



# Railways Act 2005

## 2005 CHAPTER 14

### PART 4

#### NETWORK MODIFICATIONS ETC.

##### *Discontinuance of operation of passenger networks*

VALID FROM 01/12/2006

#### **27 Proposal by funding authority to close passenger network**

- (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;

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*Status: Point in time view as at 01/04/2006. This version of this provision is not valid for this point in time.*

**Changes to legislation:** *There are currently no known outstanding effects for the Railways Act 2005, Section 27. (See end of Document for details)*

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- (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”—
- (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.

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**Changes to legislation:**

There are currently no known outstanding effects for the Railways Act 2005, Section 27.