

RAILWAYS ACT 2005

EXPLANATORY NOTES

COMMENTARY ON SECTIONS AND SCHEDULES

Part 5: Further Miscellaneous Provisions

Duties of co-operation etc.

Section 51: ORR to advise national authorities

169. *Section 51* places a new duty on the ORR to provide information and advice to the Secretary of State, to the Scottish Ministers and to the NAW in connection with their respective railways functions. Subsection (1) requires the ORR to meet the Secretary of State's reasonable requirements for information and advice and other assistance, including in connection with his railway safety functions. Subsection (2) imposes a similar requirement in relation to the Scottish Ministers in connection with their railway functions (which do not include railway safety functions). Subsection (3) imposes a requirement for the ORR to meet the reasonable requirements of the NAW for information and advice on its railway functions (which do not include railway safety functions).

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.