

# RAILWAYS ACT 2005

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS AND SCHEDULES

#### **Part 3: Rail Passengers' Council and Rail Passengers' Committees**

##### ***Section 19: The Rail Passengers' Council***

97. *Section 19* provides for the existing Rail Passengers' Council (RPC) to be replaced by a new, recast body of the same name. The existing RPC, which exists by virtue of section 3 of the 1993 Act, is abolished by subsection (6). As with the existing RPC the new body will be an executive Non-Departmental Public Body (NDPB). But it will take on the additional responsibilities and requirements of a body corporate (see Schedule 5). The current RPC is sponsored by the Strategic Rail Authority.
98. *Section 19(2)* sets out the make-up of the new Council. The Scottish Ministers, the NAW and the London Assembly are each to appoint a member of the Council. The Council Chairman and not more than 12 other members are to be appointed by the Secretary of State.
99. *Section 19(4)* - The RPC will continue as a national GB-wide body sponsored by the Secretary of State. Payment of all Council members other than the LTUC member will come from the central RPC budget. Section 19(4) ensures that the Secretary of State is content with the terms and conditions of those Council members appointed by the Scottish Ministers and the NAW. The London Assembly will be responsible for the terms, conditions and remuneration of their Council appointee (section 19(5)) but must consult the Secretary of State.
100. *Section 19(7)* - The new Council created by subsection (1) is legally a different body to the current Council created under section 3 of the 1993 Act, even though the name of the two bodies is the same. To assist with the smooth transition to the new body, subsection (7) provides that any reference to the current body in enactments, instruments and other documents will continue to have effect but will apply to the new body. This would cover, for example, the reference to the Council in Schedule 1 of the Public Records Act 1958, and the references to the Council and its functions in section 76 of the 1993 Act.

##### ***Section 20: Delegation of functions by Council***

101. This section inserts a new section 76A into the 1993 Act which enables the RPC to delegate certain of its duties to other public bodies which may agree to discharge those duties. It is anticipated that a regional transport users body may be a suitable body to enter into such an agreement with the RPC. New section 76A(4) provides that the agreement of the Secretary of State is required before any such agreement can be entered into.
102. The duties which can be delegated by an agreement under subsection (1) are those set out in section 76(7A) of the 1993 Act. These are the duties of the RPC, 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.

103. The new RPC will operate as a national body without the existing structure of regional committees. Alternative management approaches are being developed which will enable the RPC to build and maintain contacts with the wide variety of rail interests and passenger representative bodies that already exist or will be developed across the country. This is expected to occur largely through informal co-operation. This power to delegate provides the RPC with the flexibility to formalise such working relationships for specific matters should it agree to do so with the relevant public body (and with the consent of the Secretary of State). For example a local public transport group may be better placed to pursue a rail issue of particular local concern.
104. In delegating any such duties the RPC would not be prevented from working alongside the delegatee. Section 76A(2)(b) of the 1993 Act, as inserted by section 20, expressly provides that the RPC will retain powers to do all of those things which it would have been able to do by virtue of section 76(7A) had it not delegated any of its duties under this provision.

### ***Section 21: Rail Passengers' Committee***

105. This section abolishes regional Rail Passengers' Committees. There is currently a federal relationship between the Council and the Committees, under which every chairman of a regional Committee is automatically a member of the Council. The RPC will continue to operate as a national body, but there will no longer be a federation of statutory regional committees (although it will be possible for the Secretary of State to direct that the Council should establish committees in relation to particular localities under Schedule 5 Paragraph 18, and the Council will be able to delegate certain of its functions under section 20). Section 21(3) introduces Schedule 6, which provides that the London Transport Users' Committee (which was treated as the Rail Passengers' Committee for the Greater London area by virtue of section 2 of the 1993 Act) will continue to have the functions that it has had as a Rail Passengers' Committee. The LTUC is established under section 247 of the Greater London Authority Act 1999. Responsibility for this body lies with the London Assembly.