



Railways Act 1993

1993 CHAPTER 43

PART I

THE PROVISION OF RAILWAY SERVICES

Franchising of passenger services

^{F1}26B No adequate tenders for franchise.

- (1) The Authority shall give notice under subsection (2) below if—
 - (a) it has issued an invitation to tender for the provision of any services under section 26 above (otherwise than in compliance with a direction under subsection (3)(b) below); but
 - (b) although it has received a tender or tenders in response to the invitation, it considers that the services would be provided more economically and efficiently than under a franchise agreement entered into pursuant to the tender or any of the tenders if the Authority provided them or secured their provision otherwise than under a franchise agreement.
- (2) The notice shall be given to—
 - (a) the Secretary of State; and
 - (b) the person, or each of the persons, who submitted a tender.
- (3) On receipt of the notice under paragraph (a) of subsection (2) above the Secretary of State shall (after considering the matter and any representations duly made in response to a notice under paragraph (b) of that subsection and not withdrawn) give to the Authority—
 - (a) a direction to reconsider the tender or tenders with a view to selecting a franchisee, or
 - (b) a direction to issue new invitations to tender for the provision of the services under section 26 above,as he considers appropriate.

Status: Point in time view as at 01/02/2001. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Railways Act 1993, Section 26B. (See end of Document for details)

- (4) The Authority shall give notice under subsection (5) below if it has issued an invitation to tender for the provision of any services under section 26 above in compliance with a direction under subsection (3)(b) above but either—
- (a) it has received no tenders in response to the invitation; or
 - (b) although it has received a tender or tenders in response to the invitation, it considers that the services would be provided more economically and efficiently than under a franchise agreement entered into pursuant to the tender or any of the tenders if the Authority provided them or secured their provision otherwise than under a franchise agreement.
- (5) The notice shall be given to—
- (a) the Secretary of State; and
 - (b) if the Authority received a tender or tenders, the person, or each of the persons, who submitted a tender.
- (6) In a case where the Authority has received no tenders, on receipt of the notice under subsection (5)(a) above the Secretary of State shall give to the Authority a direction not to seek to secure the provision of the services under a franchise agreement.
- (7) In a case where the Authority has received a tender or tenders, on receipt of the notice under paragraph (a) of subsection (5) above the Secretary of State shall (after considering the matter and any representations duly made in response to a notice under paragraph (b) of that subsection and not withdrawn) give to the Authority—
- (a) a direction to reconsider the tender or tenders with a view to selecting a franchisee, or
 - (b) a direction not to seek to secure the provision of the services under a franchise agreement,
- as he considers appropriate.
- (8) Any notice under subsection (2)(b) or (5)(b) above shall specify a period (not being less than 28 days from the date of the service of the notice) within which representations may be made to the Secretary of State.
- (9) The Secretary of State may at any time—
- (a) revoke a direction under subsection (6) or (7)(b) above; and
 - (b) instead direct the Authority to issue new invitations to tender for the provision of the services under section 26 above.

Textual Amendments

- F1** S. 26ZA substituted (24.7.2005 for certain purposes and 16.10.2005 in so far as not already in force) for ss. 26A, 26B, 26C by [Railways Act 2005 \(c. 14\)](#), ss. 1, 60, [Sch. 1 para. 16](#); [S.I. 2005/1909](#), [art. 2](#), [Sch.](#); [S.I. 2005/2812](#), [art. 2\(1\)](#), [Sch. 1](#)

Status:

Point in time view as at 01/02/2001. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Railways Act 1993, Section 26B.