

# RAILWAYS ACT 2005

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS AND SCHEDULES

#### **Part 4: Network Modifications etc.**

##### **Excluded Proposals**

##### *Section 34: Minor modifications*

136. This section sets out the powers of the Secretary of State and the Scottish Ministers to determine that closures of services, network and stations are 'minor modifications' and so not subject to main closure procedures. Section 35 describes the closures eligible to be treated as minor modifications. The concept of 'minor modifications' is very similar to that of 'minor closures' in the 1993 Act.
137. Under this section a closure is a minor modification if it has been determined as such or falls within a description that has been so determined. Such a determination can be made only in respect of eligible closures as described in section 35.

##### *Section 35: Closures eligible to be treated as minor modifications*

138. This section describes the type of closure proposals that are eligible to be treated as minor modifications and therefore not subject to the closure procedures in sections 22 to 31. Much of it is based on the descriptions of minor closures in the 1993 Act.
139. It also gives a power to the Secretary of State and the Scottish Ministers to make an order that any other description of closures which are temporary or have only a limited effect on the provision of passenger services should be treated as minor modifications, subject to the negative resolution procedure.

##### *Section 36: Designation of experimental passenger services*

140. This section sets out the powers of the Secretary of State, the Scottish Ministers as well as the NAW to designate passenger services as 'experimental'. The maximum period for which a service may be designated as "experimental" is five years. A service that is already so designated under the 1993 Act will continue to be so designated until the 5 years expires in their case (or the designation is revoked). Designated experimental services are not covered by the provisions in sections 22 to 24 but have a separate and simplified closure procedure as set out in section 37.

##### *Section 37: Discontinuance of experimental passenger services*

141. This section sets out the procedures for discontinuing services designated as experimental for franchised and non-franchised services. These procedures involve notice being given that the service is to be discontinued at least six weeks before the service is discontinued.

***Section 38: Services, networks and stations excluded by order***

142. This section gives the Secretary of State and the Scottish Ministers powers to exclude services, networks and stations from the provisions of sections 22 to 24 and 26 to 31. A similar power for the Secretary of State exists in the 1993 Act. It has been used to exempt light rail, metro and discrete parts of the heavy rail network from the closure provisions. Services that have been excluded by order under this section may be subject to the closure procedures described in section 25 if designated by order under section 25 following the negative resolution procedure.