



Railways Act 1993

1993 CHAPTER 43

PART I

THE PROVISION OF RAILWAY SERVICES

Introductory

1 The Rail Regulator and the Director of Passenger Rail Franchising

- (1) The Secretary of State shall appoint—
 - (a) an officer to be known as “the Rail Regulator” (in this Act referred to as “the Regulator”), and
 - (b) an officer to be known as “the Director of Passenger Rail Franchising” (in this Act referred to as “the Franchising Director”),for the purpose of carrying out the functions assigned or transferred to the Regulator, or (as the case may be) the Franchising Director, by or under this Act.
- (2) An appointment of a person to hold office as the Regulator or the Franchising Director shall be for a term not exceeding five years; but previous appointment to either of those offices shall not affect eligibility for re-appointment (or for appointment to the other of them).
- (3) The Secretary of State may remove any person from office as the Regulator or the Franchising Director on the ground of incapacity or misbehaviour.
- (4) Subject to subsections (2) and (3) above, a person appointed as the Regulator or the Franchising Director shall hold and vacate office as such in accordance with the terms of his appointment.
- (5) The Franchising Director shall be a corporation sole by the name of “The Director of Passenger Rail Franchising”.
- (6) The provisions of Schedule 1 to this Act shall have effect with respect to the Regulator and the Franchising Director.

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2 Rail users' consultative committees

- (1) The Area Transport Users Consultative Committees established under section 56 of the Transport Act 1962 are hereby abolished and the London Regional Passengers' Committee established under section 40 of the London Regional Transport Act 1984 (which is treated by virtue of section 41 of that Act as such a committee for certain purposes) shall accordingly cease to be treated as one of those committees for any purpose.
- (2) The Regulator shall establish a number of committees, not exceeding nine at any one time, to be known as Rail Users' Consultative Committees (in this Part referred to as “consultative committees”).
- (3) There shall be one consultative committee for Scotland, and one for Wales.
- (4) In addition to the consultative committees established under subsection (2) above, the London Regional Passengers' Committee shall be treated as the consultative committee for the Greater London area for all purposes of this Part other than—
 - (a) subsections (2) and (3) above and subsections (6) to (8) below;
 - (b) section 79 below; and
 - (c) Schedule 2 to this Act;and references in this Part to a consultative committee shall be construed accordingly.
- (5) Subject to subsections (3) and (4) above—
 - (a) each consultative committee shall be appointed for such area as the Regulator may from time to time assign to it; and
 - (b) the Regulator shall so assign areas to consultative committees as to secure that every place in Great Britain forms part of the area of a consultative committee, and that no place forms part of the area of two or more consultative committees.
- (6) Each consultative committee established under subsection (2) above shall consist of—
 - (a) a chairman appointed by the Secretary of State after consultation with the Regulator; and
 - (b) such other members, being not less than ten nor more than twenty in number, as the Regulator may from time to time appoint, after consultation with the Secretary of State and the chairman.
- (7) The chairman and other members of a consultative committee established under subsection (2) above shall hold and vacate office in accordance with the terms of the instruments appointing them and shall, on ceasing to hold office, be eligible for re-appointment.
- (8) The provisions of Schedule 2 to this Act shall have effect with respect to each of the consultative committees established under subsection (2) above.
- (9) Unless the Secretary of State, after consultation with the Regulator, otherwise directs, “the Greater London area” means, for the purposes of this section, the area for which, immediately before the coming into force of this section, the London Regional Passengers' Committee was treated, by virtue of section 41(1) of the London Regional Transport Act 1984, as the Area Transport Users Consultative Committee for the purposes there mentioned.

3 The Central Rail Users' Consultative Committee

- (1) The Central Transport Consultative Committee for Great Britain, established under section 56 of the Transport Act 1962, is hereby abolished.
- (2) There shall be a committee, to be known as the Central Rail Users' Consultative Committee (in this Part referred to as “the Central Committee”).
- (3) The Central Committee shall consist of—
 - (a) a chairman, appointed by the Secretary of State after consultation with the Regulator;
 - (b) every person who for the time being holds office as chairman of a consultative committee established under section 2(2) above or as chairman of the London Regional Passengers' Committee; and
 - (c) not more than six other members, appointed by the Regulator after consultation with the Secretary of State and the chairman.
- (4) The chairman of the Central Committee and any members appointed under subsection (3)(c) above shall hold and vacate office in accordance with the terms of the instruments appointing them and shall, on ceasing to hold office, be eligible for re-appointment.
- (5) The provisions of Schedule 3 to this Act shall have effect with respect to the Central Committee.

4 General duties of the Secretary of State and the Regulator

- (1) The Secretary of State and the Regulator shall each have a duty to exercise the functions assigned or transferred to him under or by virtue of this Part in the manner which he considers best calculated—
 - (a) to protect the interests of users of railway services;
 - (b) to promote the use of the railway network in Great Britain for the carriage of passengers and goods, and the development of that railway network, to the greatest extent that he considers economically practicable;
 - (c) to promote efficiency and economy on the part of persons providing railway services;
 - (d) to promote competition in the provision of railway services;
 - (e) to promote measures designed to facilitate the making by passengers of journeys which involve use of the services of more than one passenger service operator;
 - (f) to impose on the operators of railway services the minimum restrictions which are consistent with the performance of his functions under this Part;
 - (g) to enable persons providing railway services to plan the future of their businesses with a reasonable degree of assurance.
- (2) Without prejudice to the generality of subsection (1)(a) above, the Secretary of State and the Regulator shall each have a duty, in particular, to exercise the functions assigned or transferred to him under or by virtue of this Part in the manner which he considers is best calculated to protect—
 - (a) the interests of users and potential users of services for the carriage of passengers by railway provided by a private sector operator otherwise than under a franchise agreement, in respect of—
 - (i) the prices charged for travel by means of those services, and

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- (ii) the quality of the service provided,
in cases where the circumstances appear to the Secretary of State or, as the case may be, the Regulator to be such as to give rise, or be likely to give rise, to a monopoly situation in the passenger transport market; and
 - (b) the interests of persons providing services for the carriage of passengers or goods by railway in their use of any railway facilities which are for the time being vested in a private sector operator, in respect of—
 - (i) the prices charged for such use; and
 - (ii) the quality of the service provided.
- (3) The Secretary of State and the Regulator shall each be under a duty in exercising the functions assigned or transferred to him under or by virtue of this Part—
 - (a) to take into account the need to protect all persons from dangers arising from the operation of railways, taking into account, in particular, any advice given to him in that behalf by the Health and Safety Executive; and
 - (b) to have regard to the effect on the environment of activities connected with the provision of railway services.
- (4) The Secretary of State shall also be under a duty, in exercising the functions assigned or transferred to him under or by virtue of this Part, to promote the award of franchise agreements to companies in which qualifying railway employees have a substantial interest, “qualifying railway employees” meaning for this purpose persons who are or have been employed in an undertaking which provides or provided the services to which the franchise agreement in question relates at a time before those services begin to be provided under that franchise agreement.
- (5) The Regulator shall also be under a duty in exercising the functions assigned or transferred to him under this Part—
 - (a) until 31st December 1996, to take into account any guidance given to him from time to time by the Secretary of State;
 - (b) to act in a manner which he considers will not render it unduly difficult for persons who are holders of network licences to finance any activities or proposed activities of theirs in relation to which the Regulator has functions under or by virtue of this Part (whether or not the activities in question are, or are to be, carried on by those persons in their capacity as holders of such licences); and
 - (c) to have regard to the financial position of the Franchising Director in discharging his functions under this Part.
- (6) In performing his duty under subsection (1)(a) above so far as relating to services for the carriage of passengers by railway or to station services, the Regulator shall have regard, in particular, to the interests of persons who are disabled.
- (7) Without prejudice to the generality of paragraph (e) of subsection (1) above, any arrangements for the issue and use of through tickets shall be regarded as a measure falling within that paragraph.
- (8) For the purposes of this section, “monopoly situation” has the same meaning as it has in the Fair Trading Act 1973 (in this Part referred to as “the 1973 Act”), except that in relation to the passenger transport market—
 - (a) the expression includes a monopoly situation which is limited to the passenger transport market in some part of the United Kingdom; and

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- (b) in the application of section 7 of the 1973 Act (monopoly situation in relation to the supply of services) for the purposes of paragraph (a) above, references in that section to the United Kingdom shall accordingly be taken to include references to a part of the United Kingdom.

(9) In this section—

“environment” has the meaning given by section 1(2) of the Environmental Protection Act 1990;

“the passenger transport market” means the market for the supply of services for the carriage of passengers, whether by railway or any other means of transport;

“through ticket” means—

- (a) a ticket which is valid for a journey which involves use of the services of more than one passenger service operator; or
- (b) a combination of two or more tickets issued at the same time which are between them valid for such a journey.

5 General duties of the Franchising Director

(1) It shall be the duty of the Franchising Director to exercise any functions assigned or transferred to him under or by virtue of this Act in the manner which he considers best calculated—

- (a) to fulfil, in accordance with such instructions and guidance as may be given to him from time to time by the Secretary of State, any objectives given to him from time to time by the Secretary of State with respect to—
 - (i) the provision of services for the carriage of passengers by railway in Great Britain; or
 - (ii) the operation of additional railway assets under or by virtue of any franchise agreement or any provision of sections 30 and 37 to 49 below;
- (b) to ensure that any payments to which this paragraph applies are such as he reasonably considers will achieve economically and efficiently any objectives given to him by the Secretary of State under paragraph (a) above.

(2) The payments to which paragraph (b) of subsection (1) above applies are—

- (a) any payments which the Franchising Director may be required to make pursuant to a franchise agreement;
- (b) any payments which the Franchising Director may make with a view to securing—
 - (i) the provision of any services, or
 - (ii) the operation of any network, station or light maintenance depot, or any part of a network, station or light maintenance depot,in pursuance of any provision of sections 30, 37 to 42 and 52 below; and
- (c) any payments which it falls to the Franchising Director to make to passenger service operators as mentioned in section 136(7) below.

(3) Where the Secretary of State gives the Franchising Director any objectives under subsection (1)(a) above, the Secretary of State shall—

- (a) lay a copy of a statement of those objectives before each House of Parliament; and

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- (b) arrange for copies of that statement to be published in such manner as he may consider appropriate.