



Railways Act 1993

1993 CHAPTER 43

PART I

THE PROVISION OF RAILWAY SERVICES

Franchising of passenger services

24 Exemption of passenger services from section 23(1).

- (1) The [^{F1}appropriate designating authority] may by order grant exemption from designation under section 23(1) above in respect of such services for the carriage of passengers by railway as may be specified in the order, but subject to compliance with such conditions (if any) as may be so specified.
- (2) A franchise exemption under subsection (1) above may be granted—
 - (a) to persons of a particular class or description or to a particular person; and
 - (b) in respect of services generally, services of a particular class or description or a particular service, or in respect of part only of any such services or service;and a franchise exemption granted to persons of a particular class or description shall be published in such manner as the [^{F1}appropriate designating authority] considers appropriate for bringing it to the attention of persons of that class or description.
- (3) If a person who provides, or who proposes to introduce, services for the carriage of passengers by railway makes an application to the [^{F1}appropriate designating authority] under this subsection for the grant of an exemption from designation under section 23(1) above in respect of any such service which he provides or proposes to introduce, the [^{F1}appropriate designating authority] , after consultation with [^{F2}the Office of Rail and Road]^{F3} . . . —
 - (a) may either grant or refuse the exemption, whether wholly or to such extent as [^{F4}the appropriate designating authority] may specify in the exemption; and
 - (b) if and to the extent that [^{F4}the appropriate designating authority] grants it, may do so subject to compliance with such conditions (if any) as [^{F4}the appropriate designating authority] may so specify.

Status: Point in time view as at 16/10/2015. This version of this provision has been superseded.

Changes to legislation: Railways Act 1993, Section 24 is up to date with all changes known to be in force on or before 26 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)

- [^{F5}(3A) Before granting a franchise exemption in respect of a cross-border service, the Secretary of State must consult the Scottish Ministers.]
- (4) Before granting a franchise exemption under subsection (3) above, the [^{F1}appropriate designating authority] shall give notice—
- (a) stating that [^{F6}it] proposes to grant the franchise exemption,
 - (b) stating the reasons why [^{F6}it] proposes to grant the franchise exemption, and
 - (c) specifying the time (not being less than 28 days from the date of publication of the notice) within which representations or objections with respect to the proposed franchise exemption may be made,
- and shall consider any representations or objections which are duly made and not withdrawn.
- (5) A notice under subsection (4) above shall be given by publishing the notice in such manner as the [^{F1}appropriate designating authority] considers appropriate for bringing it to the attention of persons likely to be affected by the grant of the franchise exemption.
- (6) If any condition (the “broken condition”) of a franchise exemption [^{F7}granted by the appropriate designating authority is not complied with, it] may give to any relevant person a direction declaring that the franchise exemption is revoked, so far as relating to that person, to such extent and as from such date as may be specified in the direction.
- (7) For the purposes of subsection (6) above—
- “condition”, in relation to a franchise exemption, means any condition subject to compliance with which the franchise exemption was granted;
- “relevant person”, in the case of any franchise exemption, means a person who has the benefit of the franchise exemption and who—
- (a) is a person who failed to comply with the broken condition or with respect to whom the broken condition is not complied with; or
 - (b) provides any of the services in relation to which the broken condition is not complied with.
- (8) Subject to subsection (6) above, a franchise exemption, unless previously revoked in accordance with any term contained in the franchise exemption, shall continue in force for such period as may be specified in, or determined by or under, the franchise exemption.
- (9) Any application for a franchise exemption under subsection (3) above must be made in writing; and where any such application is made, the [^{F1}appropriate designating authority] may require the applicant to furnish [^{F8}it] with such information as the [^{F1}appropriate designating authority] may consider necessary to enable [^{F8}it] to decide whether to grant or refuse the franchise exemption.
- (10) Any franchise exemption granted under subsection (3) above shall be in writing.
- (11) Subsections (1) and (3) above apply in relation to the grant of a franchise exemption whether it is to become effective on, or after, the day on which section 23(1) above comes into force.
- (12) Franchise exemptions may make different provision for different cases.
- [^{F9}(12A) A statutory instrument containing an order under this section by the Scottish Ministers is subject to annulment in pursuance of a resolution of the Scottish Parliament.]

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- (13) In this Part, “franchise exemption” means an exemption from designation under section 23(1) above granted under any provision of this section in respect of any service for the carriage of passengers by railway.

Textual Amendments

- F1** Words in s. 24(1)-(5)(9) substituted (16.10.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 14(1)(2)**; S.I. 2005/2812, **art 2(1)**, Sch. 1
- F2** Words in s. 24(3) 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(hh)**
- F3** Words in s. 24(3) repealed (16.10.2005) by Railways Act 2005 (c. 14), ss. 59, 60, **Sch. 13**; S.I. 2005/2812, **art 2(1)**, Sch. 1
- F4** Words in s. 24(3)(a)(b) substituted (16.10.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 14(1)(3)**; S.I. 2005/2812, **art 2(1)**, Sch. 1
- F5** S. 24(3A) inserted (16.10.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 14(1)(4)**; S.I. 2005/2812, **art 2(1)**, Sch. 1
- F6** Word in s. 24(4) substituted (16.10.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 14(1)(5)**; S.I. 2005/2812, **art 2(1)**, Sch. 1
- F7** Words in s. 24(6) substituted (16.10.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 14(1)(6)**; S.I. 2005/2812, **art 2(1)**, Sch. 1
- F8** Word in s. 24(9) substituted (16.10.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 14(1)(7)**; S.I. 2005/2812, **art 2(1)**, Sch. 1
- F9** S. 24(12A) inserted (16.10.2005) by Railways Act 2005 (c. 14), ss. 1, 60, **Sch. 1 para. 14(1)(8)**; S.I. 2005/2812, **art 2(1)**, Sch. 1

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