



# Railways Act 2005

## 2005 CHAPTER 14

### PART 3

#### [<sup>F1</sup>PASSENGERS' COUNCIL] AND RAIL PASSENGERS' COMMITTEES

##### Textual Amendments

- F1** Words in Pt. 3 heading substituted (25.2.2010) by [The Passengers' Council \(Non-Railway Functions\) Order 2010 \(S.I. 2010/439\)](#), art. 1, [Sch. para. 9\(5\)](#)

#### 19 The [<sup>F2</sup>Passengers' Council]

- (1) There shall be a body corporate to be known as the [<sup>F3</sup>Passengers' Council].
- (2) That Council shall consist of—
  - (a) a chairman appointed by the Secretary of State;
  - (b) a member appointed by the Scottish Ministers;
  - (c) a member appointed by [<sup>F4</sup>the Welsh Ministers];
  - (d) a member appointed by the London Assembly from the members of the London Transport Users' Committee; and
  - (e) [<sup>F5</sup>not more than fourteen] other members appointed by the Secretary of State after consultation with the chairman.
- (3) The chairman and other members of that Council—
  - (a) shall each hold and vacate office in accordance with the terms and conditions of his appointment; and
  - (b) on ceasing to hold office, shall be eligible for re-appointment.
- (4) The consent of the Secretary of State is required for the terms and conditions of an appointment under subsection (2)(b) or (c).
- (5) The London Assembly must consult the Secretary of State before fixing the terms and conditions of an appointment under subsection (2)(d).

*Changes to legislation: There are currently no known outstanding effects  
for the Railways Act 2005, Part 3. (See end of Document for details)*

- (6) On the day appointed for the commencement of this subsection the council known as the [<sup>F3</sup>Passengers’ Council] that was established by section 3(2) of the 1993 Act shall cease to exist.
- (7) References in enactments, instruments and other documents to the [<sup>F3</sup>Passengers’ Council] established by section 3(2) of the 1993 Act shall have effect from the commencement of this subsection as references to the Council established by subsection (1).
- (8) If the Secretary of State considers it appropriate to do so in connection with or in anticipation of the establishment of the [<sup>F3</sup>Passengers’ Council] by subsection (1), he may terminate the appointment of any person as chairman or member of the Council established by section 3(2) of the 1993 Act.
- (9) If a person's appointment is terminated under subsection (8) before his term of office would have expired apart from this Act, the Secretary of State may, if he thinks it appropriate to do so, pay that person such sum by way of compensation as the Secretary of State determines.
- (10) Schedule 5 (which makes provision about the Council established by subsection (1)) has effect.

#### Textual Amendments

- F2** Words in s. 19 heading substituted (25.2.2010) by *The Passengers’ Council (Non-Railway Functions) Order 2010 (S.I. 2010/439), art. 1, Sch. para. 9(3)(b)*
- F3** Words in s. 19 substituted (25.2.2010) by *The Passengers’ Council (Non-Railway Functions) Order 2010 (S.I. 2010/439), art. 1, Sch. para. 9(3)(a)*
- F4** Words in s. 19(2)(c) substituted (13.6.2018) by *The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(2)(b)(x), Sch. para. 41*
- F5** Words in s. 19(2)(e) substituted (25.2.2010) by *The Passengers’ Council (Non-Railway Functions) Order 2010 (S.I. 2010/439), arts. 1, 4*

#### Commencement Information

- I1** S. 19 in force at 24.7.2005 by *S.I. 2005/1909, art. 2, Sch.*

### [<sup>F6</sup>19A Power to confer non-rail functions on the [<sup>F7</sup>Passengers’ Council]

- (1) The Secretary of State may by order make provision conferring functions on the [<sup>F8</sup>Passengers’ Council] relating to—
  - (a) prescribed local services, or local services of a prescribed description, so far as operating in England;
  - (b) prescribed domestic coach services, or domestic coach services of a prescribed description, so far as operating in England;
  - (c) prescribed tramway passenger services, or tramway passenger services of a prescribed description, so far as operating in England;
  - (d) prescribed passenger transport facilities in England, or passenger transport facilities in England that are of a prescribed description.
- (2) The power conferred by subsection (1) includes power to amend any enactment (including this Act) for the purposes of making such provision.

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- (3) An order under this section may make incidental, consequential, transitional or supplementary provision for the purposes of, or in consequence of, such an order, or for giving full effect to such an order.
- (4) The provision which may be included by virtue of subsection (3) in an order includes—
- (a) provision for the body established by section 19 to be known by a different name;
  - (b) provision altering the number of persons that may be appointed as members of that body by the Secretary of State under section 19(1)(e);
  - (c) provision amending, repealing or revoking any provision of this Act or any other enactment, whenever passed or made.
- (5) In a case where an order under this section confers on the [F8Passengers’ Council] power to make recommendations or representations to a body or person, the provision which may be included by virtue of subsection (3) in the order also includes provision conferring on the body or person functions in respect of such recommendations or representations.
- (6) An order under this section may confer a function on a body or person by virtue of subsection (5) only if the new function relates to—
- (a) services of a kind mentioned in paragraphs (a) to (c) of subsection (1), so far as operating in England, or
  - (b) passenger transport facilities in England.
- (7) Nothing in this section provides power to alter the functions of the [F8Passengers’ Council] so far as relating to the provision of railway passenger services or station services.
- (8) An order under this section is subject to the affirmative resolution procedure.
- (9) In this section—
- “domestic coach service” means a bus service which—
    - (a) carries passengers at separate fares, and
    - (b) is not a local service;
  - “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978);
  - “local service” has the meaning given by section 2 of the Transport Act 1985;
  - “passenger transport facilities” means facilities for services of a kind mentioned in paragraphs (a) to (c) of subsection (1);
  - “prescribed” means prescribed by order made by the Secretary of State;
  - “tramway passenger service” means any service for the carriage of passengers by tramway.]

#### Textual Amendments

- F6** S. 19A inserted (26.11.2008 for specified purposes, 9.2.2009 in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 74](#), [134\(1\)\(c\)\(4\)](#); [S.I. 2009/107](#), [art. 2\(1\)](#), [Sch. 1 Pt. 1](#)
- F7** Words in s. 19A heading substituted (25.2.2010) by [The Passengers’ Council \(Non-Railway Functions\) Order 2010 \(S.I. 2010/439\)](#), [art. 1](#), [Sch. para. 9\(4\)\(b\)](#)

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**F8** Words in s. 19A substituted (25.2.2010) by [The Passengers' Council \(Non-Railway Functions\) Order 2010 \(S.I. 2010/439\)](#), art. 1, [Sch. para. 9\(4\)\(a\)](#)

## 20 Delegation of functions by Council

After section 76 of the 1993 Act (functions of Rail Passengers' Council)—

### “76A Delegation of duties under section 76(7A)

- (1) The Rail Passengers' Council and any other public body may enter into an agreement for that other body to be responsible, in accordance with the agreement, for —
  - (a) determining what is expedient for the purposes of subsection (7A) of section 76 above in relation to an area specified in the agreement; and
  - (b) otherwise performing that Council's duties under that subsection in relation to that area.
- (2) So long as an agreement under this section is in force—
  - (a) the duties of the Rail Passengers' Council under subsection (7A) of section 76 above shall be deemed, in relation to the area specified in the agreement, to fall on the other party to it, instead of on that Council; but
  - (b) that Council is not to be prevented from doing anything mentioned in that subsection in relation to that area.
- (3) An agreement under this section—
  - (a) may be entered into on such terms and conditions as the parties to it may agree; and
  - (b) may contain provision for determining for the purposes of this section in what circumstances things done under or for the purposes of section 76(7A) are to be treated as done in relation to the area specified in the agreement.
- (4) The consent of the Secretary of State is required before the Rail Passengers' Council and another public body may enter into an agreement under this section.
- (5) In this section “public body” means any authority or other body on which functions are conferred by or under an enactment.
- (6) In subsection (5) “enactment” includes an enactment comprised in an Act of the Scottish Parliament.”

### Commencement Information

**I2** S. 20 in force at 24.7.2005 by [S.I. 2005/1909](#), art. 2, [Sch.](#)

## 21 Rail Passengers' Committees

- (1) On the day appointed for the commencement of this subsection the Rail Passengers' Committees established under section 2(2) of the 1993 Act shall cease to exist.

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*Changes to legislation: There are currently no known outstanding effects  
for the Railways Act 2005, Part 3. (See end of Document for details)*

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- (2) In section 68(2) of the 1993 Act (power of ORR to require Rail Passengers' Committee to investigate a matter), for “a Rail Passengers' Committee” substitute “ the Rail Passengers' Council ”.
- (3) Schedule 6 (which provides for the London Transport Users' Committee to continue to have functions it previously had by virtue of being treated as a Rail Passengers' Committee) has effect.
- (4) If the Secretary of State considers it appropriate to do so in connection with or in anticipation of the abolition of a Rail Passengers' Committee, he may terminate the appointment of any person as chairman or member of the Committee.
- (5) If a person's appointment is terminated under subsection (4) before his term of office would have expired apart from this Act, the Secretary of State may, if he thinks it appropriate to do so, pay that person such sum by way of compensation as the Secretary of State determines.

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**Commencement Information**

**I3** S. 21 in force at 24.7.2005 by [S.I. 2005/1909](#), art. 2, [Sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Railways Act 2005, Part 3.