



# Railways Act 1993

## 1993 CHAPTER 43

### PART III

#### MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS

##### *Financial provisions*

#### 136 Grants and subsidies.

- (1) The Secretary of State [<sup>F1</sup>and the Scottish Ministers shall each] be the competent authority of Great Britain in relation to the railways financial status regulations.
  - (2) The Secretary of State [<sup>F2</sup>, the Scottish Ministers and, to the extent specified in subsection (2A) below, the National Assembly for Wales shall each be] the competent authority of Great Britain, in relation to persons who operate services for the carriage of goods by railway, for the purposes of the public service obligations regulations.
- [<sup>F3</sup>(2A) For the purposes of subsection (2) above the National Assembly for Wales shall only be the competent authority in relation to services for the carriage of goods by railway which are operated within Wales.]
- [<sup>F4</sup>(2B) Subsections (2) and (2A) cease to have effect on 3rd December 2012.]
- (3) The following persons, that is to say—
    - (a) the Secretary of State,
    - [<sup>F5</sup>(aa) the Scottish Ministers,
    - (ab) to the extent specified in subsection (3A) below, the National Assembly for Wales,]
    - (b) <sup>F6</sup> .....
    - (c) to the extent specified in subsection (4) below, every Passenger Transport Executive, and
    - (d) to the extent specified in subsection (5) below—

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- (i) every non-metropolitan county or district council in England or in Wales and every [<sup>F7</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994] in Scotland, and
- (ii) every London borough council and the Common Council of the City of London,
- shall each be the competent authority of Great Britain in relation to passenger service operators for the purposes of the public service obligations regulations.
- [<sup>F8</sup>(3A) For the purposes of subsection (3) above the National Assembly for Wales shall only be the competent authority in relation to services for the carriage of passengers by railway which—
- (a) are Welsh services (within the meaning of the Railways Act 2005); or
- (b) are provided under a franchise agreement to which the Assembly is a party.]
- (4) For the purposes of subsection (3) above, a Passenger Transport Executive shall only be the competent authority in relation to those railway passenger services [<sup>F9</sup>which the Executive provide, or secure are provided, in exercise of their powers under section 10(1) of the Transport Act 1968 or section 13 of the Railways Act 2005].
- (5) For the purposes of subsection (3) above—
- (a) a council falling within paragraph (d)(i) of that subsection shall only be the competent authority in relation to those railway passenger services whose provision the council secures under section 63 of the <sup>M1</sup>Transport Act 1985 (passenger transport in areas other than [<sup>F10</sup>integrated transport areas and] passenger transport areas); and
- (b) a council falling within paragraph (d)(ii) of that subsection shall only be the competent authority in relation to those railway passenger services in respect of which the council enters into and carries out agreements under [<sup>F11</sup>section 177 of the Greater London Authority Act 1999] (provision of extra transport services in London).
- (6) The Secretary of State <sup>F12</sup>... [<sup>F13</sup>may]<sup>F12</sup>... , as competent authority by virtue of subsection (3) above, give directions to any passenger service operator imposing on him obligations with respect to the provision or operation of railway passenger services.
- (7) It shall fall to the Secretary of State <sup>F14</sup>... to make any payments of compensation which are required to be made to a passenger service operator by any provision of the public service obligations regulations in respect of any obligations imposed on that operator by directions under subsection (6) above, and the Secretary of State <sup>F14</sup>... may, subject to and in accordance with the provisions of those regulations, determine the manner of calculating, and the conditions applicable to, those payments.
- (8) The power of giving directions under subsection (6) above shall be so exercised that the aggregate amount of any compensation payable under the public service obligations regulations, for periods ending after 1st April 1992, in respect of all obligations imposed by directions under that subsection shall not exceed £3,000 million or such greater sum not exceeding £5,000 million as the Secretary of State may by order specify.
- (9) A statutory instrument containing an order under subsection (8) above shall not be made unless a draft of the instrument has been laid before and approved by a resolution of the House of Commons.

*Status: Point in time view as at 16/10/2015.*

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- (10) Without prejudice to any right which the Secretary of State <sup>F14</sup>. . . may have under this Act to bring civil proceedings in respect of any contravention or apprehended contravention of any directions under subsection (6) above, the obligations imposed by any such directions shall not give rise to any form of duty or liability enforceable against a passenger service operator by proceedings before any court to which the passenger service operator would not otherwise be subject.
- (11) In this section—
- [<sup>F15</sup>“the public service obligations regulations” means Regulation (EC) No. 1370/2007 save that before 3rd December 2012 it means—
- (a) in respect of the carriage of goods by railway, Council Regulation (EEC) No. 1191/69 as amended by Council Regulation (EEC) No. 1893/91; and
- (b) in respect of the carriage of passengers by railway, Regulation (EC) No. 1370/2007;]
- “the railways financial status regulations” means Council Regulation (EEC) No. 1192/69 on common rules with respect to the financial status of railway undertakings.
- (12) Expressions used in this section and in Part I above have the same meaning in this section as they have in that Part.
- (13) Section 3 of the <sup>M2</sup>Railways Act 1974 (which is superseded by this section) shall cease to have effect.

#### Textual Amendments

- F1** Words in s. 136(1) substituted (8.6.2005) by Railways Act 2005 (c. 14), ss. 54, 60, **Sch. 11 para. 14(1)**; S.I. 2005/1444, **art. 2(1)**, Sch. 1
- F2** Words in s. 136(2) substituted (8.6.2005) by Railways Act 2005 (c. 14), ss. 54, 60, **Sch. 11 para. 14(2)**; S.I. 2005/1444, **art. 2(1)**, Sch. 1
- F3** S. 136(2A) inserted (8.6.2005) by Railways Act 2005 (c. 14), ss. 54, 60, **Sch. 11 para. 14(3)**; S.I. 2005/1444 {art. 2(1)}, Sch. 1
- F4** S. 136(2B) inserted (18.3.2010) by The Railways (Public Service Obligations) Regulations 2010 (S.I. 2010/402), regs. 1, **2(2)**
- F5** S. 136(3)(aa)(ab) inserted (8.6.2005) by Railways Act 2005 (c. 14), ss. 54, 60, **Sch. 11 para. 14(4)**; S.I. 2005/1444, **art. 2(1)**, Sch. 1
- F6** S.136(3)(c) repealed (1.12.2006) 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. 2006/2911, **art. 2**, Sch. (subject to the transitional and saving provisions in arts. 3-7)
- F7** Words in s. 136(3)(d)(i) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 184(2)**; S.I. 1996/323, **art. 4(1)(c)**
- F8** S. 136(3A) inserted (8.6.2005) by Railways Act 2005 (c. 14), ss. 54, 60, **Sch. 11 para. 14(5)**; S.I. 2005/1444 {art. 2(1)}, Sch. 1
- F9** Words substituted (24.7.2005 for E.W. and otherwise prosp.) for s. 136(4)(a)(b) by Railways Act 2005 (c. 14), ss. 54, 60, **Sch. 11 para. 14(6)(7)**; S.I. 2005/1909, **art. 2**, Sch.
- F10** Words in s. 136(5)(a) inserted (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 4 para. 58(3)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F11** Words in s. 136(5)(b) substituted (15.7.2003) by The Transport for London (Consequential Provisions) Order 2003 (S.I. 2003/1615), art. 2, **Sch. 1 para. 19**
- F12** Words in s. 136(6) repealed (1.12.2006) 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. 2006/2911, **art. 2**, Sch. (subject to the transitional and saving provisions in arts. 3-7)

*Status: Point in time view as at 16/10/2015.*

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- F13** Words in s. 136(6) substituted (1.2.2001) by 2000 c. 38, s. 215, **Sch. 16 para. 51(3)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in **Sch. 2 Pt. II**) (which S.I. was amended by S.I. 2001/115)
- F14** Words in s. 136(7)(10) repealed (1.12.2006) 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. 2006/2911, **art. 2**, **Sch.** (subject to the transitional and saving provisions in arts. 3-7)
- F15** Words in s. 136(11) substituted (18.3.2010) by The Railways (Public Service Obligations) Regulations 2010 (S.I. 2010/402), regs. 1, **2(3)**

#### Marginal Citations

- M1** 1985 c. 67.  
**M2** 1974 c. 48.

<sup>F16</sup>**137** .....

#### Textual Amendments

- F16** S. 137 repealed (1.2.2001) by 2000 c. 38, ss. 274, 275(1), **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**)

### **138 Grants and other payments towards facilities for public passenger transport to and from airports, harbours etc.**

- (1) Section 56 of the <sup>M3</sup>Transport Act 1968 (Ministerial grants and local authority payments towards capital expenditure incurred in the provision, improvement or development of facilities for public passenger transport) shall be amended in accordance with the following provisions of this section.

- (2) After subsection (2) there shall be inserted—

“(2A) Where a relevant local authority proposes to make payments under subsection (2) of this section in respect of any facilities, that authority may enter into an agreement with the Franchising Director under which the Franchising Director undertakes to exercise franchising functions of his, to refrain from exercising such functions, or to exercise such functions in a particular manner, in relation to the use of the facilities in question.

- (2B) In subsection (2A) of this section, the following expressions have the following meanings respectively, that is to say—

“the Franchising Director” means the Director of Passenger Rail Franchising;

“franchising functions”, in relation to the Franchising Director, has the same meaning as it has in relation to him in section 54 of the Railways Act 1993;

“relevant local authority” means—

- (a) a non-metropolitan county or district council in England or in Wales;
- (b) a London borough council or the Common Council of the City of London; or
- (c) a regional or islands council in Scotland;

*Status: Point in time view as at 16/10/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Railways Act 1993, Cross Heading: Financial provisions. (See end of Document for details)*

and any reference to a relevant local authority shall be taken to include a reference to any two or more such authorities acting jointly.”

- (3) That section shall have effect, and be taken always to have had effect, with the insertion after subsection (3) (which prevents the making of any such grants or payments for the purposes of the provision, improvement or development of an airfield, harbour, dock, pier or jetty) of the following subsection—

“(3A) Nothing in subsection (3) of this section precludes the making of grants under subsection (1) or payments under subsection (2) thereof for the purposes of the provision, improvement or development of facilities for or in connection with public passenger transport by land to or from an airfield, harbour, dock, pier or jetty.”

**Marginal Citations**

**M3** 1968 c. 73.

<sup>F17</sup> **139** .....

**Textual Amendments**

**F17** S. 139 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**)

<sup>F18</sup> **140** .....

**Textual Amendments**

**F18** S. 140 repealed (1.2.2001) by 2000 c. 38, s. 274, **Sch. 31 Pt. V(2)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in **Sch. 2 Pt. II**) and expressed to be repealed (S.) (1.4.2001) by 2001 asp 2, s. 71(6) (with s. 66); S.S.I. 2001/132, art. 2(2), **Sch. Pt. I**

<sup>F19</sup> **141** .....

**Textual Amendments**

**F19** S. 141 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**)

**142 General financial provisions.**

There shall be paid out of money provided by Parliament—

- (a) any administrative expenses incurred by the Secretary of State or the Treasury in consequence of the provisions of this Act; and

*Status: Point in time view as at 16/10/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Railways Act 1993, Cross Heading: Financial provisions. (See end of Document for details)*

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- (b) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

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Point in time view as at 16/10/2015.

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Financial provisions.