



Railways Act 2005

2005 CHAPTER 14

PART 2

PUBLIC SECTOR FUNDING AUTHORITIES FOR RAILWAYS

Passenger Transport Executives

13 Railway functions of Passenger Transport Executives

(1) Before—

- (a) issuing an invitation to tender for a franchise agreement in a case in which the services to be provided under the agreement are or include services in which a Passenger Transport Executive for an area in England have an interest, or
- (b) entering into a franchise agreement in respect of such services in a case in which no such invitation has been issued,

the Secretary of State must consult the Executive for that area.

(2) For the purposes of subsection (1) the services in which a Passenger Transport Executive have an interest are—

- (a) services for the carriage of passengers by railway within the passenger transport area of that Executive; and
- (b) services which are not such services but are services for the carriage of passengers by railway to or from such an area.

(3) A Passenger Transport Executive for a passenger transport area in England and the Secretary of State may enter into arrangements under which one or both of the following occurs—

- (a) sums become due from the Executive to the Secretary of State in respect of services for the carriage of passengers by railway within that area or in respect of station services or bus substitution services provided within that area; and
- (b) the Secretary of State undertakes to exercise or perform his powers and duties in relation to or in connection with such services in a particular way.

Status: This is the original version (as it was originally enacted).

- (4) A Passenger Transport Executive for a passenger transport area in England may enter into agreements for purposes relating to or connected with the provision, by a person who is a franchisee or franchise operator in relation to a franchise agreement, of—
- (a) services for the carriage of passengers by railway within that area; and
 - (b) station services provided for purposes connected with any such services.
- (5) A Passenger Transport Executive for a passenger transport area in England may not enter into an agreement (whether by virtue of subsection (4) or otherwise)—
- (a) with a person who is a franchisee or franchise operator in relation to a franchise agreement, or
 - (b) with a person who is proposing to become such a franchisee or franchise operator,
- unless the agreement is approved by the Secretary of State.
- (6) The Secretary of State may—
- (a) give a general approval for the purposes of subsection (5) in relation to a description of agreements, as well as specific approvals for particular agreements; and
 - (b) withdraw his approval in relation to any agreement at any time before the agreement is entered into.
- (7) The agreements to which a Passenger Transport Executive for a passenger transport area in England may become a party with the approval of the Secretary of State include franchise agreements under which services are provided which are or include services for the carriage of passengers by railway within that area.
- (8) The Secretary of State and the Passenger Transport Executive for a passenger transport area in England must each provide to the other any information which—
- (a) the other reasonably requires for purposes connected with his or their functions in relation to railways or railway services; and
 - (b) is information which it would have been lawful for him or (as the case may be) them to disclose apart from this subsection.
- (9) In this section—
- (a) a reference to a service for the carriage of passengers by railway within a passenger transport area is a reference to a service for the carriage of passengers by railway between places in that area or between places in that area and places outside it which are within the permitted distance;
 - (b) a reference to station services provided within such an area is a reference to station services provided in connection with any such service for the carriage of passengers by railway; and
 - (c) a reference to a bus substitution service provided within such an area is a reference to a bus substitution service for the carriage of passengers between places in that area or between places in that area and places outside it which are within the permitted distance;
- and in this subsection “the permitted distance” has the same meaning as in section 10(1)(ii) of the Transport Act 1968 (c. 73) (25 miles).

14 Repeals and savings relating to Passenger Transport Executives

- (1) The following provisions shall cease to have effect—

- (a) in section 10(1) of the Transport Act 1968, paragraphs (vi) and (viza) (powers to enter into agreements with the SRA);
 - (b) section 20(2)(b) and (3) of that Act (duty of PTE to enter into agreements to secure the provision of railway passenger services and to provide information for that purpose); and
 - (c) sections 34 and 35 of the 1993 Act (role of PTAs and PTEs in relation to franchising and the termination and variation of agreements under section 20(2) of the 1968 Act).
- (2) Subject to subsection (3), a Passenger Transport Executive who are a party to a franchise agreement immediately before the commencement of subsection (1) may continue to be a party to that agreement after that time, notwithstanding anything in subsection (1) of this section or in section 13.
- (3) Where a Passenger Transport Executive are a party to a franchise agreement immediately before the commencement of subsection (1) of this section—
- (a) subsection (2) of this section and section 13(4) and (7) are to be disregarded for the purpose of giving effect to any provision of the agreement by virtue of which a person may cause the Executive to cease to be a party to it; and
 - (b) the Executive must comply with all such directions as may be given to them by the Secretary of State to take steps for the purpose of ceasing to be a party to the agreement.
- (4) The provisions of this section and the repeals made by this Act do not affect the application of the following provisions in relation to a franchise agreement into which a Passenger Transport Executive entered before the commencement of subsection (1) of this section, that is to say—
- (a) subsection (17) of section 34 of the 1993 Act (disputes); and
 - (b) any other enactment so far as it has effect for the purposes of or in relation to that subsection of that section.
- (5) In the operation of any enactment by virtue of subsection (4) of this section references in that enactment to the Strategic Rail Authority are to have effect as references to the Secretary of State.