



# Railways Act 2005

## 2005 CHAPTER 14

### PART 4

#### NETWORK MODIFICATIONS ETC.

##### *Discontinuance of railway passenger services*

## **22 Proposal by service operator to discontinue non-franchised services**

- (1) This section applies where—
- (a) all the relevant railway passenger services on a particular line or from a particular station are provided otherwise than in satisfaction of requirements imposed by a franchise agreement;
  - (b) a proposal for the discontinuance of all the relevant railway passenger services provided on that line, or from that station, is made by the person providing them (“the service operator”); and
  - (c) the proposal is not a proposal for a minor modification.
- (2) The references in subsection (1) to relevant railway passenger services are references to railway passenger services that are not—
- (a) secured services;
  - (b) experimental passenger services;
  - (c) services involving travel through the Channel Tunnel;
  - (d) services that are provided otherwise than as regular scheduled services for the line or station in question; or
  - (e) services excluded from the application of this section by an order under section 38.
- (3) The service operator must give notice to the national authority setting out—
- (a) particulars of the proposal to discontinue those services; and
  - (b) a summary of the results of the assessment carried out in accordance with subsection (5).

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*Changes to legislation: There are currently no known outstanding effects for the Railways Act 2005, Section 22. (See end of Document for details)*

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- (4) The particulars set out in the notice must include, in particular—
- (a) the services to which the proposal relates; and
  - (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 service 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 service operator that it has changed its opinion or refer the proposal (with or without modifications) to the [<sup>F1</sup>Office of Rail and Road].
- (8) The service operator must not discontinue the services 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 [<sup>F2</sup>Office of Rail and Road] under subsection (7)(b), that Office issues a closure non-ratification notice,
- the national authority must secure the provision of the services to which proposal relates after the end of the interim period.
- (10) The duty imposed by subsection (9) in relation to any services ceases if the services begin to be provided under a franchise agreement.
- (11) In this section “the national authority”—
- (a) in relation to a proposal relating to services all of which are Scotland-only services, means the Scottish Ministers; <sup>F3</sup>...
  - [<sup>F4</sup>(aa) in relation to a proposal relating to services all of which are Wales-only services, means the Welsh Ministers; and]
  - (b) in any other case, means the Secretary of State.

#### Textual Amendments

- F1** Words in s. 22(7)(b) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 3(a)**
- F2** Words in s. 22(9)(c) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 3(a)**

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- F3** Word in s. 22(11) omitted (14.10.2018) by virtue of The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), **Sch. para. 42**
- F4** S. 22(11)(aa) inserted (14.10.2018) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), **Sch. para. 42**

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**Modifications etc. (not altering text)**

- C1** Ss. 22-25 power to exclude conferred (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 27**
- C2** S. 22 excluded by S.I. 1994/573, art. 6(4) (as inserted (12.1.2010) by The Railways (Transport for London) (Exemptions) Order 2009 (S.I. 2009/3336), arts. 1, **2(7)(b)**)
- C3** Ss. 22-24 excluded (1.4.2013) by The Greater Manchester (Light Rapid Transit System) (Exemptions) Order 2013 (S.I. 2013/339), arts. 1, **7**
- C4** Ss. 22-25: power to exclude conferred (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 41, 70(1)**
- C5** Ss. 22-25: power to exclude conferred (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 36, 64(1)**

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**Commencement Information**

- I1** S. 22 in force at 1.12.2006 by S.I. 2006/2911, art. 2, **Sch.**

**Changes to legislation:**

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