



# Railways Act 2005

## 2005 CHAPTER 14

### PART 4

#### NETWORK MODIFICATIONS ETC.

##### *Excluded proposals*

### 34 Minor modifications

- (1) A proposal is a proposal for a minor modification if—
- (a) it is a proposal for a closure which has been determined under the following provisions of this section to be a minor modification; or
  - (b) it is a proposal for a closure of a description of closures in relation to which such a determination has been made.
- (2) It is the Scottish Ministers who may make a determination that a closure is a minor modification, or that closures of a particular description are minor modifications, where the only closures to which the determination relates consist in—
- (a) the discontinuance of one or more Scotland-only services;
  - (b) the discontinuance of one or more cross-border services in relation to which no funding is provided by a railway funding authority other than the Scottish Ministers;
  - (c) the discontinuance of two or more services none of which is a service not mentioned in paragraph (a) or (b);
  - (d) the discontinuance of a network or part of a network that is wholly in Scotland; or
  - (e) the discontinuance of a station or part of a station that is wholly in Scotland.
- [<sup>F1</sup>(2A) It is the Welsh Ministers who may make a determination that a closure is a minor modification, or that closures of a particular description are minor modifications, where the only closures to which the determination relates consist in—
- (a) the discontinuance of one or more Wales-only services; or
  - (b) the discontinuance of a station, or part of a station, that—

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*Changes to legislation: There are currently no known outstanding effects  
for the Railways Act 2005, Section 34. (See end of Document for details)*

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- (i) is wholly in Wales, and
  - (ii) is a station to which subsection (2B) applies or part of such a station.
- (2B) This subsection applies to a station at which the only scheduled calls made by any railway passenger service are those made by a railway passenger service provided under a Welsh franchise agreement or secured to any extent by the Welsh Ministers.]
- (3) It is the Secretary of State who, in any other case, may make a determination that a closure is a minor modification, or that closures of a particular description are minor modifications.
- (4) A determination may be made under this section only if the person making it considers—
- (a) in the case of a determination relating to a particular closure, that the closure is eligible under section 35 to be regarded as a minor modification; or
  - (b) in the case of a determination relating to a description of closures, that all the closures falling within that description are or will be so eligible.
- (5) A person who makes a determination under this section in relation to a particular closure for the purposes of section 22, 26 or 29 may make it subject to conditions; and, in such a case, the closure is not to be treated as a minor modification unless, as the case may be—
- (a) the person providing the service or services to be discontinued, or
  - (b) the person operating or using the network or station, or the part of a network or station, in question,
- has agreed to comply with those conditions.
- (6) The person who makes a determination under this section in relation to a particular closure must notify the [<sup>F2</sup>Office of Rail and Road] about that determination.
- (7) A determination under this section in relation to a description of closures may be revoked at any time by the person who made it.
- (8) A person who makes or revokes a determination under this section in relation to a description of closures must—
- (a) send a copy of the determination or revocation to the [<sup>F2</sup>Office of Rail and Road]; and
  - (b) publish it in such manner as he considers appropriate.
- (9) The revocation of such a determination shall not affect any closure if its status has been relied on before the revocation as grounds for—
- (a) a failure to give a notice under this Part; or
  - (b) the carrying out of any closure.
- (10) Any general determination which—
- (a) has been made under section 46A of the 1993 Act,
  - (b) is a determination that closures of a particular class or description are minor closures, and
  - (c) is in force immediately before the coming into force of this section,
- shall have effect after that time as a determination made under this section that closures of that class or description are minor modifications for the purposes of this Part.

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- (11) Any conditions agreed to under section 37(1), 39(1) or 41(1) of the 1993 Act in connection with any determination under the section in question that a closure is a minor closure shall have effect after the commencement of this section as if agreed to for the purposes of subsection (5).

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**Textual Amendments**

- F1** S. 34(2A)(2B) inserted (14.10.2018) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(3), **Sch. para. 50**
- F2** Words in s. 34 substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 3(m)**
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**Commencement Information**

- I1** S. 34 in force at 1.12.2006 by [S.I. 2006/2911](#), art. 2, **Sch.**

**Changes to legislation:**

There are currently no known outstanding effects for the Railways Act 2005, Section 34.