



Railways Act 1993

1993 CHAPTER 43

PART I

THE PROVISION OF RAILWAY SERVICES

Closures

42 Proposals to close passenger railway facilities operated on behalf of the Franchising Director

- (1) This section applies in any case where—
 - (a) the whole or some part of a station or light maintenance depot (“the relevant facility”) is operated on behalf of the Franchising Director; and
 - (b) the Franchising Director proposes to discontinue the operation of the relevant facility or of some part of the relevant facility (in this section referred to as a “closure”).
- (2) If in a case where this section applies—
 - (a) the closure is certified by the Regulator as being a minor closure,
 - (b) the relevant facility or, as the case may be, the part of the relevant facility in question has at no time within the preceding five years been used in connection with the provision of any services for the carriage of passengers by railway, or
 - (c) the relevant facility is, or is part of, one of those stations or light maintenance depots which are designated, or which are of a class or description designated, by order under section 49(5) below as stations or light maintenance depots in relation to which section 41 above is not to have effect,

the Franchising Director may discontinue the operation of the relevant facility or, as the case may be, the part of the relevant facility in question, notwithstanding any duty imposed upon him by or under this Part to secure its operation, and subsections (4) and (5) below shall not apply in relation to the closure.

- (3) In determining for the purposes of subsection (2)(b) above whether the relevant facility or, as the case may be, the part of the relevant facility in question has at any time within

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the period there mentioned been used in connection with the provision of services for the carriage of passengers by railway, there shall be left out of account any use in connection with the provision of services—

- (a) which involve travel through the Channel Tunnel;
 - (b) which are experimental passenger services, within the meaning of section 48 below, or which are provided on an experimental basis, for the purposes of section 56A of the Transport Act 1962; or
 - (c) which are provided otherwise than as regular scheduled services.
- (4) Subject to subsection (2) above, where this section applies, the Franchising Director shall publish in two successive weeks in a local newspaper circulating in the area affected and in two national newspapers, and in such other manner as appears to him to be appropriate, a notice containing—
- (a) particulars of the proposal to effect the closure,
 - (b) the date on which it is proposed that the closure will take effect,
 - (c) particulars of any alternative facilities which appear to him to be available for the provision of services corresponding to those provided by means of the relevant facility or, as the case may be, the part of the relevant facility in question,
 - (d) the addresses of the premises at which a statement of the reasons for the proposed closure can be inspected, or from which a copy of that statement can be obtained, and any fees payable for copies of the statement,
 - (e) a statement that objections to the proposed closure may be lodged with the Regulator within such period as may be specified for the purpose in the notice (being not less than six weeks from the date of the last publication of the notice in a local newspaper),

and shall be under a duty during the interim period to secure the operation of the relevant facility or, as the case may be, the part of the relevant facility to which the proposed closure relates.

- (5) Subject to subsection (2) above and without prejudice to any subsequent application of this section in relation to the relevant facility or the part of the relevant facility in question—
- (a) if the final decision on the closure question is that the proposed closure will not be allowed to take effect, the Franchising Director shall be under a duty to secure the operation of the relevant facility or, as the case may be, the part of the relevant facility after the interim period; and
 - (b) if the final decision on the closure question is that the proposed closure will be allowed to take effect subject to compliance with conditions, the Franchising Director shall be under a duty to comply with those conditions or to secure that they are complied with.

- (6) In this section—

“the area affected” means the area in which is situated the relevant facility or, as the case may be, the part of the relevant facility in question;

“the final decision on the closure question” means—

- (a) in a case where the decision of the Regulator under section 43(9) below with respect to the proposed closure is not referred to the Secretary of State under section 44 below, that decision; or
- (b) in a case where that decision is referred to the Secretary of State under section 44 below, the disposal of that reference by the Secretary of State;

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“the interim period” means the period beginning with the date mentioned in subsection (4)(b) above and ending four weeks after the date of the final decision on the closure question;

“minor closure” has the same meaning as it has in section 41 above.

- (7) The stations and light maintenance depots and the parts of stations and light maintenance depots that are to be regarded for the purposes of this section as operated on behalf of the Franchising Director are the same stations and light maintenance depots and parts of stations and light maintenance depots as are to be so regarded for the purposes of section 41 above.
- (8) Any sums received by the Franchising Director under this section shall be paid into the Consolidated Fund.