



Railways Act 2005

2005 CHAPTER 14

PART 4

NETWORK MODIFICATIONS ETC.

Discontinuance of use or operation of stations

31 Proposal to discontinue operation of secured station

- (1) This section applies where—
- (a) a railway funding authority makes a proposal, in accordance with section 41, that the operation of a secured station or of a secured part of a station should be discontinued;
 - (b) the station or, as the case may be, that part of it has, at any time within the preceding five years, been used for or in connection with the provision of services for the carriage of passengers by railway;
 - (c) the station or that part of it is not excluded from the application of this section by an order under section 38; and
 - (d) the proposal is not a proposal for a minor modification.
- (2) Use for or in connection with the provision of any of the following services is to be disregarded for the purposes of subsection (1)(b)—
- (a) an experimental passenger service;
 - (b) a service involving travel through the Channel Tunnel;
 - (c) a service that is provided otherwise than as a regular scheduled service.
- (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
 - (c) after carrying out that consultation, either withdraw the proposal or refer the proposal (with or without modifications) to the [^{F1}Office of Rail and Road].

Status: Point in time view as at 14/10/2018. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Railways Act 2005, Section 31. (See end of Document for details)

- (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 station, or part of a station, 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 the 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 station, or part of a station, is being operated do not require it to be operated until the end of the interim period, the national authority must secure the operation of the station, or that part of it, until the end of that period.
- (7) If on a reference under subsection (3)(c) the [^{F1}Office of Rail and Road] issues a closure non-ratification notice, the national authority must secure the continued operation of the station, or part of a station, in question after the end of the interim period.
- (8) The duty of the national authority under subsection (7) is discharged without its taking further steps so long as the provisions of the arrangements, in force at the time of the proposal, so far as they require the operation of the station or part of a station, continue in force without modification.
- (9) In this section “the national authority”—
- (a) in relation to a proposal relating to a station or part of a station that is wholly in Scotland, means the Scottish Ministers; and
 - (b) in relation to a proposal relating to a station or part of a station that is wholly in England and Wales, means the Secretary of State^[F2], subject to subsection (10)].
- [^{F3}(10) The Welsh Ministers, rather than the Secretary of State, are “the national authority” in relation to a proposal relating to a station, or part of a station, that—
- (a) is wholly in Wales, and
 - (b) is, when the proposal is made, a station to which subsection (11) applies or part of such a station.
- (11) This subsection applies to a station at which the only scheduled calls made by any railway passenger service are those made by a railway passenger service provided under a Welsh franchise agreement or secured to any extent by the Welsh Ministers.]

Textual Amendments

- F1** Words in s. 31 substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 3(j)**

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F2 Words in s. 31(9)(b) inserted (14.10.2018) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), **Sch. para. 48(2)**

F3 S. 31(10)(11) inserted (14.10.2018) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(3), **Sch. para. 48(3)**

Modifications etc. (not altering text)

C1 Ss. 29-31 power to exclude conferred (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 27**

C2 Ss. 29-31 excluded (1.4.2013) by The Greater Manchester (Light Rapid Transit System) (Exemptions) Order 2013 (S.I. 2013/339), arts. 1, **9**

C3 Ss. 29-31: power to exclude conferred (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 41, 70(1)**

C4 S. 31(1) excluded by S.I. 1994/573, art. 6(5) (as inserted (12.1.2010) by The Railways (Transport for London) (Exemptions) Order 2009 (S.I. 2009/3336), arts. 1, **2(7)(b)**)

Commencement Information

I1 S. 31 in force at 1.12.2006 by S.I. 2006/2911, art. 2, **Sch.**

Status:

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Changes to legislation:

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