currently no known outstanding effects
 for the Railways Act 1993, Section 76. (See end of Document for details)*

- F11** Word in s. 76(5) substituted (24.7.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 32(3)(b)**; S.I. 2005/1909, **art. 2**, Sch.
- F12** S. 76(5A) inserted (1.2.2001) by 2000 c. 38, s. 216, **Sch. 17 para. 20(4)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F13** Words in s. 76(5A) substituted (16.10.2015) by The Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), reg. 1(2), **Sch. para. 1(ww)**
- F14** Word in s. 76 substituted (5.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 16, 120, {Sch. 2 para. 3(b) Table}; S.I. 2004/827, **art. 4(g)**
- F15** Word in s. 76 substituted (5.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 16, 120, {Sch. 2 para. 3(c) Table}; S.I. 2004/827, **art. 4(g)**
- F16** Words in s. 76(6)(a) inserted (13.6.2018) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(2)(b)(vi), **Sch. para. 25** (with art. 3)
- F17** Words in s. 76(6)(a) repealed (24.7.2005) by Railways Act 2005 (c. 14), ss. 1, 59, 60, Sch. 1 para. 32(4), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, **art. 2**, Sch.
- F18** S. 76(7A)-(7C) inserted (29.7.2003) by 2000 c. 38, ss. 228(4), 275(1); S.I. 2003/1694, **art. 2**
- F19** S. 76(8) repealed (24.7.2005) by Railways Act 2005 (c. 14), ss. 1, 59, 60, Sch. 1 para. 32(5), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, **art. 2**, Sch.
- F20** Words in s. 76(9) 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)

Modifications etc. (not altering text)

- C1** S. 76 excluded (30.11.2000) by 2000 c. 38, s. 253, **Sch. 28 para. 10**
- C2** Ss. 76, 77 applied (1.4.1994) by 1993 c. 43, ss. 47(2)(d)(4)(d), 152(2), 154(2), **Sch. 13 para. 3(2)** (modifying 1985 c. 67, s. 123); S.I. 1994/571, **art. 5**
- C3** S. 76 applied (with modifications) (29.7.2003) by The Merseyrail Electrics Network Order 2003 (S.I. 2003/1696), **art. 3**
- C4** S. 76 modified (25.6.2010) by The Rail Passengers Rights and Obligations Regulations 2010 (S.I. 2010/1504), regs. 1(2), **18(2)**
- C5** S. 76(5) applied (with modifications) (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050), **reg. 17**
- C6** S. 7(6)(a): certain functions made exercisable by the Scottish Ministers concurrently with the Minister concerned (1.7.1999) by S.I. 1999/1750, arts. 1(1), 3, **Sch. 2**; S.I. 1998/3178, **art. 3**

Changes to legislation:

There are currently no known outstanding effects for the Railways Act 1993, Section 76.