

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

## **RAILWAYS ACT 2005**

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### **EXPLANATORY NOTES**

#### **COMMENTARY ON SECTIONS AND SCHEDULES**

##### **Part 5: Further Miscellaneous Provisions**

##### **Duties of co-operation etc.**

##### ***Section 52: Duty of Passenger Transport Executives to advise Secretary of State***

170. *Subsection (1)* specifies that the Passenger Transport Executives must provide advice to the Secretary of State when he requests it on matters connected to his functions in relation to railways or railway services. It is envisaged that advice could be sought as a useful factor to be considered as part of the Secretary of State's rail planning activities. This provision could be used to request advice on how changes in the local rail network can be made to best reflect local priorities within the resources available. This might include value for money assessments of how resources spent on rail in the PTE's area could be best allocated across all transport modes to support local transport priorities.
171. *Subsection (2)* provides that Passenger Transport Executives do not have to comply with a request outlined in subsection (1) if it would impose an unreasonable administrative burden.
172. *Subsection (3)* allows that in determining what is an unreasonable administrative burden other requests for advice made under the provisions of this section should be taken into account. This means that, although an individual request for advice might not constitute an unreasonable burden, if that request is made alongside a large number of other requests, they could in totality be seen to represent an unreasonable burden.
173. *Subsection (4)* defines the Secretary of State's functions in relation to railways or railway services and provides that in relation to this section these functions do not include those relating to rail safety.