



# Crossrail Act 2008

## 2008 CHAPTER 18

### *Railway matters*

#### **26 Disapplication of franchising and access exemptions**

- (1) The Secretary of State may by order amend, or revoke provisions of, the Heathrow Express Order—
  - (a) for the purpose of restricting or ending an exemption granted by a relevant provision,
  - (b) for the purpose of adding to the conditions subject to which such an exemption is granted, or
  - (c) for the purpose of making such a condition more onerous.
- (2) For the purposes of subsection (1), each of the following is a “relevant provision”—
  - article 3(1) of the Heathrow Express Order, and
  - article 4(1) of the Heathrow Express Order.
- (3) Where exercise of the power under subsection (1) has effect to end an exemption granted by article 3(1) of the Heathrow Express Order in relation to any track, station or depot, the Secretary of State may by order—
  - (a) make provision for, or in connection with, treating as void—
    - (i) every access contract, including one entered into before the making of the order, where the permission concerned is permission to use that facility, or
    - (ii) a contract such as is mentioned in sub-paragraph (i) if it is specified in the order or is of a description so specified;
  - (b) provide for exceptions to any provision made under paragraph (a).
- (4) The powers—
  - (a) under subsection (1), so far as relating to an exemption granted by article 3(1) of the Heathrow Express Order, and
  - (b) under subsection (3)(a),

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*Changes to legislation: There are currently no known outstanding effects for the Crossrail Act 2008, Section 26. (See end of Document for details)*

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are exercisable only for the purpose of, or for purposes that include, facilitating Crossrail passenger services.

(5) The powers under subsection (1), so far as relating to an exemption granted by article 4(1) of the Heathrow Express Order, are exercisable only for, or for purposes that include, either or both of the following—

- (a) facilitating Crossrail passenger services, and
- (b) enabling Crossrail passenger services to be designated under section 23(1) of the Railways Act 1993 (c. 43) (services which ought to be provided under franchise agreements).

(6) The power to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In this section—

“the Heathrow Express Order” means the Railways (Heathrow Express) (Exemptions) Order 1994 (S.I. 1994/574), as from time to time amended;

“access contract” has the meaning given by section 17(6) of the Railways Act 1993;

“Crossrail passenger service” has the meaning given by section 23(4).

**Changes to legislation:**

There are currently no known outstanding effects for the Crossrail Act 2008, Section 26.