



Railways Act 1993

1993 CHAPTER 43

PART I

THE PROVISION OF RAILWAY SERVICES

Introductory

1 The Rail Regulator. . .

F1

Textual Amendments

F1 S. 1 repealed (5.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 16, 118, 120, Sch. 2 para. 2, **Sch. 8**; S.I. 2004/827, art. 4(g); S.I. 2004/1572, **art. 4**

2 [^{F2}Passengers' Committees].

F3

Textual Amendments

F2 Words in s. 2(2)-(6)(6A)(7)(8) and sidenote substituted (1.2.2001) by 2000 c. 38, s. 227, **Sch. 22 Pt. I para. 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F3 S. 2 repealed (24.7.2005) by Railways Act 2005 (c. 14), ss. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, **art. 2**, Sch.

3

F4

Status: Point in time view as at 29/07/2016.

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Textual Amendments

- F4** S. 3 repealed (24.7.2005) by Railways Act 2005 (c. 14), ss. 59(6), 60(2), **Sch. 13 Pt. I** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, **art. 2**, Sch.

4 General duties of the Secretary of State and ^{F5}the Office of Rail and Road]

- (1) ^{F5}The Office of Rail and Road]^{F6}shall] have a duty to exercise the functions assigned or transferred to ^{F7}it] under or by virtue of this Part ^{F8}or the Railways Act 2005 that are not safety functions] in the manner which ^{F7}it] considers best calculated—
- ^{F9}(zb) to promote improvements in railway service performance;
 - (a) otherwise to protect the interests of users of railway services;]
 - (b) to promote the use of the railway network in Great Britain for the carriage of passengers and goods, and the development of that railway network, to the greatest extent that ^{F7}it] considers economically practicable;
 - ^{F10}(ba) to contribute to the development of an integrated system of transport of passengers and goods;
 - (bb) to contribute to the achievement of sustainable development;]
 - (c) to promote efficiency and economy on the part of persons providing railway services;
 - (d) to promote competition in the provision of railway services ^{F11}for the benefit of users of railway services];
 - (e) to promote measures designed to facilitate the making by passengers of journeys which involve use of the services of more than one passenger service operator;
 - (f) to impose on the operators of railway services the minimum restrictions which are consistent with the performance of ^{F12}its] functions under this Part ^{F13}or the Railways Act 2005 that are not safety functions];
 - (g) to enable persons providing railway services to plan the future of their businesses with a reasonable degree of assurance.
- (2) Without prejudice to the generality of subsection (1)(a) above, ^{F5}the Office of Rail and Road]^{F14}shall] have a duty, in particular, to exercise the functions assigned or transferred to ^{F7}it] under or by virtue of this Part ^{F8}or the Railways Act 2005 that are not safety functions] in the manner which ^{F7}it] considers is best calculated to protect—
- (a) the interests of users and potential users of services for the carriage of passengers by railway provided by a private sector operator otherwise than under a franchise agreement, in respect of—
 - (i) the prices charged for travel by means of those services, and
 - (ii) the quality of the service provided,^{F15} . . . ; and
 - (b) the interests of persons providing services for the carriage of passengers or goods by railway in their use of any railway facilities which are for the time being vested in a private sector operator, in respect of—
 - (i) the prices charged for such use; and
 - (ii) the quality of the service provided.

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- (3) [^{F5}The Office of Rail and Road][^{F16} shall] be under a duty in exercising the functions assigned or transferred to [^{F7}it] under or by virtue of this Part [^{F8} or the Railways Act 2005 that are not safety functions]—
- (a) to take into account the need to protect all persons from dangers arising from the operation of railways, ^{F17} . . . ; and
 - (b) to have regard to the effect on the environment of activities connected with the provision of railway services.
- [^{F18}(3A) Subsections (1) to (3) above shall have effect in relation to the Secretary of State as in relation to [^{F5}the Office of Rail and Road] except that in their application to the Secretary of State—
- (a) ^{F19}
 - (b) the references in each of the subsections to the functions transferred or assigned to the Secretary of State under or by virtue of this Part include only the functions transferred or assigned to him under or by virtue of sections 6 to 22 ^{F20} . . . below [^{F21}and
 - (c) the references in each of the subsections to the functions transferred or assigned under or by virtue of the Railways Act 2005 include only the functions transferred or assigned to the Secretary of State under or by virtue of the provisions of Part 4 of that Act other than section 39.]
- [^{F22}(3B) Subsections (1) to (3) above shall have effect in relation to the Scottish Ministers as in relation to [^{F5}the Office of Rail and Road] except that, in relation to those Ministers—
- (a) the references in each of the subsections to functions transferred or assigned to those Ministers under or by virtue of Part 1 of this Act include only the functions transferred or assigned under or by virtue of sections 16A to 16G of this Act; and
 - (b) the references in each of the subsections to the functions transferred or assigned under or by virtue of the Railways Act 2005 include only the functions transferred or assigned to those Ministers under or by virtue of Part 4 of that Act.
- (3C) Subsections (1) to (3) above shall have effect in relation to the National Assembly for Wales as in relation to [^{F5}the Office of Rail and Road] except that, in relation to that Assembly, the references in each of the subsections to functions transferred or assigned under or by virtue of Part 1 of this Act or the Railways Act 2005 include only the functions transferred or assigned to the Assembly under or by virtue of the provisions of Part 4 of that Act of 2005 other than section 39.]
- (4) The Secretary of State shall also be under a duty, in exercising the functions assigned or transferred to him under or by virtue of this Part [^{F23}or the Railways Act 2005] , to promote the award of franchise agreements to companies in which qualifying railway employees have a substantial interest, “qualifying railway employees” meaning for this purpose persons who are or have been employed in an undertaking which provides or provided the services to which the franchise agreement in question relates at a time before those services begin to be provided under that franchise agreement.
- (5) [^{F5}The Office of Rail and Road] shall also be under a duty in exercising the functions assigned or transferred to [^{F7}it] under this Part [^{F24}or the Railways Act 2005 that are not safety functions]—
- [^{F25}(a) to have regard to any general guidance given to [^{F7}it] by the Secretary of State about railway services or other matters relating to railways;

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- [^{F26}(aa) to have regard to any general guidance given to it by the Scottish Ministers about railway services wholly or partly in Scotland or about other matters in or as regards Scotland that relate to railways;
- (ab) in having regard to any guidance falling within paragraph (aa), to give what appears to it to be appropriate weight to the extent (if any) to which the guidance relates to matters in respect of which expenditure is to be or has been incurred by the Scottish Ministers;]
- (b) to act in a manner which [^{F7}it] considers will not render it unduly difficult for persons who are holders of network licences to finance any activities or proposed activities of theirs in relation to which [^{F5}the Office of Rail and Road] has functions under or by virtue of this Part [^{F27}or that Act] (whether or not the activities in question are, or are to be, carried on by those persons in their capacity as holders of such licences); ^{F28} . . .
- [^{F29}(c) to have regard to the funds available to the Secretary of State for the purposes of his functions in relation to railways and railway services;
- (ca) to have regard to any notified strategies and policies of the National Assembly for Wales, so far as they relate to Welsh services or to any other matter in or as regards Wales that concerns railways or railway services;
- (cb) to have regard to the ability of the National Assembly for Wales to carry out the functions conferred or imposed on it by or under any enactment;]
- [^{F30}(d) to have regard to the ability of the Mayor of London, ^{F31} . . . and Transport for London to carry out the functions conferred or imposed on them by or under any enactment]
- [^{F32}(5A) Before giving any guidance for the purposes of subsection (5)(a) above the Secretary of State must consult the National Assembly for Wales.
- (5B) In exercising its safety functions, other than its functions as an enforcing authority for the purposes of the Health and Safety at Work etc. Act 1974, [^{F5}the Office of Rail and Road] shall be under a duty to have regard to any general guidance given to it by the Secretary of State.
- (5C) In performing its duties under subsections (1) to (5A) above in relation to—
- (a) any matter affecting the interests of users or potential users of railway services,
- (b) any matter affecting the interests of persons providing railway services, or
- (c) any matter not falling within paragraph (a) or (b) but falling within subsection (5D),
- [^{F5}the Office of Rail and Road] must have regard, in particular, to the interests, in securing value for money, of the persons mentioned in paragraphs (a) and (b) above, of the persons who make available the resources and other funds mentioned in that subsection and of the general public.
- (5D) A matter falls within this subsection if [^{F5}the Office of Rail and Road] has been informed that—
- (a) public financial resources (within the meaning of paragraph 1D of Schedule 4A to this Act), or
- (b) funds that do not comprise such resources but are provided in whole or in part by Transport for London, the National Assembly for Wales, a Passenger Transport Executive or any other body in receipt of such resources,
- are or are likely to become available to be applied for purposes connected with that matter.]

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- (6) In performing [^{F12}its] duty under subsection (1)(a) above so far as relating to services for the carriage of passengers by railway or to station services, [^{F5}the Office of Rail and Road] shall have regard, in particular, to the interests of persons who are disabled.
- (7) Without prejudice to the generality of paragraph (e) of subsection (1) above, any arrangements for the issue and use of through tickets shall be regarded as a measure falling within that paragraph.
- [^{F33}(7ZA) Where any general guidance is given to [^{F5}the Office of Rail and Road] for the purposes of subsection (5)(a) or (aa) or (5B)—
- (a) it may be varied or revoked by the person giving it at any time; and
 - (b) the guidance, and any variation or revocation of the guidance, must be published by that person in such manner as he considers appropriate.]
- [^{F34}(7A) Subsections (1) to (6) above do not apply in relation to anything done by [^{F5}the Office of Rail and Road] in the exercise of functions assigned to [^{F7}it] by section 67(3) below (“Competition Act functions”).
- (7B) [^{F5}The Office of Rail and Road] may nevertheless, when exercising any Competition Act function, have regard to any matter in respect of which a duty is imposed by any of subsections (1) to (6) above, if it is a matter to which [^{F35}the CMA] could have regard when exercising that function.]
- (8) ^{F36}
- (9) In this section—
- [^{F37}“the environment” means all , or any, of the following media, namely , the air, water and land (and the medium of air includes the air within buildings and the air within other natural or man-made structures above or below ground);]
 - [^{F38}“notified strategies and policies”, in relation to the National Assembly for Wales, means the strategies and policies of that Assembly that have been notified by that Assembly for the purposes of this section to [^{F5}the Office of Rail and Road];]
 - “the passenger transport market” means the market for the supply of services for the carriage of passengers, whether by railway or any other means of transport;
 - [^{F39}“railway service performance” includes, in particular, performance in securing each of the following in relation to railway services—
 - (a) reliability (including punctuality);
 - (b) the avoidance or mitigation of passenger overcrowding; and
 - (c) that journey times are as short as possible; - “safety functions” means functions assigned or transferred to [^{F5}the Office of Rail and Road] —
 - (a) under this Part,
 - (b) under or by virtue of the Railways Act 2005, or
 - (c) under or by virtue of the Health and Safety at Work etc. Act 1974, - so far as they are being exercised for the railway safety purposes (within the meaning of Schedule 3 to the Railways Act 2005) or for purposes connected with those purposes.]

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Textual Amendments

- F5** Words in s. 4 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(a)**
- F6** Words in s. 4(1) substituted (1.2.2001) by 2000 c. 38, s. **224(2)(a)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in **Sch. 2 Pt. II**)
- F7** Words in s. 4 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)**
- F8** Words in s. 4(1)-(3) inserted (8.6.2005 for certain purposes and 1.4.2006 in so far as not already in force) by [Railways Act 2005 \(c. 14\)](#), ss. **3(2)**, 60; S.I. 2005/1444, **art. 2(1)**, Sch. 1; S.I. 2006/266, **art. 2(2)**, Sch.
- F9** S. 4(zb)(a) substituted (26.6.2005) for s.4(za)(a) by [Railways Act 2005 \(c. 14\)](#), ss. **3(3)**, 60; S.I. 2005/1444, **art. 2(2)**, Sch. 2
- F10** S. 4(1)(ba)(bb) inserted (1.2.2001) by 2000 c. 38, s. **224(2)(c)**; 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. 4(1)(d) inserted (1.2.2001) by 2000 c. 38, s. **224(2)(d)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in **Sch. 2 Pt. II**)
- F12** Word in s. 4 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)**
- F13** Words in s. 4(1)-(3) inserted (8.6.2005 for certain purposes and otherwise prosp.) by [Railways Act 2005 \(c. 14\)](#), ss. **3(2)**, 60; S.I. 2005/1444, **art. 2(1)**, Sch. 1
- F14** Words in s. 4(2) substituted (1.2.2001) by 2000 c. 38, s. **224(3)(a)**; 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. 4(2)(a) repealed (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 30(2)(a), Sch. 26; S.I. 2003/1397, **art. 2(1)**, Sch. (with art. 10)
- F16** Words in s. 4(3) substituted (1.2.2001) by 2000 c. 38, s. **224(4)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in **Sch. 2 Pt. II**)
- F17** Words in s. 4(3)(a) repealed (1.4.2006) by [Railways Act 2005 \(c. 14\)](#), ss. 3(4), 59, 60, **Sch. 13 Pt. I** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/266, **art. 2(2)**, Sch.
- F18** S. 4(3A) inserted (1.2.2001) by 2000 c. 38, s. **224(5)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in **Sch. 2 Pt. II**)
- F19** S. 4(3A)(a) repealed (26.6.2005) by [Railways Act 2005 \(c. 14\)](#), ss. 59, 60, **Sch. 13 Pt. I** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1444, **art. 2(2)**, Sch. 2
- F20** Words in s. 4(3A)(b) repealed (1.12.2006) by [Railways Act 2005 \(c. 14\)](#), ss. 59, 60, **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, **art. 2**, Sch. (subject to the transitional and saving provisions in arts. 3-7)
- F21** S. 4(3A)(c) and preceding word inserted (1.12.2006) by [Railways Act 2005 \(c. 14\)](#), ss. **3(5)**, 60; S.I. 2006/2911, **art. 2**, Sch. (subject to the transitional and saving provisions in arts. 3-7)
- F22** S. 4(3B)(3C) inserted (16.10.2005 for certain purposes and 1.12.2006 in so far as not already in force) by [Railways Act 2005 \(c. 14\)](#), ss. **3(6)**, 60; S.I. 2005/2812, **art. 2(1)**, Sch. 1; S.I. 2006/2911, **art. 2**, Sch. (subject to the transitional and saving provisions in arts. 3-7)
- F23** Words in s. 4(4) inserted (26.6.2005) by [Railways Act 2005 \(c. 14\)](#), ss. **3(7)**, 60; S.I. 2005/1444, **art. 2(2)**, Sch. 2
- F24** Words in s. 4(5) inserted (8.6.2005 for certain purposes and 1.4.2006 in so far as not already in force) by [Railways Act 2005 \(c. 14\)](#), ss. **3(8)(a)**, 60; S.I. 2005/1444, **art. 2(1)**, Sch. 1; S.I. 2006/266, **art. 2(2)**, Sch.
- F25** S. 4(5)(a) substituted (1.2.2001) by 2000 c. 38, s. **224(6)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in **Sch. 2 Pt. II**)
- F26** S. 4(5)(aa)(ab) inserted (16.10.2005) by [Railways Act 2005 \(c. 14\)](#), ss. **3(8)(b)**, 60; S.I. 2005/2812, **art. 2(1)**, Sch. 1
- F27** Words in s. 4(5)(b) inserted (8.6.2005) by [Railways Act 2005 \(c. 14\)](#), ss. **3(8)(c)**, 60; S.I. 2005, 1444, {art. 2(1)}, Sch. 1

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- F28** Word in s. 4(5) omitted (3.7.2000) by virtue of 1999 c. 29, **s. 200(4)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(c), **Sch.**
- F29** S. 4(5)(c)-(cb) substituted (24.7.2005) for s.4(5)(c) by Railways Act 2005 (c. 14), **ss. 3(8)(d)**, 60; S.I. 2005/1909, **art. 2**, **Sch.**
- F30** S. 4(5)(d) and preceding word inserted (3.7.2000) by Greater London Authority Act 1999 (c. 29), **ss. 200**, 425(2)(3) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(c), **Sch.**
- F31** Words in s. 4(5)(d) repealed (8.6.2005) by Railways Act 2005 (c. 14), **ss. 59**, 60, **Sch. 13 Pt.1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1444, **art. 2(1)**, **Sch. 1**
- F32** S. 4(5A)-(5D) inserted (8.6.2005 for certain purposes and 1.4.2006 for certain further purposes and 29.1.2007 in so far as not already in force) by Railways Act 2005 (c. 14), **ss. 3(9)**, 60; S.I. 2005/1444, **art. 2(1)**, **Sch. 1**; S.I. 2006/266, **art. 2(2)**, **Sch.**; S.I. 2007/62, **art. 2**
- F33** S. 4(7ZA) substituted (16.10.2005 for certain purposes and 1.4.2006 in so far as not already in force) by Railways Act 2005 (c. 14), **ss. 3(6)**, 60; S.I. 2005/2812, **art. 2(1)**, **Sch. 1**; S.I. 2006/266, **art. 2(2)**, **Sch.**
- F34** S. 4(7A)(7B) inserted (1.3.2000) by 1998 c. 41, **ss. 9(3)**, 66(5), **Sch. 10 Pt. II para. 6(3)** (with s. 73); S.I. 2000/344, art. 2, **Sch.**
- F35** Words in s. 4(7B) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 100** (with art. 3)
- F36** S. 4(8) repealed (20.6.2003) by 2002 c. 40, **ss. 278**, 279, **Sch. 25 para. 30(2)(c)**, **Sch. 26**; S.I. 2003/1397, **art. 2(1)**, **Sch.** (with art. 10)
- F37** S. 4(9): definition of "the environment" substituted (14.12.1999) by 1999 c. 24, s. 6, **Sch. 2 para. 12**; S.I. 1999/3376, **art. 2**
- F38** S. 4(9): definition of "notified strategies and policies" inserted (24.7.2005) by Railways Act 2005 (c. 14), **ss. 3(11)(a)**, 60; S.I. 2005/1909, **art. 2**, **Sch.**
- F39** S. 4(9): definition of "railway service performance" and "safety functions" inserted (26.6.2005 for certain purposes and 1.4.2006 in so far as not already in force) by Railways Act 2005 (c. 14), **ss. 3(11)(b)**, 60; S.I. 2005/1444, **art. 2(2)**, **Sch. 2**; S.I. 2006/266, **art. 2(2)**, **Sch.**
- F40** S. 4(9): definition of "through ticket" 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)

Modifications etc. (not altering text)

- C1** S. 4 modified (29.7.2016) by The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 (S.I. 2016/645), **regs. 1(1)**, **31** (with reg. 4)
- C2** S. 4(1) modified (temp.) (E.W.) (30.5.2006) by London Olympic Games and Paralympic Games Act 2006 (c. 12), **ss. 17(1)**, 40(6); S.I. 2006/1118, **art. 2(3)**
- C3** S. 4(1) modified (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 22**
- C4** S. 4(1)-(6) excluded (25.6.2010) by The Rail Passengers Rights and Obligations Regulations 2010 (S.I. 2010/1504), **regs. 1(2)**, **13(3)**

Commencement Information

- I1** S. 4 wholly in force at 21.3.1994; s. 4 not in force at Royal Assent see s. 154(2); s. 4(1)(3)(7)(9) in force for specified purposes at 24.12.1993 by S.I. 1993/3237, **art. 2(1)**; s. 4(1)-(3)(5)(6) in force for specified purposes at 22.2.1994 by S.I. 1994/447, **art. 2** and in force at 21.3.1994 insofar as not already in force by S.I. 1994/571, **art. 3**

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Textual Amendments

F41 S. 5 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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