

*These notes refer to the Railways Act 2005 (c.14)
which received Royal Assent on 7 April 2005*

RAILWAYS ACT 2005

EXPLANATORY NOTES

ANNEX A: PROVISIONS AFFECTING THE POWERS OF NAW

<i>Section/Schedule</i>	<i>Description</i>
Section 1 and Schedule 2	Secretary of State may transfer any of the SRA's property, rights and liabilities to NAW under a transfer scheme. A transfer may be to NAW alone, or to NAW jointly with one or more other body mentioned in section 1(3). NAW must be consulted in advance of any transfer to it.
Section 3(6)	Specifies a number of considerations, listed in section 4(1) - (3) of the 1993 Act, that the NAW must have regard to when exercising the functions conferred on it by that Act and Part 4 of the "Railways Act 2005".
Section 3(8)	The ORR to have regard to NAW railway strategies and policies notified to it by the Assembly; and to have regard to the NAW's ability to carry out its own functions conferred or imposed on it under any Act.
Section 3(9)	Secretary of State to consult NAW about guidance to the Office of Rail Regulation.
Section 7(3)	The Secretary of State must notify the NAW about any freight scheme he makes, or any modifications to a scheme.
Section 10	Secretary of State to consult NAW about proposals for franchises that serve Wales. Right of the NAW to be a party to franchise agreements that provide services wholly within Wales. Powers for the NAW to provide financial assistance to franchisees where it is party to a franchise agreement; and for other railways purposes in relation to Wales.
Section 11	NAW must notify the Secretary of State about freight schemes it makes or modifies in respect of Wales.
Section 18	The Secretary of State's and/or the Scottish Ministers' duty to secure the continuation of a service that the NAW secured under a franchise that has ended and not been renewed does not apply if they believe the NAW will not provide the necessary funds.
Section 19	NAW may appoint a member of the Rail Passengers' Council.
Schedule 5, part 4, paragraph 11	RPC must send a copy of its annual reports to the NAW.
Section 23	Power to propose that non-franchised passenger services that the Assembly funds be closed.
Section 24	Power to propose that franchised passenger services that the Assembly funds be closed.
Sections 27-28	Power to propose that a passenger network that the Assembly funds be closed.
Sections 30-31	Power to propose that a station that the Assembly funds be closed.

<i>Section/Schedule</i>	<i>Description</i>
Schedule 7	Sets out the consultation procedure that the NAW must follow when proposing a railway closure. It also gives the NAW the right to be consulted by others proposing closures that may affect them.
Section 33	Duty to comply with any condition relating to a closure imposed on the Assembly by the ORR.
Section 36	Power to designate new Welsh services funded by the NAW as experimental services.
Section 37	Duty to give notice about the withdrawal of an experimental service that the Assembly funds under the terms a franchise agreement.
Section 40	Power to secure the provision of substitute road services where passenger services wholly within Wales or that the Assembly funds are temporarily interrupted or discontinued.
Section 41	Supplementary provisions relating to closure proposals made by the Assembly.
Section 42	The Secretary of State must include NAW as a joint party in any guidance in relation to proposals to discontinue any Welsh service or services, any network or part of a network wholly in Wales, or any station or part of a station wholly in Wales. The Scottish Ministers must include NAW as a joint party in any guidance in relation to proposals to discontinue any cross-border services that NAW funds or part funds.
Section 51	The ORR to comply with every reasonable requirement of the NAW for information or advice about a matter connected with NAW's railway functions and activities.
Section 57	Definition of "Wales-only service" and "Welsh service" for the purposes of the Act. Requires the Secretary of State to consult the NAW before exercising his order making power to make exclusions from the definition of "Wales-only service".
Schedule 1, paragraph 15(5)	Secretary of State to consult NAW before preparing, altering or replacing a statement of policy on franchising.
Schedule 10, Part 1	Deals with taxation provisions in relation to any transfer of property, rights or liabilities to the NAW in accordance with a scheme made under section 1(2).
Schedule 11, paragraph 13(2)-(5)	Makes the NAW a "competent authority" for the purposes of the public service obligations regulations.
Schedule 12, paragraph 17(4)	Duty on the NAW to ensure that where it secures the provision of substitute road services the services are suitable for disabled passengers.