



Railways Act 2005

2005 CHAPTER 14

PART 4

NETWORK MODIFICATIONS ETC.

Excluded proposals

35 Closures eligible to be treated as minor modifications

- (1) The discontinuance of a railway passenger service is eligible to be treated as a minor modification so far as the service is a service on a stretch of line along which there is no station (or no station in use) and the circumstances are such that—
 - (a) trains that would otherwise use that stretch of line in travelling between two stations will instead pass along an alternative route; and
 - (b) passengers travelling on such a train will not be required to make additional changes and will not incur significant increases of journey times.
- (2) The discontinuance of the operation of a part of a network is eligible to be treated as a minor modification so far as that part of the network consists in a stretch of track along which there is no station (or no station in use) and the circumstances are such that—
 - (a) trains that would otherwise use that stretch of line in travelling between two stations will instead pass along an alternative route; and
 - (b) passengers travelling on such a train will not be required to make additional changes and will not incur significant increases of journey times.
- (3) The discontinuance of the operation of a part of a network is eligible to be treated as a minor modification so far as that part of the network consists of a stretch of track which does no more than serve a station or light maintenance depot, or some part of it, and the circumstances are such that—
 - (a) that part of the network is not necessary for the operation or use of a station, or part of a station, for the purposes of or in connection with the provision of railway passenger services; or

Status: This is the original version (as it was originally enacted).

- (b) the operation or use of such station or part of a station as is served by that part of the network is or has been the subject of a proposal which is a proposal for a minor modification.
- (4) The discontinuance of the operation of a part of a network is eligible to be treated as a minor modification so far as—
- (a) that part of the network consists of installations associated with any such stretch of track as is mentioned in subsection (2) or (3); and
 - (b) the circumstances are as mentioned in that subsection.
- (5) The discontinuance of the operation or use of—
- (a) a part of a network (other than track), or
 - (b) a part of a station,
- is eligible to be treated as a minor modification so far as the operation or use of that part of the network or that part of the station is not necessary for the operation or use of the network or station for or in connection with the provision of railway passenger services.
- (6) Where it appears to the Secretary of State or the Scottish Ministers that closures of any description not specified in this section should, because of their temporary nature or limited effect on the provision of railway passenger services, be treated as minor modifications, the Secretary of State or, as the case may be, the Scottish Ministers may, by order, provide for closures of that description to be treated for the purposes of section 34 as eligible under this section to be so treated.
- (7) It is the Scottish Ministers who may make an order under subsection (6) where the only closures to which the order relates consist in—
- (a) the discontinuance of one or more Scotland-only services;
 - (b) the discontinuance of one or more cross-border services in relation to which no funding is provided by a railway funding authority other than the Scottish Ministers;
 - (c) the discontinuance of two or more services none of which is a service not mentioned in paragraph (a) or (b);
 - (d) the discontinuance of a network or part of a network that is wholly in Scotland; or
 - (e) the discontinuance of a station or part of a station that is wholly in Scotland;
- and it is the Secretary of State who may make such an order in any other case.
- (8) An order under subsection (6) is subject to the negative resolution procedure.