



# Railways Act 1993

## 1993 CHAPTER 43

### PART I

#### THE PROVISION OF RAILWAY SERVICES

##### *The <sup>F1</sup><sup>F2</sup>Passengers' Council] and Rail Passengers' Committees]*

#### Textual Amendments

- F1** Words in cross-heading substituted (1.2.2001) by 2000 c. 38, s. 227, **Sch. 22 para. 8(10)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in **Sch. 2 Pt. II**)
- F2** Words in s. 76 cross-heading substituted (25.2.2010) by **The Passengers' Council (Non-Railway Functions) Order 2010** (S.I. 2010/439), art. 1, **Sch. para. 6(4)**

#### 76 <sup>F3</sup>General railway duties of Passengers' Council] .

(1) It shall be the duty of <sup>F4</sup>the Passengers' Council] to investigate any matter which relates—

- <sup>F5</sup>(a) to the provision of railway passenger services, or]
- (b) to the provision of station services by any person in a case where the operator of the station in question is authorised by a licence to be the operator of that station,

if the condition specified in subsection (2) below is satisfied in relation to the matter in question.

(2) The condition mentioned in subsection (1) above is satisfied if—

- (a) the matter is the subject of a representation made to <sup>F4</sup>the Passengers' Council] by a user or potential user of railway passenger services and does not appear to <sup>F4</sup>the Passengers' Council] to be frivolous or vexatious;
- (b) the matter is referred to <sup>F4</sup>the Passengers' Council] by the <sup>F6</sup>Secretary of State]; or

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- (c) the matter appears to [F4the Passengers' Council] to be one which it ought to investigate.

[F7(2A) If any matter falling within subsection (2)(a) appears to [F4the Passengers' Council] to relate only to—

- (a) the provision of railway passenger services wholly within the London railway area (within the meaning of section 252A of the Greater London Authority Act 1999), or
- (b) the provision of station services within that area,

that Council must refer the matter to the London Transport Users' Committee.]

[F8(3) . . . . .

(4) If, on investigating any matter, [F4the Passengers' Council] considers it appropriate to do so, [F4the Passengers' Council] shall make representations to the person providing the [F9secured service (within the meaning of Part 4 of the Railways Act 2005) which is] in question and—

- (a) in the case of a service provided under a franchise agreement, to the franchisee, or
- (b) in the case of a service provided on behalf of the [F6Secretary of State], to the [F6Secretary of State],

about the matter, or any matter to which it relates or which appears to [F4the Passengers' Council] to be relevant to the subject of the matter investigated.

(5) Where [F4the Passengers' Council]—

- (a) having made representations under subsection (4) above, is of the opinion that it is unable to achieve a satisfactory resolution of the matter by that means, or
- (b) on investigating any matter, has reason to believe that [F10a franchisee is contravening, or is likely to contravene, any term of the franchise agreement or that] the holder of a passenger licence or a station licence is contravening, or is likely to contravene, any condition of the licence,

[F4the Passengers' Council] shall[F11, unless representations about the matter have been made to the [F6Secretary of State] by [F4the Passengers' Council], refer it to the [F6Secretary of State] with a view to the [F6Secretary of State] exercising such of [F12his] powers as [F13he] considers appropriate in the circumstances of the case.].

[F14(5A) But if the [F6Secretary of State] considers that it would be more appropriate for a matter referred to it by [F4the Passengers' Council] to be considered by [F15the Office of Rail and Road], the [F6Secretary of State] shall refer it to [F15the Office of Rail and Road], with a view to [F16it] exercising such of [F17its] powers as [F16it] considers appropriate in the circumstances of the case.]

(6) Where [F4the Passengers' Council] investigates any matter—

- (a) it may prepare, and send to the Secretary of State [F18or the Welsh Ministers]F19 . . . , a report of its findings; and
- (b) it may publish any such report, unless the matter in question is one which was referred to [F4the Passengers' Council] by the [F6Secretary of State] as mentioned in subsection (2)(b) above.

(7) Where [F4the Passengers' Council] has investigated any matter under this section, it shall neither—

- (a) include in any report or representations a proposal for any steps to be taken by any person in relation to that matter, nor

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(b) refer the matter to the [F6Secretary of State] under subsection (5)(a) above by reason only of the failure of any person to take any steps in relation to that matter,

unless, balancing the cost of taking those steps against the benefits which [F4the Passengers' Council] considers will be enjoyed by any person in consequence of the taking of those steps, [F4the Passengers' Council] is of the opinion, on the basis of the information available to it, that the expenditure involved represents good value for money.

[F20(7A) It shall also be the duty of [F4the Passengers' Council], so far as it appears expedient from time to time to do so—

- (a) to keep under review matters affecting the interests of the public in relation to railway passenger services and station services;
- (b) to make representations to, and consult, such persons as they think appropriate about those matters; and
- (c) to co-operate with other bodies representing the interests of users of public passenger transport services.

(7B) The Secretary of State may, after consultation with [F4the Passengers' Council], make an order excluding services from the duties imposed by this section; and an order under this subsection—

- (a) may exclude services of a particular class or description, particular services or services provided by a particular person;
- (b) may provide that services are excluded subject to compliance with specified conditions; and
- (c) may not revoke an exclusion except for breach of condition or in accordance with the order which made it.

(7C) The Secretary of State may, after consultation with [F4the Passengers' Council], make an order providing that the duties imposed by this section apply to services of a particular class or description, particular services or services provided by a particular person—

- (a) only to such extent as is specified by the order; or
- (b) with such modifications as are so specified.]

[F21(8) . . . . .

(9) In this section, any reference to railway passenger services includes a reference to bus substitution services required to be provided in place of any such services; [F22 . . . .

#### Textual Amendments

- F3** Words in s. 76 heading substituted (25.2.2010) by [The Passengers' Council \(Non-Railway Functions\) Order 2010 \(S.I. 2010/439\)](#), art. 1, **Sch. para. 6(3)(b)**
- F4** Words in s. 76 substituted (25.2.2010) by [The Passengers' Council \(Non-Railway Functions\) Order 2010 \(S.I. 2010/439\)](#), art. 1, **Sch. para. 6(3)(a)**
- F5** S. 76(1)(a) substituted (29.7.2003) by 2000 c. 38, ss. 228(2), 275(1); S.I. 2003/1694, **art. 2**
- F6** Words in s. 76 substituted (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), ss. 1, 60, **Sch. 1 para. 32(1)**; S.I. 2005/1909, **art. 2**, Sch.
- F7** S. 76(2A) inserted (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), ss. 21, 60, **Sch. 6 para. 5**; S.I. 2005/1909, **art. 2**, Sch.

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- F8** S. 76(3) repealed (24.7.2005) by Railways Act 2005 (c. 14), ss. 59, 60, **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, **art. 2**, Sch.
- F9** Words in s. 76(4) substituted (1.12.2006 for certain purposes and otherwise prosp.) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 32(2)**; S.I. 2006/2911, **art. 2**, Sch. (subject to the transitional and saving provisions in arts. 3-7)
- F10** Words in s. 76(5)(b) inserted (29.7.2003) by 2000 c. 38, ss. 228(3)(a), 275(1); S.I. 2003/1694, **art. 2**
- F11** Words in s. 76(5) substituted (1.2.2001) by 2000 c. 38, s. 216, **Sch. 17 para. 20(3)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F12** Word in s. 76(5) substituted (24.7.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 32(3)(a)**; S.I. 2005/1909, **art. 2**, Sch.
- F13** Word in s. 76(5) substituted (24.7.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 32(3)(b)**; S.I. 2005/1909, **art. 2**, Sch.
- F14** S. 76(5A) inserted (1.2.2001) by 2000 c. 38, s. 216, **Sch. 17 para. 20(4)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F15** Words in s. 76(5A) substituted (16.10.2015) by The Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), reg. 1(2), **Sch. para. 1(ww)**
- F16** Word in s. 76 substituted (5.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 16, 120, {Sch. 2 para. 3(b) Table}; S.I. 2004/827, **art. 4(g)**
- F17** Word in s. 76 substituted (5.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 16, 120, {Sch. 2 para. 3(c) Table}; S.I. 2004/827, **art. 4(g)**
- F18** Words in s. 76(6)(a) inserted (13.6.2018) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(2)(b)(vi), **Sch. para. 25** (with art. 3)
- F19** Words in s. 76(6)(a) repealed (24.7.2005) by Railways Act 2005 (c. 14), ss. 1, 59, 60, Sch. 1 para. 32(4), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, **art. 2**, Sch.
- F20** S. 76(7A)-(7C) inserted (29.7.2003) by 2000 c. 38, ss. 228(4), 275(1); S.I. 2003/1694, **art. 2**
- F21** S. 76(8) repealed (24.7.2005) by Railways Act 2005 (c. 14), ss. 1, 59, 60, Sch. 1 para. 32(5), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, **art. 2**, Sch.
- F22** Words in s. 76(9) repealed (1.2.2001) by 2000 c. 38, s. 274, **Sch. 31 Pt. IV**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)

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

- C1** S. 76 excluded (30.11.2000) by 2000 c. 38, s. 253, **Sch. 28 para. 10**
- C2** Ss. 76, 77 applied (1.4.1994) by 1993 c. 43, ss. 47(2)(d)(4)(d), 152(2), 154(2), **Sch. 13 para. 3(2)** (modifying 1985 c. 67, s. 123); S.I. 1994/571, **art. 5**
- C3** S. 76 applied (with modifications) (29.7.2003) by The Merseyrail Electrics Network Order 2003 (S.I. 2003/1696), **art. 3**
- C4** S. 76 modified (25.6.2010) by The Rail Passengers Rights and Obligations Regulations 2010 (S.I. 2010/1504), regs. 1(2), **18(2)**
- C5** S. 76(5) applied (with modifications) (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050), **reg. 17**
- C6** S. 7(6)(a): certain functions made exercisable by the Scottish Ministers concurrently with the Minister concerned (1.7.1999) by S.I. 1999/1750, arts. 1(1), 3, **Sch. 2**; S.I. 1998/3178, **art. 3**

#### [<sup>F23</sup>76A Delegation of duties under section 76(7A)

- (1) The [<sup>F24</sup>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.

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- (2) So long as an agreement under this section is in force—
  - (a) the duties of the [<sup>F24</sup>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 [<sup>F24</sup>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.]

**Textual Amendments**

- F23** S. 76A inserted (24.7.2005) by Railways Act 2005 (c. 14), ss. 20, 60; S.I. 2005/1909, art. 2, Sch.  
**F24** Words in s. 76A substituted (25.2.2010) by The Passengers' Council (Non-Railway Functions) Order 2010 (S.I. 2010/439), art. 1, Sch. para. 6(5)

**77 General duties of [<sup>F25</sup>Rail Passengers' Committees].**

<sup>F26</sup> .....

**Textual Amendments**

- F25** Words in the sidenote to s. 77 substituted (1.2.2001) by 2000 c. 38, s. 227, Sch. 22 para. 9(10); S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to savings and transitional provisions in Sch. 2 Pt. II)  
**F26** S.77 repealed (24.7.2005) by Railways Act 2005 (c. 14), ss. 59, 60, Sch. 13 Pt. 1 (with s. 14(4)(5)); S.I. 2005/1909 {art. 2}, Sch.

**78 Functions under section 56 of the Transport Act 1962.**

<sup>F27</sup>(1) .....

<sup>F27</sup>(2) .....

<sup>F27</sup>(3) .....

<sup>F27</sup>(4) .....

- (5) After subsection (6) of that section there shall be inserted—

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“(6ZA) If the Secretary of State so directs in the case of any consultative committee, subsections (4) to (6) of this section shall have effect in relation to that committee and the Central Committee as if the reference in subsection (4) of this section to services and facilities provided by any of the Boards included a reference to any such ferry service as may be specified in the direction, whether provided by a Board or by some other person; and, in the application of subsections (4) to (6) of this section in relation to any such ferry service, any reference in those subsections to a Board shall be taken to include a reference to the person providing the ferry service.”

F27(6) .....

F27(7) .....

**Textual Amendments**

**F27** S. 78(1)-(4)(6)(7) repealed (1.2.2001) by 2000 c. 38, s. 274, **Sch. 31 Pt. IV**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in **Sch. 2 Pt. II**)

**79 Annual reports by the [<sup>F28</sup>Rail Passengers' Council and the Rail Passengers' Committees].**

F29 .....

**Textual Amendments**

**F28** Words in the sidenote to s. 79 substituted (1.2.2001) by 2000 c. 38, s. 227, **Sch. 22 para. 10(7)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in **Sch. 2 Pt. II**)

**F29** S. 79 repealed (24.7.2005) by Railways Act 2005 (c. 14), ss. 59, 60, **Sch. 13 Pt. 1** (with s. 14(4)(5)); S.I. 2005/1909, **art. 2**, **Sch.**

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