



# Railways Act 2005

## 2005 CHAPTER 14

### PART 4

#### NETWORK MODIFICATIONS ETC.

##### *Discontinuance of railway passenger services*

### **23 Proposal by funding authority to discontinue non-franchised services**

- (1) This section applies where—
- (a) all the relevant railway passenger services on a particular line or from a particular station are provided otherwise than in satisfaction of requirements imposed by a franchise agreement;
  - (b) a proposal for the discontinuance of all the relevant railway passenger services provided on that line, or from that station, is made, in accordance with section 41, by a railway funding authority; and
  - (c) the proposal is not a proposal for a minor modification.
- (2) The references in subsection (1) to relevant railway passenger services are references to railway passenger services that are not—
- (a) secured services;
  - (b) experimental passenger services;
  - (c) services involving travel through the Channel Tunnel;
  - (d) services that are provided otherwise than as regular scheduled services for the line or station in question; or
  - (e) services excluded from the application of this section by an order under section 38.
- (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;
  - (b) carry out a consultation under Schedule 7 about the proposal; and

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*Status: Point in time view as at 01/12/2006. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Railways Act 2005, Section 23. (See end of Document for details)*

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- (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 services 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 a 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 services are being provided do not require the services to be provided until the end of the interim period, the national authority must secure the provision of the services 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 provision of the services to which the proposal relates after the end of the interim period.
- (8) The duty imposed by subsection (7) in relation to any services ceases if the services begin to be provided under a franchise agreement.
- (9) In this section “the national authority”—
  - (a) in relation to a proposal relating to services all of which are Scotland-only services, means the Scottish Ministers; and
  - (b) in any other case, means the Secretary of State.

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**Commencement Information**

**II** S. 23 in force at 1.12.2006 by [S.I. 2006/2911](#), art. 2, [Sch.](#)

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