



Railways Act 2005

2005 CHAPTER 14

PART 4 **E+W+S**

NETWORK MODIFICATIONS ETC.

Discontinuance of operation of passenger networks

26 **Proposal by operator to close passenger network** **E+W+S**

- (1) This section applies where—
 - (a) the operator of a network proposes to discontinue the operation of the network or of some part of it;
 - (b) the network or, as the case may be, that part of it has, at any time within the preceding five years, been used for or in connection with the provision of services for the carriage of passengers by railway;
 - (c) the network or that part of it is not secured;
 - (d) the network or that part of it is not excluded from the application of this section by an order under section 38; and
 - (e) the proposal is not a proposal for a minor modification.
- (2) Use for or in connection with the provision of any of the following services is to be disregarded for the purposes of subsection (1)(b)—
 - (a) an experimental passenger service;
 - (b) a service involving travel through the Channel Tunnel;
 - (c) a service that is provided otherwise than as a regular scheduled service.
- (3) The operator must give notice to the national authority setting out—
 - (a) particulars of the proposal for the closure in question; and
 - (b) a summary of the results of the assessment carried out in accordance with subsection (5).
- (4) The particulars set out in the notice must include, in particular—
 - (a) the network, or part of a network, to which the proposal relates; and

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*Changes to legislation: There are currently no known outstanding effects for the Railways Act 2005,
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- (b) the proposal date;
 and the proposal date must be a date not less than three months after the date of the notice.
- (5) Before giving the notice under subsection (3), the operator must carry out an assessment of whether the proposal satisfies the criteria set out in the relevant part of the closures guidance; and that assessment must be carried out in accordance with that guidance.
- (6) The national authority to which a notice is given under subsection (3) must—
- (a) consider whether the closure in question should be allowed; and
 - (b) before the proposal date, form an opinion on that matter in accordance with the criteria set out in the relevant part of the closures guidance.
- (7) If the national authority forms the opinion that the closure should be allowed, it must—
- (a) carry out a consultation under Schedule 7 about the proposal; and
 - (b) after carrying out that consultation, either notify the operator that it has changed its opinion or refer the proposal (with or without modifications) to the Office of Rail Regulation.
- (8) The operator must not discontinue the operation of the network, or part of a network, in question before the end of the interim period.
- (9) If—
- (a) the national authority forms the opinion under subsection (6)(b) that the closure should not be allowed,
 - (b) the national authority changes its opinion following the consultation under subsection (7)(a), or
 - (c) on a reference to the Office of Rail Regulation under subsection (7)(b), that Office issues a closure non-ratification notice,
- the national authority must secure the continued operation of the network, or part of a network, in question after the end of the interim period.
- (10) In this section “the national authority”—
- (a) in relation to a proposal relating to a network or part of a network that is wholly in Scotland, means the Scottish Ministers; and
 - (b) in relation to a network or part of a network that is wholly in England and Wales, means the Secretary of State;
- and a proposal that relates to a network or part of a network that is partly in England and Wales and partly in Scotland is to be treated for the purposes of this section as two separate proposals, one in relation to the part in England and Wales and one in relation to the part in Scotland.

Modifications etc. (not altering text)

C1 Ss. 26-28 power to exclude conferred (22.7.2008) by [Crossrail Act 2008 \(c. 18\), s. 27](#)

Commencement Information

I1 S. 26 in force at 1.12.2006 by [S.I. 2006/2911, art. 2, Sch.](#)

Status: Point in time view as at 22/07/2008.

Changes to legislation: There are currently no known outstanding effects for the Railways Act 2005, Cross Heading: Discontinuance of operation of passenger networks. (See end of Document for details)

27 **Proposal by funding authority to close passenger network** **E+W+S**

- (1) This section applies where—
 - (a) a railway funding authority makes a proposal, in accordance with section 41, that the operation of a network or of some part of it should be discontinued;
 - (b) the network or, as the case may be, that part of it has, at any time within the preceding five years, been used for or in connection with the provision of services for the carriage of passengers by railway;
 - (c) the network or that part of it is not secured;
 - (d) the network or that part of it is not excluded from the application of this section by an order under section 38; and
 - (e) the proposal is not a proposal for a minor modification.
- (2) Use for or in connection with the provision of any of the following services is to be disregarded for the purposes of subsection (1)(b)—
 - (a) an experimental passenger service;
 - (b) a service involving travel through the Channel Tunnel;
 - (c) a service that is provided otherwise than as a regular scheduled service.
- (3) The railway funding authority making the proposal must—
 - (a) give notice of its proposal to the national authority, if it is not itself that authority;
 - (b) carry out a consultation under Schedule 7 about the proposal; and
 - (c) after carrying out that consultation, either withdraw the proposal or refer the proposal (with or without modifications) to the Office of Rail Regulation.
- (4) A notice to the national authority under subsection (3)(a) must set out—
 - (a) particulars of the proposal for the closure including, in particular—
 - (i) the network, or part of a network, to which the proposal relates; and
 - (ii) the proposal date; and
 - (b) a summary of the results of the assessment carried out in accordance with subsection (5).
- (5) Before—
 - (a) giving the notice under subsection (3)(a), in a case where it is not itself the national authority, or
 - (b) in any other case, carrying out the consultation under subsection (3)(b),the railway funding authority making the proposal must carry out an assessment of whether the proposal satisfies the criteria set out in the relevant part of the closures guidance; and that assessment must be carried out in accordance with that guidance.
- (6) If arrangements under or in accordance with which the network, or part of a network, is being operated do not require it to be operated until the end of the interim period, the national authority must secure the operation of the network, or that part of it, until the end of that period.
- (7) If on a reference under subsection (3)(c) the Office of Rail Regulation issues a closure non-ratification notice, the national authority must secure the continued operation of the network, or part of a network, in question after the end of the interim period.
- (8) In this section “the national authority”—

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- (a) in relation to a proposal relating to a network or part of a network that is wholly in Scotland, means the Scottish Ministers; and
- (b) in relation to a proposal relating to a network or part of a network that is wholly in England and Wales, means the Secretary of State;

and a proposal that relates to a network or part of a network that is partly in England and Wales and partly in Scotland is to be treated for the purposes of this section as two separate proposals, one in relation to the part in England and Wales and one in relation to the part in Scotland.

Modifications etc. (not altering text)

C1 Ss. 26-28 power to exclude conferred (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), s. 27

Commencement Information

I2 S. 27 in force at 1.12.2006 by [S.I. 2006/2911](#), art. 2, [Sch.](#)

28 Proposal to discontinue operation of secured network E+W+S

- (1) This section applies where—
 - (a) a railway funding authority makes a proposal, in accordance with section 41, that the operation of a secured network or of a secured part of a network should be discontinued;
 - (b) the network or, as the case may be, that part of it has, at any time within the preceding five years, been used for or in connection with the provision of services for the carriage of passengers by railway;
 - (c) the network or part of it is not excluded from the application of this section by an order under section 38; and
 - (d) the proposal is not a proposal for a minor modification.
- (2) Use for or in connection with the provision of any of the following services is to be disregarded for the purposes of subsection (1)(b)—
 - (a) an experimental passenger service;
 - (b) a service involving travel through the Channel Tunnel;
 - (c) a service that is provided otherwise than as a regular scheduled service.
- (3) The railway funding authority making the proposal must—
 - (a) give notice of its proposal to the national authority, if it is not itself that authority;
 - (b) carry out a consultation under Schedule 7 about the proposal; and
 - (c) after carrying out that consultation, either withdraw the proposal or refer the proposal (with or without modifications) to the Office of Rail Regulation.
- (4) A notice to the national authority under subsection (3)(a) must set out—
 - (a) particulars of the proposal for the closure including, in particular—
 - (i) the network, or part of a network, to which the proposal relates; and
 - (ii) the proposal date; and
 - (b) a summary of the results of the assessment carried out in accordance with subsection (5).
- (5) Before—

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- (a) giving the notice under subsection (3)(a), in a case where it is not itself the national authority, or
 - (b) in any other case, carrying out the consultation under subsection (3)(b),
- the railway funding authority making the proposal must carry out an assessment of whether the proposal satisfies the criteria set out in the relevant part of the closures guidance; and that assessment must be carried out in accordance with that guidance.
- (6) If arrangements under or in accordance with which the network, or part of a network, is being operated do not require it to be operated until the end of the interim period, the national authority must secure the operation of the network, or that part of it, until the end of that period.
 - (7) If on a reference under subsection (3)(c) the Office of Rail Regulation issues a closure non-ratification notice, the national authority must secure the continued operation of the network, or part of a network, in question after the end of the interim period.
 - (8) The duty of the national authority under subsection (7) is discharged without its taking further steps so long as the provisions of the arrangements, in force at the time of the proposal, so far as they require the operation of the network or part of a network, continue in force without modification.
 - (9) In this section “the national authority”—
 - (a) in relation to a proposal relating to a network or part of a network that is wholly in Scotland, means the Scottish Ministers; and
 - (b) in relation to a proposal relating to a network or part of a network that is wholly in England and Wales, means the Secretary of State;and a proposal that relates to a network or part of a network that is partly in England and Wales and partly in Scotland is to be treated for the purposes of this section as two separate proposals, one in relation to the part in England and Wales and one in relation to the part in Scotland.

Modifications etc. (not altering text)

C1 Ss. 26-28 power to exclude conferred (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), s. 27

Commencement Information

I3 S. 28 in force at 1.12.2006 by [S.I. 2006/2911](#), art. 2, [Sch.](#)

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