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STATUTORY INSTRUMENTS

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**2009 No. 2973**

**TRANSPORT**

**RAILWAYS**

**The Railway Closures (Minor Modifications) Order 2009**

*Made* - - - - *8th November 2009*  
*Laid before Parliament* *12th November 2009*  
*Coming into force* - - *10th December 2009*

The Secretary of State for Transport makes the following Order in exercise of the powers conferred by section 35(6) of the Railways Act 2005(1).

It appears to the Secretary of State that closures described in this Order should, because of their temporary nature or limited effect on the provision of railway passenger services, be treated as minor modifications.

**Citation and commencement**

1. This Order may be cited as the Railway Closures (Minor Modifications) Order 2009 and comes into force on 10th December 2009.

**The discontinuance of network**

2.—(1) The discontinuance of the operation of a part of a network is eligible to be treated as a minor modification so far as the part of the network consists of a stretch of track that runs through or beside, but does not serve, a station and the circumstances are such that-

- (a) trains that would otherwise use that stretch of track, in travelling through or beside the station, will instead pass along an alternative route through or beside the station; and
- (b) the operational capacity and capability of the network is not reduced as a result of the discontinuance.

(2) In paragraph (1):—

- (a) “operational capacity” means the ability of the network to accommodate a quantum of train services;
- (b) “capability” means the availability of operational capacity as set out in the network statement in force at the time of the discontinuance; and

- (c) “network statement” means the network statement published by the infrastructure manager of the network as required by the Railways Infrastructure (Access and Management) Regulations 2005(2).

**Extent**

3.—(1) This Order applies only to non-Scottish closures.

(2) In paragraph (1) “non-Scottish closures” means closures other than those closures referred to in paragraphs (a) to (e) of section 35(7) of the Railways Act 2005.

Signed by authority of the Secretary of State

8th November 2009

*C D Mole*  
Parliamentary Under Secretary of State  
Department for Transport

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order provides for a certain type of closure in certain circumstances to be eligible to be treated as a minor modification. This type of closure is the discontinuance of a part of a network that consists of a section of track that runs through or beside a station, but does not serve a platform at that station to allow a train to call there. The circumstances are where the discontinuance will not lead to a reduction in the capacity or capability of the network, and trains that would have used the track will instead use another route which runs through or beside the station.

A regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities, voluntary bodies or the private sector.