



Railways Act 1993

1993 CHAPTER 43

PART I

THE PROVISION OF RAILWAY SERVICES

Franchising of passenger services

26 **Invitations to tender for franchises.**

- (1) [^{F1}The appropriate franchising authority may select the person who is to be the franchisee in relation to a franchise agreement] from among those who submit tenders in response to an invitation to tender under this section for the right to provide, or to secure that a wholly owned subsidiary provides, services for the carriage of passengers by railway under that franchise agreement.
- (2) The [^{F2}appropriate franchising authority] shall prepare any such invitation to tender and shall issue that invitation to such persons as [^{F3}it] may, after consultation with [^{F4}the Office of Rail and Road], think fit.
- (3) The [^{F2}appropriate franchising authority] shall not issue an invitation to tender under this section to (or entertain such a tender from) any person unless [^{F3}it] is of the opinion that the person has, or is likely by the commencement of the franchise term to have, an appropriate financial position and managerial competence, and is otherwise a suitable person, to be the franchisee.

[^{F5}(4) ^{F6}.....]

[^{F7}(4A) The Secretary of State and the Scottish Ministers shall each publish a statement of policy about how he proposes, or (as the case may be) they propose, to exercise the power under subsection (1) above.

(4B) The statement must in particular include the policy of the Secretary of State or the Scottish Ministers about—

Status: Point in time view as at 16/10/2015. This version of this provision has been superseded.

Changes to legislation: Railways Act 1993, Section 26 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) when his or their selection of the person to be a franchisee under a franchise agreement is likely to be from those submitting tenders in response to an invitation to do so;
 - (b) when it is likely such an invitation will not be issued; and
 - (c) the means by which he is, or they are, proposing that the selection will be made in cases where there is no such invitation.
- (4C) In deciding whether to select the person who is to be the franchisee under a franchise agreement by means of an invitation to tender and whom so to select, the appropriate franchising authority must have regard to its statement of policy.
- (4D) The Secretary of State or Scottish Ministers—
- (a) may at any time alter or replace the statement of policy which he has made or (as the case may be) which they have made; and
 - (b) where that statement is altered or replaced, must publish the altered or replacement statement.
- (4E) Before preparing, altering or replacing a statement of policy—
- (a) the Secretary of State must consult the National Assembly for Wales and undertake such other consultation as he considers appropriate; and
 - (b) the Scottish Ministers must undertake such consultation as they consider appropriate.
- (4F) Where a statement of policy is prepared, altered or replaced, a copy of it must be laid—
- (a) in the case of a statement prepared, altered or replaced by the Secretary of State, before Parliament; and
 - (b) in the case of a statement prepared, altered or replaced by the Scottish Ministers, before the Scottish Parliament.]]

Textual Amendments

- F1** Words in s. 26(1) substituted (24.7.2005 for certain purposes and 16.10.2005 in so far as not already in force) by [Railways Act 2005 \(c. 14\)](#), ss. 1, 60, [Sch. 1 para. 15\(2\)\(6\)](#); S.I. 2005/1909, [art. 2](#), Sch.; S.I. 2005/2812, [art. 2\(1\)](#), Sch. 1
- F2** Words in s. 26(2)(3) substituted (24.7.2005 for certain purposes and 16.10.2005 in so far as not already in force) by [Railways Act 2005 \(c. 14\)](#), ss. 1, 60, [Sch. 1 para. 15\(3\)\(6\)](#); S.I. 2005/1909, [art. 2](#), Sch.; S.I. 2005/2812, [art. 2\(1\)](#), Sch. 1
- F3** Words in s. 26(2)(3) substituted (1.2.2001) by [2000 c. 38](#), s. 215, [Sch. 16 para. 16\(3\)](#); S.I. 2001/57, [art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to savings and transitional provisions in [Sch. 2 Pt. II](#))(which S.I. was amended by S.I. 2001/115, [art. 2\(2\)](#))
- F4** Words in s. 26(2) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), [Sch. para. 1\(ii\)](#)
- F5** S. 26(4)-(10) inserted (1.2.2001) by [2000 c. 38](#), s. 212(3) (with [Sch. 28 para. 3](#)); S.I. 2001/57, [art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to savings and transitional provisions in [Sch. 2 Pt. II](#))
- F6** S. 26(4) repealed (24.7.2005 for certain purposes and otherwise prosp.) by [Railways Act 2005 \(c. 14\)](#), ss. 1, 60, [Sch. 1 para. 15\(4\)\(6\)](#), [Sch. 13 Pt. 1](#) (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); S.I. 2005/1909, [art. 2](#), Sch.
- F7** S. 26(4A)-(4F) substituted (24.7.2005 for certain purposes and 16.10.2005 in so far as not already in force) for s. 26(5)-(10) by [Railways Act 2005 \(c. 14\)](#), ss. 1, 60, [Sch. 1 para. 15\(5\)\(6\)](#); S.I. 2005/1909, [art. 2](#), Sch.; S.I. 2005/2812, [art. 2\(1\)](#), Sch. 1

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