



# Railways Act 2005

## 2005 CHAPTER 14

### PART 4

#### NETWORK MODIFICATIONS ETC.

##### *Discontinuance of railway passenger services*

#### **25 Proposal to discontinue excluded services**

- (1) Where a proposal for the discontinuance of all the excluded services provided by a particular person (“the service operator”) on a particular line, or from a particular station, is made by the service operator—
  - (a) the following provisions of this section apply to so much of the proposal as relates to special procedure excluded services which are not excluded London services; and
  - (b) Schedule 8 applies to so much of it as relates to special procedure excluded services which are excluded London services.
- (2) The service operator must give notice to the national authority setting out—
  - (a) particulars of the proposal to discontinue the services; and
  - (b) a summary of the results of the assessment carried out in accordance with subsection (4).
- (3) The particulars set out in the notice must include, in particular—
  - (a) the services to which the proposal relates; and
  - (b) the proposal date;and the proposal date must be a date not less than three months after the date of the notice.
- (4) Before giving the notice under subsection (2), the service operator must carry out an assessment of whether the proposal satisfies the criteria set out in the relevant part of the closures guidance; and that assessment must be carried out in accordance with that guidance.

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*Status: This is the original version (as it was originally enacted).*

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- (5) The national authority to which a notice is given under subsection (2) must—
- (a) consider whether the closure in question should be allowed; and
  - (b) before the proposal date, form an opinion on that matter in accordance with the criteria set out in the relevant part of the closures guidance.
- (6) If the national authority is of the opinion that the closure should be allowed, it must—
- (a) carry out a consultation under Schedule 7 about the proposal; and
  - (b) after carrying out that consultation, either notify the service operator that it has changed its opinion or refer the proposal (with or without modifications) to the Office of Rail Regulation;
- and the service operator must not discontinue the services in question before the Office of Rail Regulation has issued a closure ratification notice.
- (7) In this section—
- “excluded service” means a railway passenger service other than one which is—
- (a) a relevant railway passenger service for the purposes of any of sections 22(1), 23(1) and 24(1); or
  - (b) an experimental passenger service;
- “excluded London service” means an excluded service which—
- (a) is provided by Transport for London or a subsidiary of Transport for London; or
  - (b) is designated as a London service for the purposes of this section by an order made by the Secretary of State, or is of a description of services so designated;
- “special procedure excluded service” means an excluded service which is designated as a special procedure service for the purposes of this section by an order made by the national authority, or is of a description of services so designated;
- “the national authority”—
- (a) in relation to a proposal relating to one or more services each of which is—
    - (i) a Scotland-only service, or
    - (ii) a cross-border service in relation to which no funding is provided by a railway funding authority other than the Scottish Ministers,
 means those Ministers; and
  - (b) in any other case, means the Secretary of State.
- (8) A service may be designated by order made by the Secretary of State as a London service for the purposes of this section, or may fall within a description of services so designated, only if it is a service that begins and ends in Greater London and does not otherwise make any scheduled call outside Greater London.
- (9) An order under this section designating an excluded service, or a description of excluded service—
- (a) as a London service, or
  - (b) as a special procedure service,
- is subject to the negative resolution procedure.

- (10) Where any order under section 49(3) of the 1993 Act (application of Schedule 5 to that Act) is in force immediately before the commencement of this section, that order shall have effect after commencement of this section as an order under this section designating any services, or descriptions of service, to which it applies as special procedure services; and any other service, or description of services, which immediately before the commencement of this section is treated as a service, or description of services, in relation to which Schedule 5 to that Act is to have effect is to be treated after commencement of this section as designated by an order under this section as a special procedure service, or description of special procedure services.
- (11) Where any order under paragraph 5A(1)(b)(ii) of Schedule 5 to that Act (application of that Schedule to London services) is in force immediately before the commencement of this section, that order shall have effect after commencement of this section as an order under this section designating any services, or descriptions of service, to which it applies as London services.
- (12) For the purposes of this section (apart from the reference, in the definition of “excluded service” in subsection (7), to “relevant railway passenger service”) “railway” has its wider meaning.