



# Railways Act 2005

## 2005 CHAPTER 14

### PART 4

#### NETWORK MODIFICATIONS ETC.

##### *Discontinuance of railway passenger services*

#### **24 Proposals to discontinue franchised or secured services**

- (1) This section applies where—
  - (a) all the relevant railway passenger services on a particular line or from a particular station fall within subsection (2);
  - (b) a proposal for the discontinuance of all the relevant railway passenger services provided on that line, or from that station, is made, in accordance with section 41, by a railway funding authority; and
  - (c) the proposal is not a proposal for a minor modification.
- (2) A service falls within this subsection if it is—
  - (a) a franchised service; or
  - (b) a secured service.
- (3) The references in subsection (1) to relevant railway passenger services are references to railway passenger services that are not—
  - (a) experimental passenger services;
  - (b) services involving travel through the Channel Tunnel;
  - (c) services that are provided otherwise than as regular scheduled services for the line or station in question; or
  - (d) services excluded from the application of this section by an order under section 38.
- (4) The railway funding authority making the proposal must—
  - (a) give notice of its proposal to the national authority, if it is not itself that authority;

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*Status: Point in time view as at 23/02/2017. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Railways Act 2005, Section 24. (See end of Document for details)*

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- (b) carry out a consultation under Schedule 7 about the proposal; and
  - (c) after carrying out that consultation, either withdraw the proposal or refer the proposal (with or without modifications) to the [F1Office of Rail and Road].
- (5) A notice to the national authority under subsection (4)(a) must set out—
- (a) particulars of the proposal for the closure including, in particular—
    - (i) the services to which the proposal relates; and
    - (ii) the proposal date; and
  - (b) a summary of the results of the assessment carried out in accordance with subsection (6).
- (6) Before—
- (a) giving a notice under subsection (4)(a), in a case where it is not itself the national authority, or
  - (b) in any other case, carrying out the consultation under subsection (4)(b),
- the railway funding authority making the proposal must carry out an assessment of whether the proposal satisfies the criteria set out in the relevant part of the closures guidance; and that assessment must be carried out in accordance with that guidance.
- (7) If the franchise agreement or any other arrangement under or in accordance with which the services are being provided does not require the services to be provided until the end of the interim period, the national authority must secure the provision of the services until the end of that period.
- (8) If on a reference under subsection (4)(c) the [F1Office of Rail and Road] issues a closure non-ratification notice, the national authority must secure the provision of the services to which the proposal relates after the end of the interim period.
- (9) The duty of the national authority under subsection (8)—
- (a) is discharged without its taking further steps so long as the provisions of the franchise agreement or other arrangements, in force at the time of the proposal, so far as they require the provision of the services, continue in force without modification; and
  - (b) ceases if the services begin to be provided under a franchise agreement.
- (10) Nothing in subsection (7) or (8) requires the Secretary of State to secure the provision of a Welsh service unless it appears to him that he will be receiving funds from the National Assembly for Wales that are reasonably equivalent to those provided by the Assembly in respect of the service previously provided.
- (11) In this section “the national authority”—
- (a) in relation to a proposal relating to services all of which are—
    - (i) Scotland-only services, or
    - (ii) relevant cross-border services,
 means the Scottish Ministers; and
  - (b) in any other case, means the Secretary of State.
- (12) For the purposes of subsection (11), a cross-border service is a “relevant cross-border service” if it—
- (a) does not begin or end or otherwise make a scheduled call in Wales; and
  - (b) is a service in respect of which more funding is provided by the Scottish Ministers than the Secretary of State.

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#### **Textual Amendments**

- F1** Words in s. 24 substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 3(c)**

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

- C1** Ss. 22-25 power to exclude conferred (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), s. 27
- C2** S. 24 excluded by S.I. 1994/573, art. 6(4) (as inserted (12.1.2010) by [The Railways \(Transport for London\) \(Exemptions\) Order 2009 \(S.I. 2009/3336\)](#), arts. 1, **2(7)(b)**)
- C3** Ss. 22-24 excluded (1.4.2013) by [The Greater Manchester \(Light Rapid Transit System\) \(Exemptions\) Order 2013 \(S.I. 2013/339\)](#), arts. 1, 7
- C4** Ss. 22-25: power to exclude conferred (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), ss. 41, 70(1)

#### **Commencement Information**

- I1** S. 24 in force at 1.12.2006 by [S.I. 2006/2911](#), art. 2, **Sch.**

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**Changes to legislation:**

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