



Railways Act 1993

1993 CHAPTER 43

PART I

THE PROVISION OF RAILWAY SERVICES

Closures

40 Proposals to close passenger networks operated on behalf of the Franchising Director

- (1) This section applies in any case where—
- (a) a network or a part of a network is operated on behalf of the Franchising Director; and
 - (b) the Franchising Director proposes to discontinue the operation of the network or, as the case may be, the part of the network in question (in this section referred to as a “closure”).
- (2) If in a case where this section applies—
- (a) the closure is certified by the Regulator as being a minor closure,
 - (b) the closure is one to which subsection (3) below applies,
 - (c) the network or, as the case may be, the part of the network in question has at no time within the preceding five years been used for or in connection with the provision of any services for the carriage of passengers by railway, or
 - (d) the network in question is one of those which are designated, or which are of a class or description designated, by order under section 49(4) below as networks in relation to which section 39 above is not to have effect,
- the Franchising Director may discontinue the operation of the network or, as the case may be, the part of the network in question, notwithstanding any duty imposed upon him by or under this Part to secure its operation, and subsections (5) and (6) below shall not apply in relation to the closure.
- (3) This subsection applies to a closure if and to the extent that it is the closure of part of a multiple track railway running between any two places, where the circumstances are

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such that the railway line in question will continue to be at least a single track railway between those two places.

(4) In determining for the purposes of subsection (2)(c) above whether the network or, as the case may be, the part of the network in question has at any time within the period there mentioned been used for or in connection with the provision of services for the carriage of passengers by railway, there shall be left out of account any use for or in connection with the provision of services—

- (a) which involve travel through the Channel Tunnel;
- (b) which are experimental passenger services, within the meaning of section 48 below, or which are provided on an experimental basis, for the purposes of section 56A of the Transport Act 1962; or
- (c) which are provided otherwise than as regular scheduled services on that network or, as the case may be, the part of the network in question.

(5) Subject to subsection (2) above, where this section applies, the Franchising Director shall publish in two successive weeks in a local newspaper circulating in the area affected and in two national newspapers, and in such other manner as appears to him to be appropriate, a notice containing—

- (a) particulars of the proposal to effect the closure,
- (b) the date on which it is proposed that the closure will take effect,
- (c) particulars of any alternative transport services which appear to him to be available,
- (d) the addresses of the premises at which a statement of the reasons for the proposed closure can be inspected, or from which a copy of that statement can be obtained, and any fees payable for copies of the statement,
- (e) a statement that objections to the proposed closure may be lodged with the Regulator within such period as may be specified for the purpose in the notice (being not less than six weeks from the date of the last publication of the notice in a local newspaper),

and shall be under a duty during the interim period to secure the operation of the network or, as the case may be, the part of the network to which the proposed closure relates.

(6) Subject to subsection (2) above and without prejudice to any subsequent application of this section in relation to the network or the part of the network in question—

- (a) if the final decision on the closure question is that the proposed closure will not be allowed to take effect, the Franchising Director shall be under a duty to secure the operation of the network or, as the case may be, the part of the network after the interim period; and
- (b) if the final decision on the closure question is that the proposed closure will be allowed to take effect subject to compliance with conditions, the Franchising Director shall be under a duty to comply with those conditions or to secure that they are complied with.

(7) In this section—

“the area affected” means the area in which is situated the network or, as the case may be, the part of the network in question;

“the final decision on the closure question” means—

- (a) in a case where the decision of the Regulator under section 43(9) below with respect to the proposed closure is not referred to the Secretary of State under section 44 below, that decision; or

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- (b) in a case where that decision is referred to the Secretary of State under section 44 below, the disposal of that reference by the Secretary of State;
“the interim period” means the period beginning with the date mentioned in subsection (5)(b) above and ending four weeks after the date of the final decision on the closure question;
“minor closure”, “multiple track railway” and “single track railway” have the same meaning as they have in section 39 above.
- (8) The networks and parts of networks that are to be regarded for the purposes of this section as operated on behalf of the Franchising Director are the same networks and parts of networks as are to be so regarded for the purposes of section 39 above.
- (9) Any sums received by the Franchising Director under this section shall be paid into the Consolidated Fund.