



Railways Act 1993

1993 CHAPTER 43

PART I

THE PROVISION OF RAILWAY SERVICES

Supplementary powers of the Franchising Director etc.

51 Performance of the Franchising Director's duties to secure the provision of services etc

- (1) Where the Franchising Director is under a duty to secure the provision of any services or the operation of any additional railway assets, or is empowered by section 30 above to secure the operation of any additional railway assets, he may perform that duty or exercise that power by entering into agreements or arrangements under which other persons (in this section referred to as "sub-contractors") are to provide the services or, as the case may be, operate the additional railway assets in question.
- (2) The Franchising Director may enter into an agreement or arrangement such as is mentioned in subsection (1) above notwithstanding that the sub-contractor in question is a company which is wholly owned by the Franchising Director.
- (3) Any agreement or arrangement such as is mentioned in subsection (1) above may include such provisions, including provision with respect to the fares or other charges that may be imposed by the sub-contractor in question, as the Franchising Director may think fit.
- (4) Any sums required by the Franchising Director for the purpose of performing any such duty, or exercising any such power, as is mentioned in subsection (1) above shall be paid by the Secretary of State out of money provided by Parliament.
- (5) Any sums received by the Franchising Director in consequence of the performance of any such duty, or the exercise of any such power, as is mentioned in subsection (1) above shall be paid into the Consolidated Fund.

Status: This is the original version (as it was originally enacted).

52 Contracts between the Franchising Director and the Board etc. for the provision of non-franchised railway passenger services

- (1) The Franchising Director may enter into agreements with the Board or any wholly owned subsidiary of the Board for the provision by the Board or subsidiary of any railway passenger services which are not provided under a franchise agreement.
- (2) Any sums required by the Franchising Director for the making of payments under any agreement entered into by virtue of this section shall be paid by the Secretary of State out of money provided by Parliament.
- (3) Any sums received by the Franchising Director under any such agreement shall be paid into the Consolidated Fund.

53 Powers of the Franchising Director to form and finance companies and to acquire and dispose of assets

- (1) The Franchising Director may form companies for the purpose of facilitating the performance of any functions assigned or transferred to him under or by virtue of this Act.
- (2) The Franchising Director may—
 - (a) hold interests in any company which he forms as mentioned in subsection (1) above;
 - (b) exercise rights conferred by the holding of interests in any such company; and
 - (c) provide financial or other assistance to or in respect of any such company, including assistance by way of guarantee of its obligations.
- (3) The Franchising Director may (whether by exercising his powers to make a transfer scheme or otherwise and whether or not for any consideration) acquire or dispose of any property, rights or liabilities which have been, or which are intended to be,—
 - (a) designated as franchise assets by or under any franchise agreement,
 - (b) used for the purpose of providing franchised services,
 - (c) used for the purpose of operating any additional railway asset under a franchise agreement, or
 - (d) used for the purpose of providing any services, or operating any additional railway asset, in pursuance of a duty or power to secure the provision of such services or the operation of such an additional railway asset.
- (4) Any sums required by the Franchising Director for making payments in consequence of the exercise of any such powers as are mentioned in this section shall be paid by the Secretary of State out of money provided by Parliament.
- (5) Any sums received by the Franchising Director in consequence of the exercise of any such powers as are mentioned in this section shall be paid into the Consolidated Fund.

54 Exercise of functions for purpose of encouraging investment in the railways

- (1) The Franchising Director or a Passenger Transport Authority or Passenger Transport Executive—
 - (a) in exercising or deciding whether or not to exercise any of his, or (as the case may be) their, franchising functions, may take into account the desirability of encouraging railway investment; and

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- (b) may exercise any such functions for the purpose of encouraging railway investment or for purposes which include that purpose.
- (2) The Franchising Director may, for the purpose of encouraging railway investment, enter into agreements with any person under which the Franchising Director undertakes to exercise franchising functions of his, to refrain from exercising such functions, or to exercise such functions in a particular manner.
- (3) In this section—
- “franchising functions”, in relation to the Franchising Director, means—
 - (a) any functions of his under sections 17 to 19, 23, 24, 26 to 35, 52 and 53(3) above;
 - (b) any power conferred on him under or by virtue of Part II below with respect to the effecting by transfer scheme of any transfer contemplated by any provision of those sections; and
 - (c) any other functions of his which relate to the provision of railway passenger services, or the operation of additional railway assets, under or by virtue of franchise agreements;
 - “franchising functions”, in relation to a Passenger Transport Authority or Passenger Transport Executive, means any functions conferred or imposed on the Authority or, as the case may be, the Executive under or by virtue of section 34 above;
 - “railway investment” means investment in assets for use in the provision of railway services.