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Changes to legislation: Railways Act 1993, SCHEDULE 5 is up to date with all changes known to be in force on or before 28 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 5

Section 49.

ALTERNATIVE CLOSURE PROCEDURE

Modifications etc. (not altering text)

- C1** Sch. 5 modified (27.7.2005) (temp.) by The Railways Act 2005 (Transitional Provisions and Savings) Order 2005 (S.I. 2005/1738, art. 3 (with art. 4))
- C2** Sch. 5 excluded (21.7.1994) by 1994 c. xi, s. 17
Sch. 5 applied (21.7.1994) by 1994 c. xi, s. 48
Sch. 5 excluded (21.7.1994) by 1994 c. xv, s. 17(4)

Application of Schedule

- 1 (1) This Schedule applies in relation to any railway passenger services, or railway passenger services of a class or description, or any part of any such service, for the time being designated in an order under section 49(3) of this Act as railway passenger services in relation to which this Schedule is to have effect.
- (2) In this Schedule “qualifying services” means any services, or part of a service, falling within sub-paragraph (1) above.

Notice of proposed closure

- 2 ^[F1](1) Where a person (in this Schedule referred to as “the operator”) who provides qualifying services proposes to discontinue the provision of all such services from any station or on any line (in this Schedule referred to as a closure), he shall, not less than six weeks before carrying the proposal into effect, publish in two successive weeks in two local newspapers circulating in the area affected, and in such other manner as appears to him appropriate, a notice—
- (a) giving the date and particulars of the proposed closure, and particulars of any alternative services which it appears to him will be available and of any proposals of his for providing or augmenting such services; and
- (b) stating that objections to the proposed closure may be lodged in accordance with this Schedule within six weeks of a date specified in the notice, being the date on which the notice is last published in a local newspaper as required by this paragraph; and copies of the notice shall be sent to the appropriate ^[F2]Rail Passengers’ Committee].
- ^[F3](2) The operator shall also—
- (a) send a copy of the notice to every person who is the operator of a station within the area affected; and

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(b) require him to publish it at the station.]

Textual Amendments

- F1** Sch. 5 para. 2(1) re-numbered (1.2.2001) by 2000 c. 38, s. 235(3); 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 Sch. 5 para. 2(1) substituted (1.2.2001) by 2000 c. 38, s. 227, Sch. 22 para. 14(a); S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F3** Sch. 5 para. 2(2) inserted (1.2.2001) by 2000 c. 38, s. 235(3); S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to savings and transitional provisions in Sch. 2 Pt. II)

Objections

- 3 (1) Where a notice has been published under paragraph 2 above, any user of any service affected, and any body representing such users, may within the period specified in the notice lodge with the appropriate [^{F4}Rail Passengers' Committee] an objection in writing.
- (2) Where such an objection is lodged with a [^{F4}Rail Passengers' Committee]—
- (a) [^{F5}the Rail Passengers' Committee] shall forthwith inform the Secretary of State and the operator; and
 - (b) the closure shall not be proceeded with until [^{F5}the Rail Passengers' Committee] has reported to the Secretary of State and the Secretary of State has given his consent.

Textual Amendments

- F4** Words in Sch. 5 para. 3 substituted (1.2.2001) by 2000 c. 38, s. 227, Sch. 22 para. 14(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 Sch. 5 para. 3(2) substituted (1.2.2001) by 2000 c. 38, s. 227, Sch. 22 para. 14(b); S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to savings and transitional provisions in Sch. 2 Pt. II)

[^{F6} Publication of consent at stations]

Textual Amendments

- F6** Sch. 5 para. 3A and cross-heading inserted (1.2.2001) by 2000 c. 38, s. 235(4); S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to savings and transitional provisions in Sch. 2 Pt. II)

- [^{F7}3A] Where the Secretary of State has given his consent under paragraph 3(2)(b) above, he shall—
- (a) send a copy of it to every person who is the operator of a station within the area affected; and
 - (b) require him to publish it at the station.]

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Textual Amendments

- F7** Sch. 5 para. 3A and cross-heading inserted (1.2.2001) by 2000 c. 38, s. 235(4); S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to savings and transitional provisions in Sch. 2 Pt. II)

Conditions

- 4 (1) The Secretary of State may give his consent under paragraph 3(2)(b) above subject to such conditions as he thinks fit.
- (2) The Secretary of State may at any time vary or revoke any conditions which are for the time being required to be complied with pursuant to sub-paragraph (1) above.

Functions of the consultative [F8Rail Passengers' Committee]

Textual Amendments

- F8** Words in cross-heading to Sch. 5 para. 5 substituted (1.2.2001) by 2000 c. 38, s. 227, Sch. 22 para. 14(a); S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to savings and transitional provisions in Sch. 2 Pt. II)

- 5 (1) A [F9Rail Passengers' Committee] with whom an objection has been lodged under paragraph 3(1) above shall—
- (a) consider the objection and any representations made by the operator; and
 - (b) report to the Secretary of State as soon as possible on the hardship, if any, which they consider will be caused by the proposed closure;
- and the report may contain proposals for alleviating that hardship.
- (2) Where objections with respect to any proposed closure have been lodged with more than one [F9Rail Passengers' Committee], the [F10Rail Passengers' Committees] in question—
- (a) may report jointly to the Secretary of State; or
 - (b) may agree that the consideration of objections and representations relating to the closure and the making of a report to the Secretary of State shall be delegated to any of those [F10Rail Passengers' Committees] appearing to them to be principally concerned.
- (3) The Secretary of State may require a [F9Rail Passengers' Committee] to make a further report; and if in any case the Secretary of State considers that a report or further report has been unreasonably delayed he may, after consulting [F11the Rail Passengers' Committee] concerned and making such enquiries as he thinks fit, consent to the proposed closure without awaiting the report or further report.
- (4) Copies of every report under this paragraph shall be sent to the [F12Rail Passengers' Council] and to the operator.
- (5) Where for the purposes of sub-paragraph (1) or (2) above a [F9Rail Passengers' Committee] decide to hear an objector orally, or to hear oral representations made

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on behalf of the operator, they shall hear the objector or the representations, as the case may be, in public.

Textual Amendments

- F9** Words in **Sch. 5 para. 5(1)(2)(3)(5)** substituted (1.2.2001) by **2000 c. 38, 275(1)**, **Sch. 22 para. 14(a)**; **S.I. 2001/57, art. 3(1)**, **Sch. 2 Pt. I** (subject to savings and transitional provisions in **Sch. 2 Pt. II**)
- F10** Words in **Sch. 5 para. 5(2)** substituted (1.2.2001) by **2000 c. 38, s. 227**, **Sch. 22 para. 14(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 **Sch. 5 para. 5(3)** substituted (1.2.2001) by **2000 c. 38, s. 227**, **Sch. 22 para. 14(b)**; **S.I. 2001/57, art. 3(1)**, **Sch. 2 Pt. I** (subject to savings and transitional provisions in **Sch. 2 Pt. II**); **S.I. 2001/57, art. 3(1)**, **Sch. 2 Pt. I** (subject to savings and transitional provisions in **Sch. 2 Pt. II**)
- F12** Words in **Sch. 5 para. 5(4)** substituted (1.2.2001) by **2000 c. 38, s. 227**, **Sch. 22 para. 14(d)**; **S.I. 2001/57, art. 3(1)**, **Sch. 2 Pt. I** (subject to savings and transitional provisions in **Sch. 2 Pt. II**)

[^{F13} *Qualifying services in and around Greater London*]

Textual Amendments

- F13** **Sch. 5 para. 5A** and cross-heading inserted (3.7.2000) by **1999 c. 29, s. 204(2)(3)** (with **Sch. 12 para. 9(1)**); **S.I. 2000/801, art. 2(2)(c)**, **Sch. Pt. III**

- [^{F14}5A (1) This paragraph applies to any qualifying services—
- (a) which are provided by Transport for London or a subsidiary of Transport for London; or
 - (b) which do not fall within paragraph (a) above but—
 - (i) are provided wholly within Greater London; and
 - (ii) are services, or services of a class or description, designated in an order made by the Secretary of State as services in relation to which this paragraph is to apply;
 and in the following provisions of this paragraph any such services are referred to as “qualifying London services”.
- (2) In the application of the other paragraphs of this Schedule in relation to qualifying London services, for any reference to the Secretary of State there shall be substituted a reference to the Mayor of London.
- (3) Where the Mayor of London has given consent under paragraph 3(2)(b) above in respect of services provided wholly or partly outside Greater London, any person aggrieved by the decision to give consent may refer that decision to the Secretary of State.
- (4) A referral under sub-paragraph (3) above shall be made by giving notice to the Secretary of State.
- (5) Any notice under sub-paragraph (4) above must be given not later than 4 weeks after the date of the decision referred.
- (6) On a reference under sub-paragraph (3) above, the Secretary of State may—
- (a) confirm the decision to give consent;

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- (b) in the case of a decision to give consent subject to conditions, confirm the decision to give consent but modify the conditions; or
 - (c) substitute his decision for that of the Mayor of London.
- (7) Any person who refers a decision to the Secretary of State under sub-paragraph (3) above shall provide, with his notice under sub-paragraph (4) above, a statement of the reasons why he is aggrieved by the decision.
- (8) On disposing of any reference under sub-paragraph (3) above, the Secretary of State shall give notice of his decision to—
- (a) the Mayor of London;
 - (b) the appropriate consultative committee;
 - (c) the operator concerned; and
 - (d) the person who referred the decision to the Secretary of State under sub-paragraph (3) above (if not falling within paragraphs (a) to (c) above).
- (9) Before the expiration of the period of six weeks following the making of his decision on a reference under sub-paragraph (3) above, the Secretary of State shall publish notice of his decision—
- (a) in two successive weeks in two local newspapers circulating in the area affected; and
 - (b) in such other manner as appears to him appropriate.
- [The Secretary of State shall also—
- ^{F15}(10) (a) send a copy of his decision to every person who is the operator of a station within the area affected; and
- (b) require him to publish it at the station.]]

Textual Amendments

- F14** Sch. 5 para. 5A and cross-heading inserted (3.7.2000) by 1999 c. 29, s. 204(2)(3) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), Sch. Pt. III
- F15** Sch. 5 para. 5A(10) inserted (1.2.2001) by 2000 c. 38, s. 235(5); S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to savings and transitional provisions in Sch. 2 Pt. II)

Interpretation

- 6 (1) For the purposes of this Schedule, the appropriate [^{F16}Rail Passengers' Committee], in relation to a proposed closure, is the [^{F16}Rail Passengers' Committee] for the area [^{F17}affected].
- [^{F18}(1A) In this Schedule “the area affected” means the area in which the station or line, or any part of the line, affected by the proposed closure is situated.]
- (2) For the purposes of this Schedule, “railway” has its wider meaning.

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Textual Amendments

- F16** Words in [Sch. 5 para. 6\(1\)](#) substituted (1.2.2001) by [2000 c. 227, 275\(1\)](#), [Sch. 22 para. 14\(a\)](#); [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. is amended by [S.I. 2001/115](#))
- F17** Words in [Sch. 5 para. 6\(1\)](#) substituted (1.2.2001) by [2000 c. 38, s. 235\(6\)](#); [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to savings and transitional provisions in [Sch. 2 Pt. II](#))
- F18** [Sch. 5 para. 6\(1A\)](#) inserted (1.2.2001) by [2000 c. 38, s. 235\(7\)](#); [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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