



Railways Act 1993

1993 CHAPTER 43

PART I

THE PROVISION OF RAILWAY SERVICES

The [F¹Rail Passengers' Council and Rail Passengers' Committees]

77 General duties of [F¹Rail Passengers' Committees].

- (1) It shall be the duty of each [F²Rail Passengers' Committee] to investigate any matter which relates—
- [F³(a) to the provision of railway passenger services, or]
 - (b) to the provision of station services by any person in a case where the operator of the station in question is authorised by a licence to be the operator of that station,
- if the condition specified in subsection (2) below is satisfied in relation to the matter in question.
- (2) The condition mentioned in subsection (1) above is satisfied if the matter—
- (a) is the subject of a representation made to [F⁴the Rail Passengers' Committee] by a user or potential user of railway passenger services and does not appear to [F⁴the Rail Passengers' Committee] to be frivolous or vexatious;
 - (b) is referred to [F⁴the Rail Passengers' Committee]—
 - (i) by the [F⁵Authority]; or
 - (ii) by the [F⁶Rail Passengers' Council] under section 76(3) above; or
 - (c) appears to [F⁴the Rail Passengers' Committee] to be one which it ought to investigate.
- (3) If, on investigating any matter, a [F⁷Rail Passengers' Committee] considers it appropriate to do so, [F⁸the Rail Passengers' Committee] shall make representations to the person providing the service in question and—
- (a) in the case of a service provided under a franchise agreement, to the franchisee, or

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- (b) in the case of a service provided on behalf of the [F⁹Authority], to the [F⁹Authority],
- about the matter, or any matter to which it relates or which appears to [F⁸the Rail Passengers' Committee] to be relevant to the subject of the matter investigated.
- (4) Where a [F¹⁰Rail Passengers' Committee]—
- (a) having made representations under subsection (3) above, is of the opinion that it is unable to achieve a satisfactory resolution of the matter by that means, or
 - (b) on investigating any matter, has reason to believe that [F¹¹a franchisee is contravening, or is likely to contravene, any term of the franchise agreement or that] the holder of a passenger licence or a station licence is contravening, or is likely to contravene, any condition of the licence,
- [F¹²the Rail Passengers' Committee] shall [F¹³, unless representations about the matter have been made to the Authority by the Rail Passengers' Committee, refer it (or, if it was referred to the Rail Passengers' Committee by the Authority, refer it back) to the Authority with a view to the Authority exercising such of its powers as it considers appropriate in the circumstances of the case.]
- [F¹⁴(4A) But if the Authority considers that it would be more appropriate for a matter referred to it by a Rail Passengers' Committee to be considered by [F¹⁵the Office of Rail Regulation] , the Authority shall refer it (or, if it was referred to the Rail Passengers' Committee by [F¹⁵the Office of Rail Regulation] , refer it back) to [F¹⁶the Office of Rail Regulation] , with a view to [F¹⁷it] exercising such of [F¹⁸its] powers as [F¹⁷it] considers appropriate in the circumstances of the case.]
- (5) Where a [F¹⁹Rail Passengers' Committee] investigates any matter pursuant to subsections (1) to (3) above—
- (a) it may prepare, and send to the [F²⁰Rail Passengers' Council], a report of its findings; and
 - (b) it may publish any such report, unless the matter in question is one which was referred to the [F¹⁹Rail Passengers' Committee] by the [F²¹Authority] as mentioned in subsection (2)(b)(i) above.
- (6) At the request of the [F²²Authority], a [F²³Rail Passengers' Committee] shall make a report to [F²⁴it] on such matters relating to the quality of the railway passenger services, and the station services, provided in the [F²⁵Rail Passengers' Committee's] area as may be specified in the request.
- (7) The [F²⁶Authority] may arrange for the publication of any report under subsection (6) above in such manner as [F²⁷it] may consider appropriate.
- (8) If the [F⁹Authority]. . . so requests, a [F²⁸Rail Passengers' Committee] shall assist the [F⁹Authority], to such extent and in such respects as may be specified in the request, in ascertaining whether, in the case of any franchise agreement, the franchise operator is attaining the standards set for the provision of the franchised services.
- (9) Where a [F²⁹Rail Passengers' Committee] has investigated any matter pursuant to subsections (1) to (3) or subsection (6) above, it shall neither—
- (a) include in any report or representations a proposal for any steps to be taken by any person in relation to that matter, nor
 - (b) refer the matter [F³⁰under subsection (4) or (4A)] above by reason only of the failure of any person to take any steps in relation to that matter,

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unless, balancing the cost of taking those steps against the benefits which [^{F31}the Rail Passengers' Committee] considers will be enjoyed by any person in consequence of the taking of those steps, [^{F31}the Rail Passengers' Committee] is of the opinion, on the basis of the information available to it, that the expenditure involved represents good value for money.

[^{F32}(9A) It shall also be the duty of each Rail Passengers' Committee, so far as it appears expedient from time to time to do so—

- (a) to keep under review matters affecting the interests of the public in relation to railway passenger services and station services; and
- (b) to make representations to, and consult, such persons as they think appropriate about those matters; and
- (c) to co-operate with other bodies representing the interests of users of public passenger transport services.

(9B) The Secretary of State may, after consultation with the Rail Passengers' Council, make an order excluding services from the duties imposed by this section; and an order under this subsection—

- (a) may exclude services of a particular class or description, particular services or services provided by a particular person;
- (b) may provide that services are excluded subject to compliance with specified conditions; and
- (c) may not revoke an exclusion except for breach of condition or in accordance with the order which made it.

(9C) The Secretary of State may, after consultation with the Rail Passengers' Council, make an order providing that the duties imposed by this section apply to services of a particular class or description, particular services or services provided by a particular person—

- (a) only to such extent as is specified by the order; or
- (b) with such modifications as are so specified.]

(10) The services which are to be regarded for the purposes of this section as provided on behalf of the [^{F9}Authority] are the same services as are to be so regarded for the purposes of section 37 above.

(11) In this section, any reference to railway passenger services includes a reference to bus substitution services required to be provided in place of any such services; ^{F33} . . .

Textual Amendments

- F1** Words in the sidenote to s. 77 substituted (1.2.2001) by 2000 c. 38, s. 227, **Sch. 22 para. 9(10)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F2** Words in s. 77(1) substituted (1.2.2001) by 2000 c. 38, s. 227, **Sch. 22 para. 9(2)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F3** S. 77(1)(a) substituted (29.7.2003) by 2000 c. 38, ss. 228(2), 275(1); S.I. 2003/1694, **art. 2**
- F4** Words in s. 77(2) substituted (1.2.2001) by 2000 c. 38, s. 227, **Sch. 22 para. 9(3)(a)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F5** Words in s. 77(2)(b) substituted (1.2.2001) by 2000 c. 38, s. 216, **Sch. 17 para. 21(2)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F6** Words in s. 77(2)(b)(ii) substituted (1.2.2001) by 2000 c. 38, s. 227, **Sch. 22 para. 9(3)(b)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)

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- F7** Words in s. 77(3) substituted (1.2.2001) by 2000 c. 38, s. 227, **Sch. 22 para. 9(4)(a)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F8** Words in s. 77(3) substituted (1.2.2001) by 2000 c. 38, s. 227, **Sch. 22 para. 9(4)(b)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F9** Words in s. 77(3)(b)(8)(10) substituted (1.2.2001) by 2000 c. 38, s. 215, **Sch. 16 para. 47**; 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)**)
- F10** Words in s. 77(4) substituted (1.2.2001) by 2000 c. 38, s. 227, **Sch. 22 para. 9(5)(a)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F11** Words in s. 77(4)(b) inserted (29.7.2003) by 2000 c. 38, ss. 228(3)(b), 275(1); S.I. 2003/1694, **art. 2**
- F12** Words in s. 77(4) substituted (1.2.2001) by 2000 c. 38, s. 227, **Sch. 22 para. 9(5)(b)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F13** Words in s. 77(4) substituted (1.2.2001) by 2000 c. 38, s. 216, **Sch. 17 para. 21(3)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F14** S. 77(4A) inserted (1.2.2001) by 2000 c. 38, s. 216, **Sch. 17 para. 21(4)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F15** Words in s. 77 substituted (5.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 16, 120, {Sch. 2 para. 3(a) Table}; S.I. 2004/827, **art. 4(g)**
- F16** Words in s. 77(4A) substituted (5.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 16, 120, **Sch. 2 para. 16**; S.I. 2004/827, **art. 4(g)**
- F17** Word in s. 77 substituted (5.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 16, 120, {Sch. 2 para. 3(b) Table}; S.I. 2004/827, **art. 4(g)**
- F18** Word in s. 77 substituted (5.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 16, 120, {Sch. 2 para. 3(c) Table}; S.I. 2004/827, **art. 4(g)**
- F19** Words in s. 77(5) substituted (1.2.2001) by 2000 c. 38, s. 227, **Sch. 22 para. 9(6)(a)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F20** Words in s. 77(5)(a) substituted (1.2.2001) by 2000 c. 38, s. 227, **Sch. 22 para. 9(6)(b)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F21** Word in s. 77(5)(b) substituted (1.2.2001) by 2000 c. 38, s. 216, **Sch. 17 para. 21(5)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F22** Word in s. 77(6) substituted (1.2.2001) by 2000 c. 38, s. 216, **Sch. 17 para. 21(6)(a)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F23** Words in s. 77(6) substituted (1.2.2001) by 2000 c. 38, s. 227, **Sch. 22 para. 9(7)(a)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F24** Word in s. 77(6) substituted (1.2.2001) by 2000 c. 38, s. 216, **Sch. 17 para. 21(6)(b)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F25** Words in s. 77(6) substituted (1.2.2001) by 2000 c. 38, s. 227, **Sch. 22 para. 9(7)(b)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F26** Word in s. 77(7) substituted (1.2.2001) by 2000 c. 38, s. 216, **Sch. 17 para. 21(7)(a)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F27** Words in s. 77(7) substituted (1.2.2001) by 2000 c. 38, s. 216, **Sch. 17 para. 21(7)(b)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F28** Words in s. 77(8) substituted (1.2.2001) by 2000 c. 38, s. 227, **Sch. 22 para. 9(8)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F29** Words in s. 77(9) substituted (1.2.2001) by 2000 c. 38, s. 227, **Sch. 22 para. 9(9)(a)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F30** Words in s. 77(9)(b) substituted (1.2.2001) by 2000 c. 38, s. 216, **Sch. 17 para. 21(9)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F31** Words in s. 77(9) substituted (1.2.2001) by 2000 c. 38, s. 227, **Sch. 22 para. 9(9)(b)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F32** S. 77(9A)-(9C) inserted (29.7.2003) by 2000 c. 38, ss. 228(5), 275(1); S.I. 2003/1694, **art. 2**
- F33** Words in s. 77(11) repealed (1.2.2001) by 2000 c. 38, s. 274, **Sch. 31 Pt. IV**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)

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Modifications etc. (not altering text)

- C1** S. 77 excluded (30.11.2000) by 2000 c. 38, s. 253, **Sch. 28 para. 10**
- C2** Ss. 76, 77 applied (1.4.1994) by 1993 c. 43, ss. 47(2)(d)(4)(d), 152(2), **Sch. 13 para. 3(2)** (modifying 1985 c. 67, **s. 123**); S.I. 1994/571, **art. 5**
- C3** S. 77 applied (with modifications) (29.7.2003) by The Merseyrail Electrics Network Order 2003 (S.I. 2003/1696), **art. 4**

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