
STATUTORY INSTRUMENTS

2003 No. 1696

The Merseyrail Electrics Network Order 2003

Citation and commencement

1. This Order may be cited as the Merseyrail Electrics Network Order 2003 and shall come into force on 29th July 2003.

Interpretation

2. In this Order—

“the 1993 Act” means the Railways Act 1993;

“concession agreement” means an agreement entered into by the Merseyside PTE (using its powers under section 10 of the Transport Act 1968(1)) pursuant to which another person agrees to provide railway passenger services on the Merseyrail Electrics network;

“concession operator” means, in relation to a concession agreement, the person who has agreed to provide railway passenger services on the Merseyrail Electrics network under that agreement;

“the Merseyrail Electrics network” means the network incorporating railway lines which run exclusively along the routes specified in the Schedule and which is used for the support, guidance and operation of trains serving exclusively those routes;

“the Merseyside PTE” means the Merseyside Passenger Transport Executive; and

“network station” means a station at which the only regular railway passenger services which are provided operate exclusively on the Merseyrail Electrics network.

Modification of the general duties of the Rail Passengers’ Council

3.—(1) The duties imposed by section 76 of the 1993 Act shall, in relation to railway passenger services which operate exclusively on the Merseyrail Electrics network and station services relating to the provision or operation of a network station, apply with the following modifications.

(2) Section 76 shall be read as if:

(a) for the references to a “franchise agreement” there were substituted references to the concession agreement under which such services are for the time being provided;

(b) for the references to “the franchisee” there were substituted references to the concession operator under the relevant concession agreement;

(c) in subsections (2), (4), (5), (5A), (6)(b) and (7), for the references to “the Authority” there were substituted “the Merseyside Passenger Transport Executive”; and

(1) 1968 c. 73; section 10 was amended by the Local Government (Scotland) Act 1973 (c. 65), section 150 and Schedule 18 (paragraph 2) and section 237 and Schedule 29; the Local Government Act 1974 (c. 7), section 35 and Schedule 6 (paragraph 22) and section 42 and Schedule 8; the Acquisition of Land Act 1981 (c. 67), section 34 and Schedule 4 (paragraph 18); the Transport Act 1985 (c. 67), section 57 and Schedule 3 (paragraphs 2 and 4) and section 139 and Schedules 7 (paragraph 7) and 8; the Railways Act 1993 (c. 43), section 36; and the Transport Act 2000 (c. 38), section 252 and Schedule 27 (paragraphs 2 and 3).

- (d) in subsection (6)(a), after the reference to “the Secretary of State” there were inserted the words “the Merseyside Passenger Transport Executive”.
- (3) In section 76(4)(b), references to services provided on behalf of the Merseyside PTE shall not include services provided under a concession agreement.
- (4) Where the Rail Passengers’ Council considers it appropriate to do so, a matter may be referred under section 76(5) to the Strategic Rail Authority in addition to the Merseyside PTE.
- (5) Section 76(8) shall be disregarded.

Modification of the general duties of Rail Passengers’ Committees

4.—(1) The duties imposed by section 77 of the 1993 Act shall, in relation to railway passenger services which operate exclusively on the Merseyrail Electrics network and station services relating to the provision or operation of a network station, apply with the following modifications.

- (2) Section 77 shall be read as if:
 - (a) for the references to a “franchise agreement” there were substituted references to the concession agreement under which such services are for the time being provided;
 - (b) for the references to “the franchised services” there were substituted references to the services provided under the relevant concession agreement;
 - (c) for the references to “the franchisee” or “the franchise operator” there were substituted references to the concession operator under the relevant concession agreement; and
 - (d) in subsections (2), (3), (4), (4A) and (5)(b), for the references to “the Authority” there were substituted “the Merseyside Passenger Transport Executive”.
- (3) In section 77(3)(b), references to services provided on behalf of the Merseyside PTE shall not include services provided under a concession agreement.
- (4) Where a Rail Passengers’ Committee considers it appropriate to do so, a matter may be referred under section 77(4) to the Strategic Rail Authority in addition to the Merseyside PTE.
- (5) In section 77(6), (7) and (8), a reference to “the Authority” may be construed as if it were a reference to either “the Merseyside Passenger Transport Executive” or “the Authority”, as appropriate.
- (6) Section 77(10) shall be disregarded.

Signed by authority of the Secretary of State for Transport

7th July 2003

Kim Howells
Minister of State,
Department for Transport