



# Railways Act 2005

## 2005 CHAPTER 14

### PART 4

#### NETWORK MODIFICATIONS ETC.

##### *Discontinuance of use or operation of stations*

#### **29 Proposal by operator to close station**

- (1) This section applies where—
  - (a) the operator of a station proposes to discontinue the use of a station or of some part of it;
  - (b) the station or, as the case may be, that part of it has, at any time within the preceding five years, been used for or in connection with the provision of services for the carriage of passengers by railway;
  - (c) the station or that part of it is not secured;
  - (d) the station or that part of it is not excluded from the application of this section by an order under section 38; and
  - (e) the proposal is not a proposal for a minor modification.
- (2) Use for or in connection with the provision of any of the following services is to be disregarded for the purposes of subsection (1)(b)—
  - (a) an experimental passenger service;
  - (b) a service involving travel through the Channel Tunnel;
  - (c) a service that is provided otherwise than as a regular scheduled service.
- (3) The operator must give notice to the national authority setting out—
  - (a) particulars of the proposal for the closure in question; and
  - (b) a summary of the results of the assessment carried out in accordance with subsection (5).
- (4) The particulars set out in the notice must include, in particular—
  - (a) the station, or part of a station, to which the proposal relates; and

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- (b) the proposal date;  
and the proposal date must be a date not less than three months after the date of the notice.
- (5) Before giving the notice under subsection (3), the 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.
- (6) The national authority to which a notice is given under subsection (3) 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.
- (7) If the national authority forms 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 operator that it has changed its opinion or refer the proposal (with or without modifications) to the [<sup>F1</sup>Office of Rail and Road].
- (8) The operator must not discontinue the use of the station, or part of a station, before the end of the interim period.
- (9) If—
- (a) the national authority forms the opinion under subsection (6)(b) that the closure should not be allowed,
  - (b) the national authority changes its opinion following the consultation under subsection (7)(a), or
  - (c) on a reference to the [<sup>F1</sup>Office of Rail and Road] under subsection (7)(b), that Office issues a closure non-ratification notice,
- the national authority must secure the continued operation of the station, or part of a station, in question after the end of the interim period.
- (10) In this section “the national authority”—
- (a) in relation to a proposal relating to a station or part of a station that is wholly in Scotland, means the Scottish Ministers; and
  - (b) in relation to a station or part of a station that is wholly in England and Wales, means the Secretary of State<sup>[F2]</sup>, subject to subsection (11).
- <sup>[F3]</sup>(11) The Welsh Ministers, rather than the Secretary of State, are “the national authority” in relation to a proposal relating to a station, or part of a station, that—
- (a) is wholly in Wales, and
  - (b) is, immediately before the notice under subsection (3) is given, a station to which subsection (12) applies or part of such a station.
- (12) 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.]

#### Textual Amendments

- F1** Words in s. 29 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(h)**

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- F2** Words in s. 29(10)(b) inserted (14.10.2018) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), **Sch. para. 46(2)**
- F3** S. 29(11)(12) inserted (14.10.2018) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), **Sch. para. 46(3)**

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**Modifications etc. (not altering text)**

- C1** Ss. 29-31 power to exclude conferred (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 27**
- C2** S. 29 excluded by S.I. 1994/573, art. 6(5) (as inserted (12.1.2010) by The Railways (Transport for London) (Exemptions) Order 2009 (S.I. 2009/3336), arts. 1, **2(7)(b)**)
- C3** Ss. 29-31 excluded (1.4.2013) by The Greater Manchester (Light Rapid Transit System) (Exemptions) Order 2013 (S.I. 2013/339), arts. 1, **9**
- C4** Ss. 29-31: power to exclude conferred (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 41, 70(1)**
- C5** Ss. 29-31: power to exclude conferred (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 36, 64(1)**

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**Commencement Information**

- I1** S. 29 in force at 1.12.2006 by S.I. 2006/2911, art. 2, **Sch.**

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